



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

August 21, 2019

Talos Construction, LLC
PO Box 2607
Chelan, WA 98816

RE: Cameo Subdivision P 2018-178

- **Project No.:** 18079CA

To the Project Applicant:

The Washington State Department of Ecology (Ecology) previously provided comments to Chelan County about the necessary mitigation required for this site. These recommendations were originally adopted by the Chelan County Hearing Examiner, but later reduced under Reconsideration on July 17, 2019.

Unfortunately, Ecology has determined that the requirements placed on the project under this ruling **will not ensure protection of human health and the environment, and will not meet the requirements of the WAC 173-340, the Model Toxics Control Act (MTCA).**

Recent sampling showed this property was **confirmed to contain arsenic and lead above MTCA Method A cleanup levels.** Under MTCA, Ecology maintains a list of known or suspected contaminated sites. Based on available information in the department's files, it is Ecology's decision to add this property to the list as a site known to be contaminated by hazardous substances.

Inclusion on the list does not mean that Ecology has determined you to be a potentially liable person responsible for cleanup under MTCA. However, this letter is a notification that contamination exists on this property. Further investigation or cleanup action will need to be done to comply with Washington State laws and regulations, including:

- **Proper notifications.** As lead and arsenic have already been confirmed at concentrations above the MTCA cleanup levels, the owners, potential buyers, construction workers, and others should be notified of the sampling results. Sellers and realtors must comply with real estate disclosure law (RCW Chapter 64.06) – for example, the seller disclosure statement (Form 17) asks if the seller knows of any soil contamination. Sellers are also required to disclose “adverse material defects” which include soil contamination.




- **Reduction of environmental impacts during site development.** Because soils are contaminated with lead and arsenic, extra precautions should be taken to avoid escaping dust, soil erosion, and water pollution during grading and site construction. Site design should include protective measures to isolate or remove contaminated soils from public spaces, yards, and children's play areas. Contaminated soils generated during site construction must be managed and disposed of in accordance with state and local regulations, including the Solid Waste Handling Standards regulation (Chapter 173-350 WAC). For information about soil disposal contact the local health department in the jurisdiction where soils will be placed.
- **Mitigation measures.** Because soils are contaminated with lead and arsenic, mitigation is required. Please work with Ecology to develop a soil remediation plan. This plan can be reviewed and approved by Ecology through the Voluntary Cleanup Program. If the approved plan is implemented, a no further action opinion letter can be obtained (i.e., no further action required under MTCA).

For more information, visit Ecology website at: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program>.

If lead, arsenic and/or other contaminants are capped and contained as part of the soil remediation plan, permanent documentation will need to be noted on the deed of the property indicating the presence of contamination. This can be accomplished by an environmental covenant or other notice on the deed that is easily discoverable during a property transaction (this requirement is met by Condition of Approval 39 and 40 of the Decision on Request For Reconsideration made by the Chelan County Hearing Examiner for the Project).

For any additional assistance or information about area-wide soil contamination, you may contact me via email at jeff.newschwander@ecy.wa.gov or via phone at 509-454-7842.

Sincerely,



Jeff Newschwander
Area Wide Contamination Coordinator
Toxics Cleanup Program
Central Regional Office

By certified mail: 7019 0140 0000 9806 3653

cc: Dave Kuhl, Chelan County