



Third Periodic Review

Home Depot Wenatchee
Maiden Lane and Wenatchee Avenue North
Wenatchee, Washington 98801

Facility Site ID: 3768681
Cleanup Site ID: 267

Prepared by:

Washington State Department of Ecology
Central Regional Office
Toxics Cleanup Program

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1.0 Introduction

This document is the Department of Ecology's third periodic review of post-cleanup site conditions and monitoring data to assure that human health and the environment are being protected at the Home Depot Wenatchee site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 of the Washington Administrative Code (WAC). Previous periodic reviews were completed in 2011 and 2016. This review will evaluate the period from 2016 through 2021.

Cleanup activities at this Site were completed through the Voluntary Cleanup Program (VCP) under VCP No. CE0169. The cleanup actions resulted in residual concentrations of lead and arsenic that exceed MTCA Method A cleanup levels for soil established under WAC 173-340-740(2). The MTCA Method A cleanup levels for soil are established under WAC 173-340-740(2). It was determined that institutional controls in the form of a restrictive covenant were required for the Site to be eligible for a no further action (NFA) determination. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion
- (d) And one of the following conditions exists:
 - 1. Institutional controls or financial assurance are required as part of the cleanup
 - 2. Where the cleanup level is based on a practical quantitation limit
 - 3. Where, in the department's judgment, modifications to the default equations or assumptions using site-specific information would significantly increase the concentration of hazardous substances remaining at the site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions;
- (b) New scientific information for individual hazardous substances or mixtures present at the Site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected Site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

2.0 Summary of Site Conditions

2.1 Site History

The Home Depot Wenatchee property is located southwest of the intersection of Maiden Lane and Wenatchee Avenue North in Wenatchee, Washington. The Site is 13 acres in size and is bounded to the west by residential property, to the north by Maiden Lane, to the east by Wenatchee Avenue North, and to the south by Walnut Street. The surrounding area consists of residential properties to the west and south, and a mix of commercial, retail, and light industrial properties to the west and north. A vicinity map is available as Appendix 6.1 and a Site plan is available as Appendix 6.2.

At the time that construction began, approximately 90 percent of the subject property was in use as an active orchard. The associated structures on the subject property included four houses, two mobile homes, and a small storage shed. The central portion of the subject property included a swimming pool, and a level, grass-covered area that was created by filling of a former concrete-lined fish pond. The structures on the subject property were demolished during the initial stages of construction.

The subject property is located approximately 1/2-mile west of the Columbia River, which is a regional point of groundwater discharge. Based on local topography and the river elevation, the depth to groundwater at the subject property is anticipated to be greater than 50 feet below ground surface (bgs), with groundwater flow to the east toward the Columbia River. Groundwater was not encountered during Site activities to the maximum exploration depth of 25 feet bgs.

2.2 Site Investigations

As part of pre-purchase due diligence by Home Depot, Landau Associates (Landau) conducted a Phase I Environmental Site Assessment (ESA) at the Site, which included a supplemental Phase II soil investigation and investigation of a former fish pond located near the central portion of the subject property.

2.2.1 Expanded Phase I ESA and Phase II Soil Investigation

The Phase I ESA was conducted to meet Home Depot's due diligence objectives. Based on historical orchard operations on the subject property, Home Depot requested a supplemental Phase II investigation of the chemical quality of shallow soil beneath the property.

The supplemental Phase II investigation consisted of exploring subsurface conditions with soil borings at 51 locations. The boring locations where soil samples were collected for chemical analysis were located near areas of potential concern identified during the Phase I ESA based on historical operations at the subject property, and to provide areal distribution throughout the subject property. The boring locations included:

-
- Three borings (B-1 through B-3) near residential heating oil underground storage tank (UST) locations
 - One boring (B-4) in the fueling area near an aboveground storage tank (AST) southeast of the storage shed along the western boundary of the subject property
 - Three borings (B-5, B-6, and B-7) located near current or historical mixing, loading, and/or wash areas for pesticides used for the orchard
 - Fifteen borings distributed throughout the Site to evaluate residual pesticide contamination.

Due to the historic use of the subject property, the primary analytes of concern for the subject property were agricultural chemicals, including those containing organic pesticides and metals (arsenic and lead) associated with orchard operations. Petroleum hydrocarbons were of concern in the UST (heating oil range) and AST/fueling (gasoline range) areas.

The Phase I and II investigations revealed the following conditions at the Site:

- Concentrations of lead and/or arsenic exceeding MTCA Method A soil cleanup levels based on unrestricted land use were detected in the shallow soil on the subject property. The highest concentrations detected of lead [2,250 milligrams per kilogram (mg/kg)] and arsenic (610 mg/kg), were both detected at the same location in the southeastern portion of the subject property.
- The highest concentrations of metals and pesticides were detected in the samples collected from the surface to a depth of about 3 feet bgs, and then the concentrations decreased with depth. Based on the shallow depth of impact, the soils were not considered to pose a threat to groundwater, which is at a depth of greater than 50 feet bgs.
- Petroleum hydrocarbons were not detected at concentrations exceeding MTCA Method A cleanup levels.

2.2.2 Fish Pond Investigation

A former fish pond, which was located in a lawn area east of the swimming pool on the subject property, was identified in the Phase I ESA as an area of concern for further investigation. The former property owner stated that the pond area was used to burn trees and refuse.

An additional investigation was conducted which included collecting samples of the soil backfill and ash material at six locations within the footprint of the former fish pond. Selected soil samples were analyzed for metals (lead and arsenic), pesticides, herbicides, petroleum hydrocarbons, and volatile organic compounds. During the analysis of the initial samples, the

laboratory identified the possible presence of PCBs in two of the samples. The results of the subsequent PCB analyses identified the presence of Aroclor 1254 in two of the samples. The total PCB concentrations detected in these two samples (189 mg/kg and 79.8 mg/kg, respectively) were greater than the Federal Toxics Substance Chemical Act (TSCA) PCB cleanup level of 1 mg/kg for high occupancy areas, which is the same as the MTCA Method A soil cleanup level for unrestricted Site use. The total PCB concentrations detected in these two samples were also greater than the TSCA threshold of 50 mg/kg, which requires disposal as hazardous waste. No PCBs were detected above the laboratory reporting limit in a deeper sample collected from below the concrete bottom of the fish pond.

Based on the concentrations of total PCBs detected in two of the samples collected during the initial investigation, additional sampling was conducted in March 2003. The additional investigation included collecting samples from the fish pond structure at 10 additional locations using direct-push sampling techniques. The analytical results identified PCBs above the reporting limits in 10 of the 26 samples analyzed. Of the total PCB concentrations detected, seven were greater than the TSCA total PCB cleanup level of 1 mg/kg. These seven samples were all composed of the layer of ash and burned material that was present at the bottom of the former fish pond.

2.3 Remedial Actions

The remedial action implemented at the subject property included excavation and offsite disposal of ash/soil from the former fish pond with PCB concentrations exceeding Site cleanup levels and containment of soils with arsenic and lead concentrations greater than the cleanup levels. Tasks to prepare the Site for construction, including removal of three heating oil USTs and five septic tanks, and removal and offsite disposal of organic-rich surface soil, which was not suitable for use as fill, were also conducted as part of the remedial action.

2.3.1 Fish Pond Excavation

The remedial action for the former fish pond area consisted of excavation from within the pond structure, demolition/removal of the concrete structure, and appropriate offsite disposal of the excavated material. The removal of the PCB-impacted material from the former fish pond was conducted pursuant to the PCB cleanup plan, which was accepted by the United States Environmental Protection Agency in 2003.

2.3.2 Containment of Arsenic- and Lead-Impacted Soil

Concrete, asphalt, or the store building that was constructed as part of Site development capped most of the surface of the subject property. The concrete, asphalt, and store structures contain the arsenic- and lead-impacted soil remaining at the subject property and prevent future users of the property from contacting the impacted soil. The containment also prevents infiltration and controls surface run-on/run-off, and generation of dust due to exposed soil.

In the few areas that were not covered by concrete, asphalt, or the store building, including planting strips, landscape areas, and an area in the southwestern portion of the subject property, the native shallow soil was excavated to a depth of at least 3 feet and backfilled with clean soil. The excavated soil was used as general backfill under impervious surfaces elsewhere on the subject property.

2.4 Restrictive Covenant

It was determined that the Site would be eligible for a NFA if institutional controls were implemented in the form of a restrictive covenant to prevent exposure to contained contaminated soils. The restrictive covenant was recorded for the Site in 2006, and imposes the following limitations:

1. The Property shall be used only for those defined uses, as described in the City of Wenatchee's zoning regulations, codified in the City of Wenatchee as of the date of this Restrictive Covenant.
2.
 - a. As of the date of this Restrictive Covenant, a portion of the Property contains residual concentrations of lead and arsenic in the shallow soils.
 - b. Specifically, elevated soil concentrations of residual lead and arsenic are located beneath the newly constructed Home Depot retail store, parking lot, and outbuildings. Owner shall not alter, modify, or remove the existing structure(s) in any manner that may result in the release or exposure to the environment of the contaminated soils or create a new exposure pathway without prior written approval from Ecology, which approval will not be unreasonably withheld.
 - c. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soils in a manner that is inconsistent with the Remedial Action or create a new pathway that endangers the public health and the environment, is prohibited without written approval from Ecology, which approval shall not be unreasonably withheld. Site workers conducting construction activities within these areas will follow the Health and Safety Plans to be developed under WAC 173-340-810. Also they will be instructed on precautionary actions to avoid direct contact with contaminated soils to ensure protection of site workers.
3. Owner must give thirty (30) days advance written notice to Ecology prior to transfer of any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.
4. Owner must restrict leases to uses and activities consistent with the
5. Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

6. Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment. Approval by Ecology pursuant to Section 5 shall not be unreasonably withheld.
7. Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect Remedial Actions conducted at the Property, and to inspect records that are related to the Remedial Action. Ecology will provide Declarant advanced notice of its entry onto the Site when feasible.
8. Owner reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs, which concurrence shall not be unreasonably withheld.

A copy of the restrictive covenant for the Site is available as Appendix 6.3.

3.0 Periodic Review

3.1 Effectiveness of completed cleanup actions

3.1.1 Direct Contact

The Site continues to be occupied by a Home Depot retail hardware store. Soils with arsenic and lead concentrations higher than MTCA Method A cleanup levels are still present at the Site; however these contaminated soils do not pose a risk of human exposure by ingestion and direct contact with soils. Asphalt, building structures and a clean soil cover continue to serve as a cap for the Site and eliminate the human exposure pathways (ingestion, contact). Based upon the Site visit conducted on March 2, 2021, no repair, maintenance or contingency actions have been required. The asphalt cover and landscaped areas appear in good condition. There is no evidence of bare or disturbed soils at the Site. A photo log is available as Appendix 6.4.

3.1.2 Institutional Controls

The restrictive covenant for the Site has been recorded and remains active. There is no evidence that any new documents have been recorded that limit the effectiveness or applicability of the covenant. The covenant prohibits activities that will result in the release of contaminants contained as part of the cleanup without Ecology's approval, and prohibit any use of the property that is inconsistent with the covenant. The covenant serves to assure the long term integrity of the remedy.

3.2 New scientific information for individual hazardous substances for mixtures present at the Site

There is no new pertinent scientific information for the contaminants related to the Site.

3.3 New applicable state and federal laws for hazardous substances present at the Site

Cleanup levels for lead and arsenic have not changed since remedial actions were conducted at the Site. Contamination remains at the Site above MTCA Method A cleanup levels and the cleanup action is still protective of human health and the environment.

3.4 Current and projected Site use

The Site is currently used for retail purposes. There have been no changes in current or projected future Site or resource uses.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous materials, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection well below MTCA Method A cleanup levels. The presence of improved analytical techniques would not effect decisions or recommendations made for the Site.

4.0 Conclusions

- The cleanup actions completed at the Site is protective of human health and the environment.
- Soil cleanup levels have not been met at the Sites; however, the cleanup actions are determined to comply with cleanup standards under WAC 173-340-740(6)(f), since the long-term integrity of the containment systems are ensured and the requirements for containment technologies have been met.
- The restrictive covenant for the Site is in place and will be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the restrictive covenant is being satisfactorily observed. No additional remedial actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the surface cover is maintained.

4.1 Next Review

The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

5.0 References

Landau Associates. *Expanded Phase I Environmental Site Assessment*. March 18, 2003.

Landau Associates. *Independent Remedial Action Report*. September 12, 2005.

Ecology. *Restrictive Covenant*. January 24, 2006.

Ecology. *No Further Action Determination*. February 15, 2006.

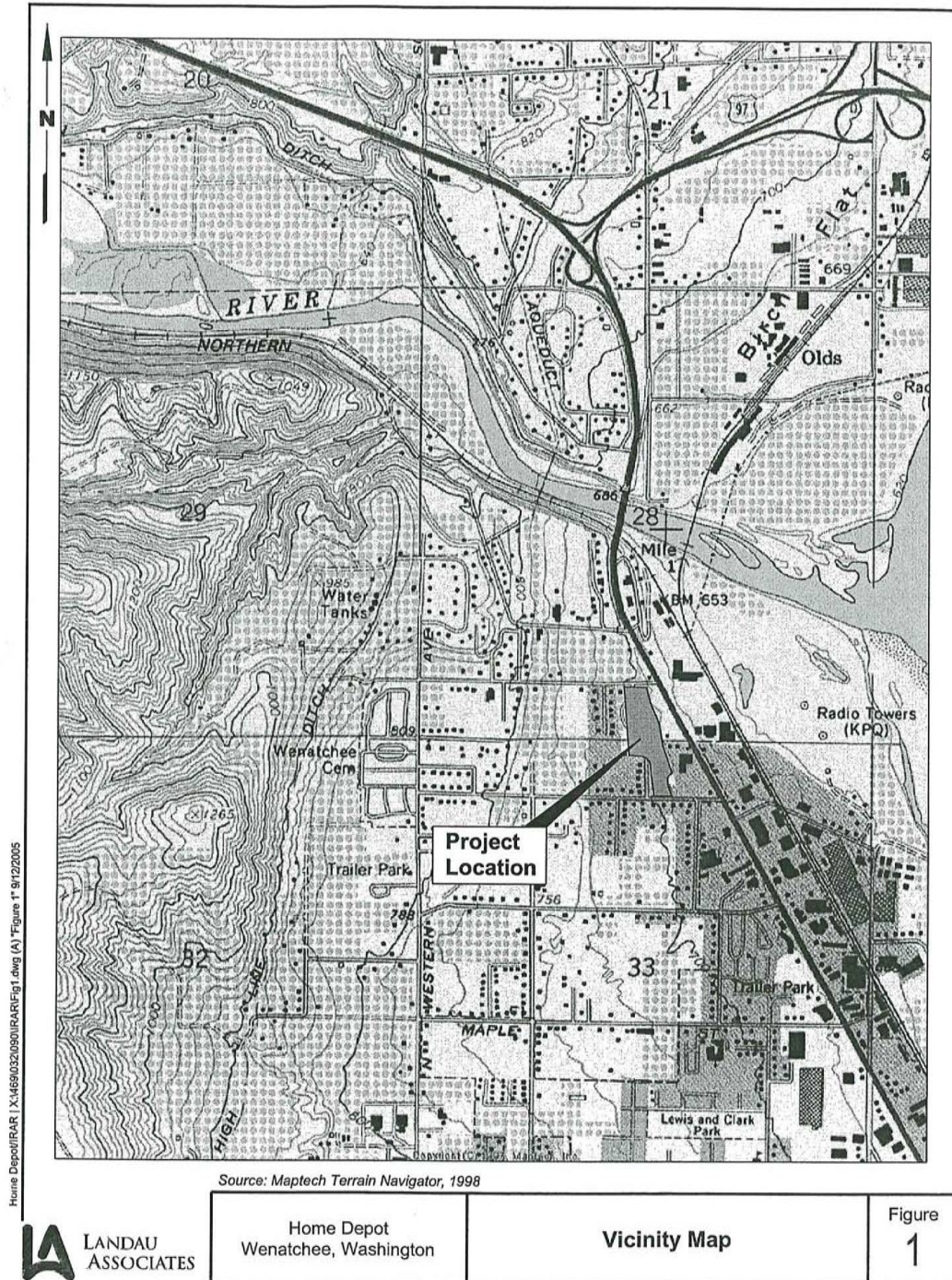
Ecology. *Periodic Review*. June 2011.

Ecology. *Periodic Review*. September 2016.

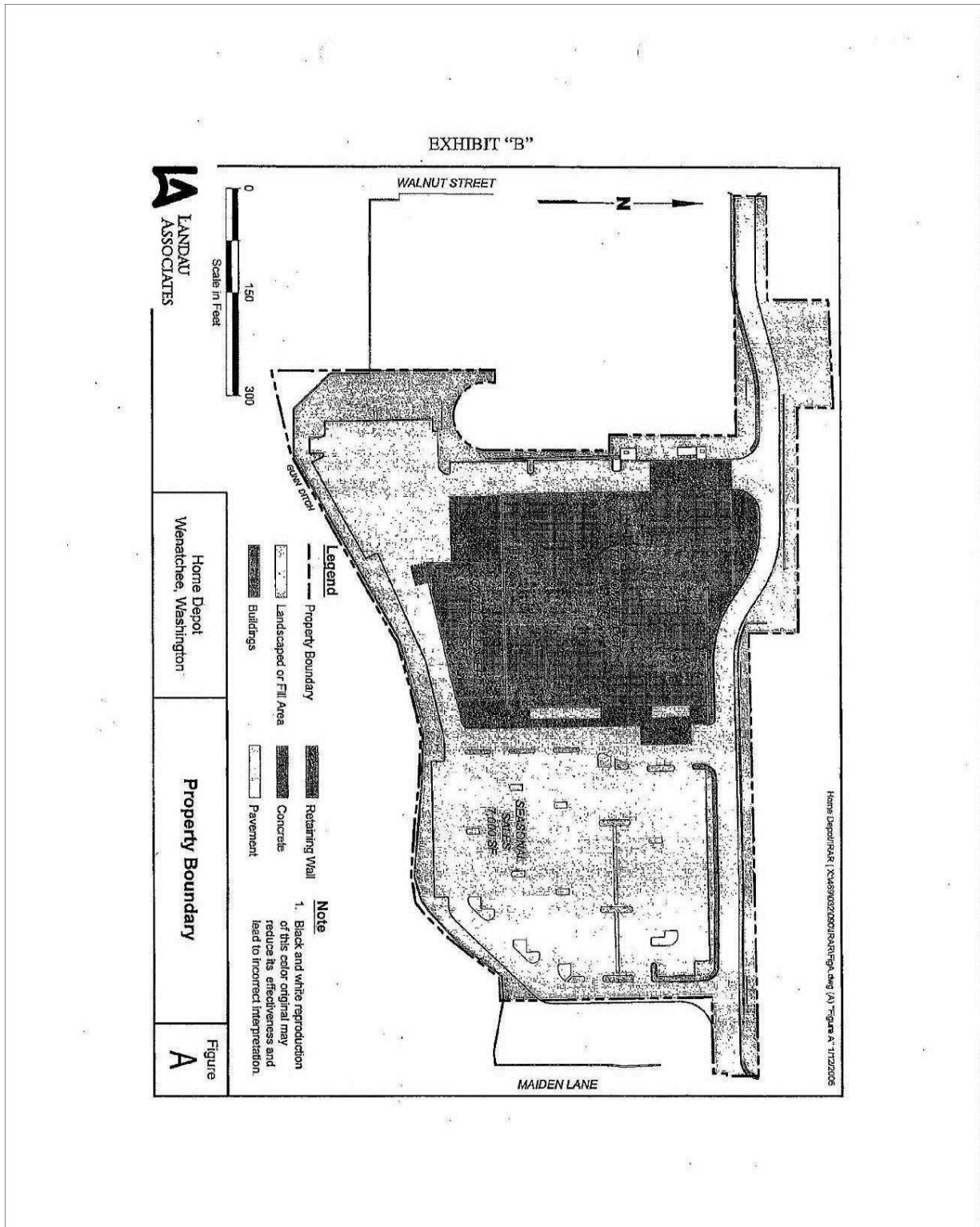
Ecology. *Site Visit*. March 2, 2021.

6.0 Appendices

6.1 Vicinity Map



6.2 Site Plan



6.3 Restrictive Covenant

DECLARATION OF RESTRICTIVE COVENANT

Home Depot Retail Facility at 1410 Walnut Street, Wenatchee, Washington

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(l)(f) and (g) and WAC 173-340-440 by HD Development of Maryland, Inc., its successors and assigns (hereinafter "Declarant").

Remedial action (hereafter "Remedial Action") has been completed on the Property that is the subject of this Restrictive Covenant. The Remedial Action is described in the Independent Remedial Action, Home Depot Property, Wenatchee, Washington, dated September 12, 2005. A copy of this document is on file with the Washington Department of Ecology.

This Restrictive Covenant is required because residual concentrations of lead and arsenic above the MTCA Method "A" Cleanup Levels remain beneath the capped and impermeable retail buildings and paved parking lot.

Declarant is the fee owner of the real property (hereafter "Property") located in the County of Chelan, State of Washington, which is subject to this Restrictive Covenant. The Property is legally described in Exhibit "A" of this Restrictive Covenant and made a part hereof by reference. A drawing generally depicting the Property subject to this Restrictive Covenant is attached hereto as Exhibit "B".

Declarant makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1.

a. The Property shall be used only for those defined uses, as described in the City of Wenatchee's zoning regulations, codified in the City of Wenatchee as of the date of this Restrictive Covenant.

Section 2.

a. As of the date of this Restrictive Covenant, a portion of the Property contains residual concentrations of lead and arsenic in the shallow soils.

b. Specifically, elevated soil concentrations of residual lead and arsenic are located beneath the newly constructed Home Depot retail store, parking lot, and outbuildings. Owner shall not alter, modify, or remove the existing structure(s) in any

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manner that may result in the release or exposure to the environment of the contaminated soils or create a new exposure pathway without prior written approval from Ecology, which approval will not be unreasonably withheld.

c. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soils in a manner that is inconsistent with the Remedial Action or create a new pathway that endangers the public health and the environment, is prohibited without written approval from Ecology, which approval shall not be unreasonably withheld. Site workers conducting construction activities within these areas will follow the Health and Safety Plans to be developed under WAC 173-340-810. Also they will be instructed on precautionary actions to avoid direct contact with contaminated soils to ensure protection of site workers.

Section 3. Owner must give thirty (30) days advance written notice to Ecology prior to transfer of any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 4. Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 5. Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment. Approval by Ecology pursuant to Section 5 shall not be unreasonably withheld.

Section 6. Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect Remedial Actions conducted at the Property, and to inspect records that are related to the Remedial Action. Ecology will provide Declarant advanced notice of its entry onto the Site when feasible.

Section 7. Owner reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs, which concurrence shall not be unreasonably withheld.

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EXHIBIT "A"

Legal Description of Property owned by Declarant

Home Depot Parcel (HD Development of Maryland, Inc.):

Parcel B of City of Wenatchee Boundary Line Adjustment #2003-08, recorded under Chelan County Recording No. 2140154 on April 3, 2003; being a portion of Lot 1, Block 2 of Powell's Addition to Wenatchee, according to the plat thereof recorded in Volume 1 of Plats, Page 7, and of Lots 1 through 14 of the Amended Plat of Rogercrest, according to the plat thereof recorded in Volume 5 of Plats, page 61, in Chelan County, Washington.

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6.4 Photo log

Photo 1: Storefront and Parking Lot - from the north



Photo 2: East Side of Property - from the south

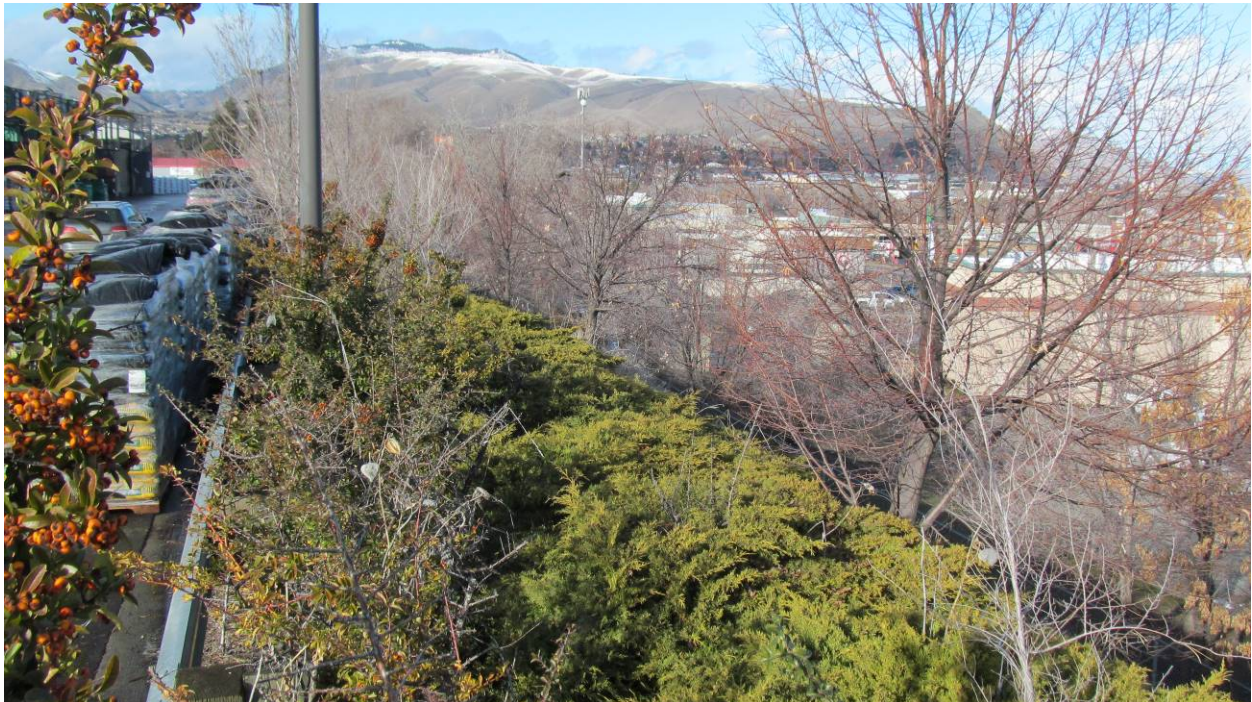


Photo 3: Front of Facility - from the east



Photo 4: South Side of Facility – from the east

