



FIVE-YEAR REVIEW

**Lowes HIW 152
F/S ID#: 34311112**

**1200 Walla Walla Avenue
Wenatchee, Washington 98801**

Central Region Office

TOXICS CLEANUP PROGRAM

May 14, 2008

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1.0 INTRODUCTION

This document is the Department of Ecology's review of post-cleanup site conditions and monitoring data to assure that human health and the environment are being protected at the former Eagle Hardware property, now referred to as Lowes HIW 152 (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 WAC.

Cleanup actions at this Site were completed under the Voluntary Cleanup Program. The cleanup actions resulted in residual concentrations of lead and arsenic concentrations exceeding MTCA Method A cleanup levels for soil established under WAC 173-340-740(2). WAC 173-340-420 (1) requires that "if the department selects or approves a cleanup action that results in hazardous substances remaining at a site at concentrations which exceed Method A or Method B cleanup levels established under WAC 173-340-700 through 173-340-760 or if conditional points of compliance have been established, the department shall review the cleanup action no less frequently than every five years after the initiation of such cleanup action to ensure that human health and the environment are being protected."

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(2)]:

- (a) The effectiveness of ongoing or completed cleanup actions;
- (b) New scientific information for individual hazardous substances of 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 Lowes HIW 152 Site is located in the City of Wenatchee, Chelan County, Washington. A site plan is available as Appendix 6.1. Following remedial activities beginning in 1996, a restrictive covenant (Appendix 6.2) was recorded for the property and the Site received a No Further Action determination.

As part of a combined Phase I and Phase II site assessment completed in 1996, further investigation was recommended into potential residual pesticide contamination in surface soils at the Site. Soil sampling was conducted in 1997 as part of an independent remedial action. Soil samples indicated the presence of lead, arsenic, DDT, DDE, DDD, and Dieldrin at concentrations exceeding MTCA Method A cleanup levels to a depth of 36 inches below ground surface (bgs). Contamination was not detected above MTCA Method A cleanup levels below 60 inches bgs. Groundwater is estimated to be located at approximately 50 feet bgs at the Site.

Protective capping was selected as the remedial action for the Site. Several inches of crushed rock sub-grade capped by asphalt was used to cover the majority of the site that does not fall under the building footprint. In areas where soil was to remain exposed due to landscaping, native soils were excavated to a depth of 36 inches and used as backfill under impervious surfaces elsewhere on the site. Confirmation samples were collected from the clean soil that was imported for use in landscaped areas. Residual pesticides were not detected above MTCA Method A cleanup levels in these imported soils.

In April 1997, a No Further Action letter was sent to the property owner and the site status was changed to reflect a No Further Action determination. After entering the Voluntary Cleanup Program in 1998, a restrictive covenant was recorded for the property on August 19, 1998.

3.0 FIVE-YEAR REVIEW

3.1 Effectiveness of completed cleanup actions

The asphalt and clean soil cap on the site continues to eliminate the human exposure pathways (ingestion, contact) to contaminated soils. Based upon the site visit conducted on May 2, 2008, no repair, maintenance or contingency actions have been required. A photo log is available as Appendix 6.3.

The Restrictive Covenant for the Site was recorded and is in place. Appendix 6.2 is a copy of the Restrictive Covenant for the Site. This Restrictive Covenant prohibits activities that will result in the release of contaminants contained as part of the cleanup without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to assure the long term integrity of the cap.

Conclusions:

Soils with residual pesticide concentrations higher than Method A cleanup levels are still present. However, the asphalt cap and the clean soil cap prevent human exposure to residual pesticides by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the integrity of the caps will be protected through maintaining the current use of the Site.

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

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

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

This cleanup is governed by Chapter 173-340 WAC. This regulation was amended in 2001. Although cleanup levels changed as a result of this modification, contamination remains at the site above MTCA Method A cleanup levels.

3.4 Current and projected site use

The site is currently used for commercial 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 removal/recycling of hazardous substances as well as containment, 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 employed remain the same.

4.0 CONCLUSIONS

- The cleanup actions completed at the Site is protective of human health and the environment.
- Soils cleanup levels have not been met at the Site; however, under WAC 173-340-740(6)(d), the cleanup action is determined to comply with cleanup standards, since the long-term integrity of the containment system is ensured and the requirements for containment technologies in WAC 173-340-360(8) have been met.
- The Restrictive Covenant for the property 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 five-year review, the Department of Ecology has determined that the requirements of the Restrictive Covenant have been satisfactorily completed. No additional 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 cap is maintained.

5.0 REFERENCES

J-U-B Engineers, 1996, Phase I/II Environmental Assessment for Eagle Hardware and Garden, Inc.

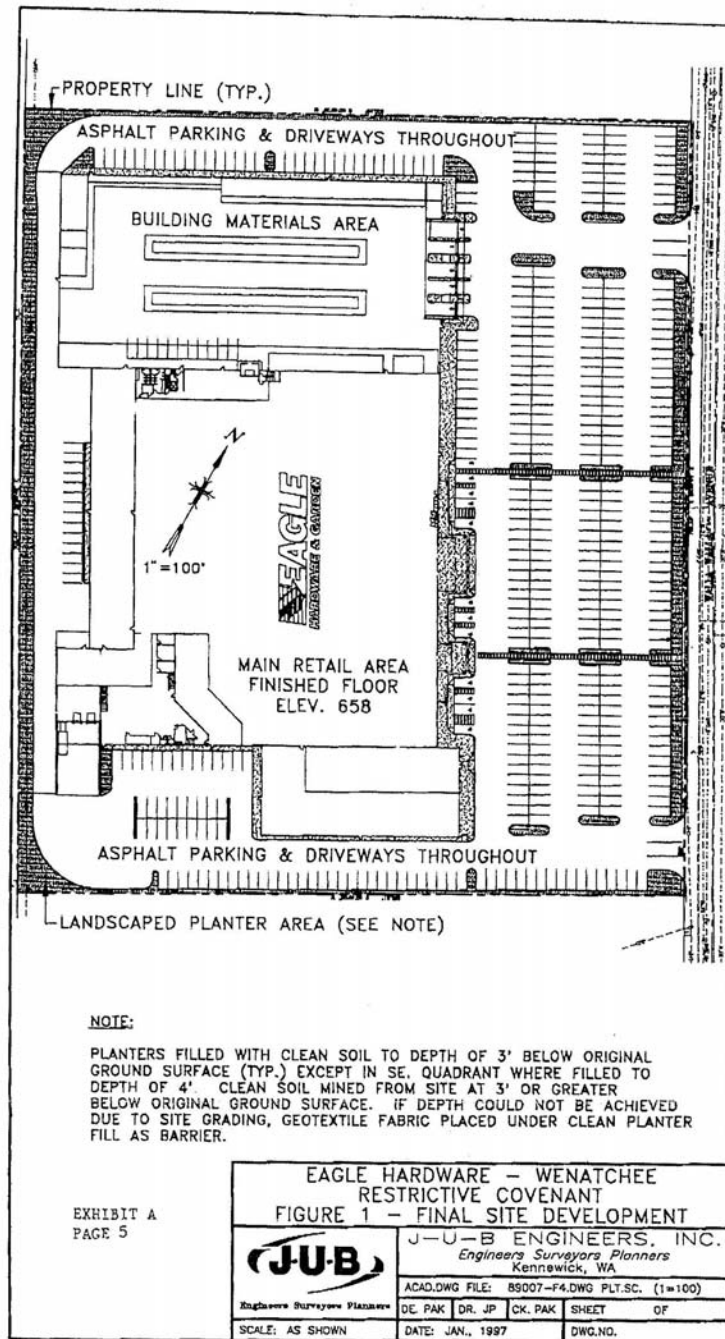
J-U-B Engineers, 1997, Independent Remedial Action Report

Ecology, 1998, No Further Action Letter

Ecology, 1998, Restrictive Covenant

6.0 APPENDICIES

6.1 Site Plan



6.2 Environmental Covenant

RESTRICTIVE COVENANT

Notice is hereby given that the property which is the subject of this Restrictive Covenant and is legally described as:

Lots 1, 2 and 3, Block 9, Second Suburban Home Addition to Wenatchee, Chelan County, Washington, according to the plat thereof recorded in Volume 1 of Plats, Page 23,

AND

Lots 1, 2 and 3, Block 1, and Lots 3 and 4, Block 2, Smith Park of Wenatchee, Chelan County, Washington, according to the plat thereof recorded in Volume 1 of Plats, Pages 39 and 40

("Property"), was the subject of remedial action under Chapter 70 105D RCW. The work done in the remedial action ("Cleanup Action") is described in the report dated February, 1997 under the Independent Remedial Action Program and in the exhibits included in the report. The report is kept in the central files at the Washington State Department of Ecology, Central Regional Office.

This Restrictive Covenant is required by WAC 173-340-440 because some of the subsurface soil remaining on the Property contains concentrations of lead, arsenic and DDT based pesticides contamination which exceed Model Toxics Control Act method A cleanup levels established under WAC 173-340-740. Accordingly, certain engineering controls have been put in place on the Property to deal with such soil and are described in Exhibit A attached hereto.

The undersigned Eagle Hardware & Garden, Inc. is the fee owner ("Owner") of the Property and makes the following declaration as to limitations, restrictions, and uses to which the Property may be put. The Owner intends that these declarations will constitute covenants to run with the land, as provided by law, and will be binding on all parties and all persons claiming under them, including current and future owners who acquire any portion of or interest in the Property.

Potential purchasers and lessees of the Property are put on notice that:

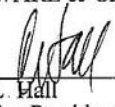
1. The State of Washington Department of Ecology has authority under RC 70 105D.030 to enforce this Restrictive Covenant.
2. Any activity on the site that may result in the exposure of hazardous substances to human health and the environment is prohibited.
3. The Owner of the Property must give written notice to the Department of Ecology, to a successor agency, of the Owner's conveyance of any interest in the Property.
4. The Owner must require compliance with this Restrictive Covenant whenever interest in the Property is conveyed by title or an easement or lease is granted. The Owner of the Property must furnish a copy of the No-Further-Action Letter to any transferee of such real property interest.

5. The Owner of the Property must notify and obtain approval from the Department Ecology, or from a successor agency, prior to any use of the property that inconsistent with the terms of this Restrictive Covenant. The Department of Ecology or its successor agency may approve an amendment to the Restrictive Covenant following public notice and comment on the Owner's request.
6. The Owner must allow designated representatives of the Department of Ecology, successor agency, to enter the Property at reasonable times given reasonable notice for the purpose of evaluating compliance with the No-Further-Action Letter or reviewing the effectiveness of the Cleanup Action.
7. The Owner may request the Department of Ecology to remove the Restrictive Covenant or certain restrictions contained within the Restrictive Covenant whenever the residual hazardous substances remaining at the Property are reduced in concentration such that the method A cleanup levels, established under WAC 17 340-740 are met without a conditional point of compliance. The Department Ecology will remove the Restrictive Covenant or other restrictions if the department after public notice and opportunity for comment, agrees with the Owner's request.

Executed this 19th day of August, 1998.

EAGLE HARDWARE & GARDEN, INC.

By: _____


Charles L. Hall
Senior Vice President – Real Estate

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Charles L. Hall is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Senior Vice President of Eagle Hardware & Garden, Inc., to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

Dated this 19th day of August, 1998.



Diane G. Wellborn
Signature of Notary

Diane G. Wellborn
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of
Washington, residing at Renton
My appointment expires 10-15-00

Soil contamination exists at the Eagle Hardware and Garden, Inc. property in Wenatchee, Washington. Constituents of concern in the soil are total lead, total arsenic and DDT derivatives above the Model Toxics Control Act "Method A" clean-up levels, WAC 173-340-740. Contamination resulted from the agronomic application of pesticides to a pear orchard. Contamination was generally limited to the top 24-36 inches and dispersed throughout the site by the agricultural activities prior to the construction of the Eagle store in 1996. The constituents of concern are not readily mobile within the soil column.

To assure protection to human health and the environment, protective capping of the contaminated soil with building slabs or paving was the chosen remedial action for the subject site. In areas where soil is to remain exposed due to landscape plantings, the native soils were excavated to a depth of at least 36 inches and used as backfill under impervious surfaces elsewhere on the site. Fruit trees, roots, grasses and other organic debris were burned at the subject site prior to development of the Eagle Store. The residues from the on-site burning were spread throughout the site, incorporating them into the native soils.

The southeast quadrant of the site had contamination at a slightly deeper level (to approximately 48 inches). Consequently, native soils in the southeast quadrant of the site were removed to a depth of 48 inches below original ground surface. Due to the regrading of the Eagle site, the interior planters between the east side of the Eagle store and the property line could not be excavated to a depth of four feet below original ground surface. In those areas, the planters were excavated to a depth of three feet below finish grade and layer of geotextile fabric was placed at the bottom of the excavation to indicate a separation between clean fill material and potentially contaminated native soils.

Clean soil was mined from on-site by stripping the native soil to a depth of at least 36 inches before mining soils for the planter areas. Soils were mined at convenient locations around the site, primarily on the north half and western perimeters. Contaminated soil excavated from the planter areas was utilized as fill material elsewhere on the site and placed under impermeable concrete and asphalt surfaces.

Stormwater infiltration has been limited to the clean soil in the planter areas which constitute about 6.5% of the property, or 0.65 acres. The majority of the stormwater is piped directly to the City of Wenatchee's stormwater conveyance system.

The attached Figure 1 shows the final site development for the Eagle Hardware and Garden store in Wenatchee.

6.3 Photo log

Photo 1: Typical planter areas - from the south



Photo 2: Additional landscaping - from the north



Photo 3: Parking lot - from the northwest



Photo 4: Landscaped area at southeast corner - from northwest

