Response to Comments

Draft Remedial Investigation and Feasibility Study for Northport Waterfront

Public comment period held May 3 – June 2, 2021
Facility Site ID: 96239, Cleanup Site ID: 14874

Toxics Cleanup Program

Washington State Department of Ecology
Spokane, Washington

June 2021

Document Information

This document is available in the Washington Department of Ecology's Northport Waterfront document repository[1].

Related Information

- Facility site ID: 96239
- Cleanup site ID: 14874

Contact Information

Toxics Cleanup Program

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Website[2]: Washington State Department of Ecology

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[1] https://fortress.wa.gov/ecy/gsp/CleanupSiteDocuments.aspx?csid=14874
[2] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites
[3] https://ecology.wa.gov/About-us/Accountability-transparency/Our-website/Accessibility

Toxics Cleanup in Washington State

Accidental spills of dangerous materials and past business practices have contaminated land and water throughout the state. The Washington State Department of Ecology (Ecology) Toxics Cleanup Program (TCP) works to remedy these situations through cleanup actions. TCP cleanup actions range from simple projects requiring removal of a few cubic yards of contaminated soil to large, complex projects requiring engineered solutions.

Contaminated sites in Washington are cleaned up under the Model Toxics Control Act[4] (MTCA, Chapter 173-340 Washington Administrative Code), a citizen-mandated law passed in 1989. This law sets standards to ensure toxics cleanup protects human health and the environment and includes opportunities for public input.

Public Comment Period Summary

Ecology held a comment period May 3 through June 2, 2021, for the draft Remedial Investigation[5] and Focused Feasibility Study[6] (RI/FS) for the Northport Waterfront site. More information is available in the public notice[7] that was mailed to the surrounding community.

We held an online public meeting at 6:30 p.m. on May 19 that was attended by 20 people. Unfortunately, a space was inadvertently in the link in some of the online meeting notices, which caused some people to only join via phone. We sincerely apologize for this mistake and will ensure it doesn't happen again. The presentation slides[8] were posted on our website prior to the meeting, and we are available to discuss and answer questions about the project during and outside of comment periods.

Ecology appreciates the comments we received from three people and one organization. We address them in the Response to Comments section that begins on Page 4. After considering the comments, we have finalized the draft documents without further changes.

Site Background

Ecology is directing and funding an investigation and evaluation of cleanup options for smelter-related metals contamination on Northport's Town Park, boat launch, and waterfront area. The site includes permanently and seasonally exposed areas of the Columbia River bank and shore along the Northport Town Park and boat launch.

[4] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act
[5] https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=87037
[6] https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=100590
[7] https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=100598
[8] https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=101209

The Le Roi Smelter (also known as the Northport Smelter), which handled copper ores between 1901 and 1911, and lead ores between 1916 and 1921, was just south of the Northport waterfront. Le Roi Smelter operations deposited clinker and granular slag wastes on the waterfront.

To better determine the extent and locations of contamination, 26 four-foot-deep test pits dug with a mini-excavator, three hand samples from shoreline areas inaccessible to the excavator, and 109 surface samples were collected for metals analysis. After 59 samples were collected from 6-inch intervals on the sidewalls of the pits, they were backfilled. The surface samples were analyzed using a hand-held device in the field.

Investigation results showed that copper, lead, and zinc were found most frequently throughout the site at levels posing a risk to human health and the environment. Cleanup alternatives were then focused on protecting people and aquatic life from these contaminants.

Three site-wide cleanup options, or alternatives, are presented in the FS. They are combinations of removing and capping the contaminated soil, river rocks, and slag. The differences between the cleanup alternatives are in the larger, more contaminated Seasonal Beach area. One option is presented for the Hillside, Jetty, Bay and Public Dock, and Bayshore areas.

Response to Comments

The comment letters are printed verbatim in alphabetic order based on the commenter's last name. Each letter is followed by Ecology's response.

Index of comments received

Everyone who submitted comments is listed below in alphabetical order by their last name, followed by the date we received their comments and the page on which their comments are printed as received. Contact information (postal and email addresses and phone numbers) has been omitted, except for that of the Stevens County Commissioners.

Table 1. Index of comments received

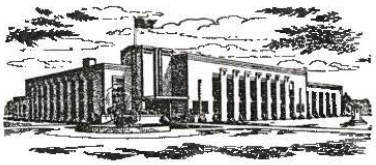
Name	Organization	Date received	Page
Wes McCart	Stevens County Commissioners	June 2	5
Jim Regis	None	May 24	19
Mindy Smith	None	May 23	20
Joe Wichmann	None	June 1	20

Wes McCart, Stevens County Commissioners, received via email June 2

Wes McCart
District No. 1

Mark Burrows
District No. 2

Greg Young
District No. 3



Stevens County Commissioners

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Jonnie R. Brown
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John Roland, Site Manager
4601 N. Monroe St.
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Re: Northport Waterfront Cleanup, Facility Site ID: 96239, Site Cleanup ID: 14874

Mr. Roland,

I would like to submit the following for the record on behalf of the Board of Stevens County Commissioners and the over 45,000 citizens we represent in Stevens County.

First, I would like to invite you to schedule a meeting with the Stevens County Commissioners to review in detail this project, the exact human health concerns, ecological concerns and the scope of this project and the bearing it will have on future actions of possible clean up in the greater Northport area and Lake Roosevelt. As we both know there are other remedial investigations and feasibility studies being done in the region and Stevens County and if they are not done in concert there is the prospect of harm to the economy of our area and may adversely affect the public health of our county residents which we represent.

What is your preferred alternative? There is no indication of which option will be moved forward or the desire to move forward. This seems problematic, as the goal of a cleanup operation is to eliminate the human health and ecological hazard that exist or limit the exposure to acceptable limits. Also, why are all the options other than the Beach limited to one for moving forward when other options are considered in the feasibility study. This was not discussed in the public meeting (Webex) as an option for comment and consideration. Again, human health should be the main concern.

What is the reason for not capping the entire site? The first priority seems to be removal of material. Is this the best long term solution? Considering most of the material considered for removal is underwater part of the year, is creating sediment movement safe? Will your method create a long term or permanent solution?

Why is the scope of this project stopped at the bridge? Is there something magical about the sediment south of the bridge? I find no conversation of studies conducted south of the bridge in the beach area. People using this area are not confine to north of the bridge, so what is the reason for stopping at that point.

Why is the State and MTCA funds being used to clean up this site, and why now? It is clear from the materials and study that in 2004 EPA did a clean-up of the Le Roi Smelter site. Why was this area not cleaned up at the same time? Why are we paying for this clean up? It seems the Northern Pacific Railroad was responsible for the cost of some of the clean-up at the smelter site, yet we are now using MTCA funds. This seem counterproductive.

Do you plan on using coffer dams to make sure that all work is done outside of a water environment? This project is slated to take one or two years to complete. How are we securing the site from creating an additional hazard as time progresses and the water flows over some of the cleanup areas during high water runoff? Will precautions be taken to limit dust or to avoid sediment movement into the water while work is being done? Will the public have a chance to comment on these items at a later date? If so, when and at what juncture?

I believe your comment period is inadequate and should be extended with additional outreach and comment/questions allowed. I and others tried to log onto the webinar on May 19. All attempts failed. I click on the email log in and got an error message, then hand typed the address of the flyer and got the same. Finally, I called into the webinar. The slides were not released ahead of time for us to follow along. Internet service is poor in many areas of the County, yet other accommodations were not made. You and the other presenters recognized this during the meeting, but the public was not given further opportunities. I understand the limitations due to COVID, but that is not an excuse to circumvent or shorten public participation. Also, there was no recognition of people on the phone. No ability to ask questions or provide comment for others to consider or start conversations. I believe another presentation and opportunity must be given to the public to participate before moving forward and during the entire process. Section 3.1.3 of the Feasibility Study states "Ecology anticipates holding workshop public meetings to discuss the draft FFS and associated clean up alternatives..." Only one meeting was scheduled with limited attendance and no ability for some participants to ask questions.

Where is the fill material coming from? Will it be tested prior to use? What is the cost of the material? I found no discussion on this in the FS document.

Page 9 of the feasibility study show cost comparisons of disposing of material, one in Stevens County and one in Spokane. There are several problems with this information. First, Stevens County has a flow control ordinance which prohibits taking disposal materials to another county. Ordinance 2008-4 is included with these comments. We have had this issue with other cleanup project and do not wish to ticket each truck leaving the county for violation of the ordinance. Second, the cost estimates are flawed. The distance of travel is almost 4 times as much to go to Spokane, but the cost to haul the material is only 2.4 times as much. Whether

paying by the hour or the mile, both of which are standard trucking practices, would mean that hauling cost to Spokane would be approximately 4 times as much. Lastly there is no consideration of the number of trucks of the effects on the roads for travel. To go to Spokane would require approximately 313-545 FTEs of driving time for Spokane and 78-136 FTE's for Stevens County depending on the option chosen. There is also no consideration about the effects that many trucks would have on the roads, approximately 625-1090.

Have the effects of climate change been considered in developing these alternatives? I see nothing in the studies addressing this.

The remediation investigation seems to be very lack. The study area is limited and not nearly as thorough as ongoing investigations in and around Lake Roosevelt. How can this be justified? Are the standards used for cleanup here the same as the EPA standards – why or why not?

What is the bioavailability of any of these contaminants? There is no discussion of this in any of the documents that I can find. So, where is the human health or ecological health nexus?

There is no discussion of long-term monitoring or how these designs will last long term or permanent. There should be a plan and discussion on this.

If a cap fails or planting do not keep people out and a new health hazard exists, who will be responsible for repair and cleanup?

Is this project going through SEPA? What permits will be required and when will this be discussed.? Will the SMA/SMP apply? It should.

How will "capping" work if on page 14, section 5.4 of the RI talks about sediment movement (transport)?

There must be a public conversation to these issues to foster additional questions and answer questions coming from the public and surrounding issues of cleanup in the area. Please allow for more public workshop opportunities.

Sincerely,

Wes McCart
Stevens County Commissioners - Chair

STEVENS COUNTY ORDINANCE NO. 2008-04

AN ORDINANCE relating to the disposal of solid waste delivered to the Stevens County Solid Waste System, prohibiting the disposal of such solid waste except at a facility consistent with the Comprehensive Solid Waste Management Plan and approved by the Stevens County Board of County Commissioners and repealing the prior Ordinance No. 4-1990

PREAMBLE:

Stevens County finds it is necessary to establish a more comprehensive system for ensuring adequate, environmentally-sound and cost-effective solid waste disposal in order to protect the health, safety and public welfare of the citizens of Stevens County. The Solid Waste Advisory Committee has recommended certain changes to the prior ordinance No. 4-1990.

SECTION 1.

A. Definitions. For the purposes of this Chapter, the following definitions shall apply in the interpretation and enforcement of this Chapter:

1. "Bulky waste" means large items of refuse, such as appliances, furniture, and other oversize wastes which would typically not fit into reusable or disposable containers.

2. "Commercial hauler" means any person, firm or corporation collecting solid waste for hire or other consideration.

3. "Commercial user" means any person not engaged in the business of solid waste handling.

4. "Controlled solid waste" means all solid waste generated and/or collected within the unincorporated areas of Stevens County or within any other jurisdiction with which an interlocal agreement exists pursuant to Section 2 of this ordinance.

5. "Dangerous wastes" means any solid waste designated as dangerous waste by the Department of Ecology under chapter 173-303 WAC, Dangerous waste regulations.

6. "Disposal" means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

7. "Disposal facility" means a solid waste site, processing or transfer facility designated by the County where any final treatment, utilization, processing or disposition of solid waste occurs. This includes, but is not limited to, transfer stations included as part of the County disposal system, sanitary landfills, incinerators, composting plants, and facilities for the recovery of energy resources from solid wastes or the conversion of the energy from such wastes to more useful forms or combinations thereof.

8. "Hazardous wastes" means and includes, but is not limited to explosives, medical wastes, radioactive wastes, pesticides and chemicals which are potentially harmful to the public health or the environment. Unless otherwise defined by the Northeast Tri-County Health District, such waste shall have the meaning as defined by the Washington State Department of Ecology and the Washington Administrative Code.

9. "Health District" means the Northeast Tri-County Health District.

10. "Manager" means the Manager of the Solid Waste Division of the Department of Public Works of Stevens County.

11. "Moderate Risk Waste" means solid waste that is limited to conditionally exempt small quantity generator (CESQG) waste and household hazardous waste (HHW) as defined in WAC 173-350.

12. "Person" means any individual, association, firm, corporation, partnership, political subdivision, municipality, or any other entity.

13. "Plans" means the Comprehensive Solid Waste Management Plan adopted pursuant to and consistent with Chapter 70.95 RCW by Stevens County.

14. "Problem wastes" means: (a) soils removed during the cleanup of a remedial action site, or a dangerous waste site closure or other cleanup efforts and actions and which contain harmful substances but are not designated dangerous wastes.

15. "Public Works" means the Department of Public Works of Stevens County.

16. "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include collection, compaction, repacking and sorting for the purpose of transport.

17. "Solid Waste" means all putrescible and nonputrescible solid and semi-solid wastes, including those identified in WAC's 173-304, 173-350 and 173-351.

18. "Transfer Station" means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle or container for transport to a permanent disposal site and may include recycling activities.

19. "Woodwaste" means a by-product resulting from the handling and processing of wood, including, but not limited to, hog fuel, sawdust, shavings, chips, bark, small pieces of wood, stumps, limbs and any other material composed largely of wood.

B. System of Disposal

1. Under the authority provided by RCW 36.58.040, a system is hereby established for disposal of all solid waste generated and/or disposed in unincorporated Stevens County. Additionally this system shall include all solid waste generated and/or collected in any other jurisdictions with which an interlocal agreement exists pursuant to Section 2.

2. Disposal in Stevens County. It is unlawful for any person to dispose of controlled solid waste except at disposal facilities and in a manner authorized by Stevens County; except that nothing herein shall prohibit a person from dumping or depositing solid waste resulting from his own activities onto or under the surface of ground owned or leased by him/her when such action does not violate any statute, ordinance or regulation, or create a nuisance.

3. Disposal outside Stevens County. Unless specifically permitted by state law or specifically authorized by Stevens County ordinance, it is unlawful for any commercial hauler or other person or entity to deliver or deposit any controlled solid waste outside the borders of Stevens County unless it is authorized by the adopted Stevens County Comprehensive Solid Waste Management Plan.

C. Acquisition of Solid Waste Disposal Sites. The County may acquire by purchase, lease, contract with private parties or other necessary means, disposal facilities which are needed for disposal of solid waste generated and collected in Stevens County and other jurisdictions with which an interlocal agreement exists, pursuant to Section 2. Selection of such disposal facilities shall be consistent with the Stevens County Comprehensive Plan and all federal, state, and local requirements, including, but not limited to, comprehensive land use planning, fire protection, water quality, air quality, and the consideration of aesthetics. The County may acquire disposal sites on a continuing basis as is required by the volume of solid waste to be disposed.

D. Operation of Solid Waste Disposal Sites by County. Public Works shall be the operating authority for all solid waste disposal facilities owned or operated by Stevens County. Nothing herein shall prohibit the County by resolution from contracting with another entity, public or private, to own, construct and/or operate a disposal facility. The County shall establish by resolution the hours of operation of disposal facilities, disposal fees charged, and types of waste for which each facility is intended. The County will operate the solid waste disposal facilities to assure compliance with federal, state and local regulations applicable to such facilities. The County reserves the right to provide operating rules that state that certain solid wastes, based on source, type or volume, shall not be accepted, or only

conditionally accepted, at facilities owned or operated by the County. The operating rules for such sites shall be consistent with regulations promulgated by the Health District.

E Use of County Disposal Sites.

1. Interlocal Operations.

a Solid waste disposal facilities owned or operated by the County shall be available to accept solid wastes generated and collected in municipal corporations situated within the County which have been using County disposal facilities, provided an interlocal agreement with any such jurisdiction is executed pursuant to Section 2.

b. Any jurisdiction or any commercial hauler not using a County disposal facility, shall be required to enter into an agreement with Stevens County subject to Stevens County approval prior to commencing use of any County disposal facility.

c. Any City, County, commercial hauler or other businesses outside of Stevens County desiring to dispose of solid waste at Stevens County facilities must enter into an interlocal agreement with Stevens County subject to such terms and conditions as Stevens County determines to be in the best interest of the economic longevity of its facilities and the best interests of the residents of Stevens County.

2. Individuals. Any individual may use Stevens County disposal facilities designated for individual use, in compliance with any applicable rules and regulations.

3. Dangerous and Hazardous Waste. Under no circumstances shall any person deliver for disposal any waste that is defined as "hazardous waste" per the Federal Resource Conservation and Recovery Act or rules or regulation thereunder, "extremely hazardous wastes" or dangerous wastes" per Chapter 70.105 RCW or rules or regulations thereunder.

F. Establishment and Operation of Solid Waste Disposal Sites. Pursuant to RCW Chapter 70.95, no disposal facility in Stevens County, whether acquired publicly or privately, shall be established, altered, expanded, improved, operated or maintained without prior compliance with the following:

1. The disposal facilities and proposed method of operation shall be consistent with the Stevens County Solid Waste Management Plan and shall be approved by the Health District, and

2. The disposal facilities shall be constructed, operated and maintained in accord with terms of permit from the Health District and such other permits as are required by law.

3. All other federal, state and local laws, ordinances and regulations shall be met.

G. Exempt Operations.

1. Any solid waste operation exempt from obtaining a permit under Site 70.95 must be established, maintained, managed and/or operated in compliance with all other requirements of local, state or federal health
rules.

H. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not effect the validity of the remaining portions.

SECTION 2.

INTERLOCAL
AGREEMENTS

A. After adoption of this ordinance Public Works shall request each City in the County to provide to Public Works within 30 days of written notification from Public Works, written notification of its intent to use County disposal facilities. Any City which does intend to use County disposal facilities shall enter into an interlocal agreement with the County within 60 days of written notification from Public Works. Any City failing to notify Public Works of its intent to use County disposal facilities or failing to enter into an interlocal agreement within the allotted time shall be prohibited from disposing its solid waste at any County disposal facility until or unless specifically so authorized by the Board of Stevens County Commissioners.

B. These interlocal agreements shall provide for Cities to designate by resolution the County disposal system for disposal of solid waste generated within their corporate limits as specified in the interlocal agreement and shall grant to the County the authority to designate specific facilities for disposal. Nothing in these contracts shall prevent any City from implementing programs to achieve maximum recycling of waste.

C. Within 30 days of written notification from the Department of Public Works any City, County, commercial hauler or other businesses outside of Stevens County desiring to dispose of solid waste at Stevens County facilities must enter into an interlocal agreement with Stevens County subject to Section 1. C above. Upon notice by an out-of-county City, commercial hauler or other businesses Public Works will contact the affected County to ensure compliance with all local ordinances. In addition to such other terms and conditions described in Section 1.E.1.c above a surcharge for accepting out-of-county waste will be assessed based on the percentage outlined in the County's rate fee schedule passed by ordinance and included in the Solid Waste Operations Plan. Nothing in these contracts shall prevent anyone from implementing programs to achieve maximum recycling of waste.

SECTION 3

PENALTIES

A. Any person, firm or corporation which violates or refuses to or fails to comply with any of the provisions of this chapter or regulations promulgated hereunder and orders issued pursuant hereto shall be deemed guilty of a misdemeanor and shall be punished as provided by law. Nothing herein contained shall be construed to exempt an offender from any other suit, prosecution or penalty provided by law.

SECTION 4

REPEALER

A. Ordinance 4-1990 is hereby repealed and replaced and superceded by this ordinance.

Passed by the Board of Stevens County Commissioners meeting in regular session at Colville, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 23 day of September, 2008.

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT

BOARD OF COUNTY COMMISSIONERS OF
STEVENS COUNTY, WASHINGTON

Chairman Tony Delgado

Attest:

Commissioner Malcolm Friedman

Polly Coleman
Clerk of the Board

Commissioner Merrill J. Ott

Ecology's response

Thank you for your comments. We appreciate your detailed review, concerns, and interest in the health of the upper Columbia River Valley. We have *excerpted* and responded to your individual comments below.

First, I would like to invite you to schedule a meeting with the Stevens County Commissioners to review in detail this project, the exact human health concerns, ecological concerns and the scope of this project and the bearing it will have on future actions of possible clean up in the greater Northport area and Lake Roosevelt.

Thank you for the invitation to meet. Please let us know if, following your evaluation of this response to comments, you would like to schedule a meeting to discuss the project. We also have not yet had the opportunity to discuss the project with District 3 Commissioner Young.

As we both know there are other remedial investigations and feasibility studies being done in the region and Stevens County and if they are not done in concert there is the prospect of harm to the economy of our area and may adversely affect the public health of our county residents which we represent.

Ecology is closely following the U.S. Environmental Protection Agency's (EPA) RI/FS process. State and federal investigations and cleanups have been done in the Upper Columbia River site over the last several years with the goal of reducing risks to public health and residents, particularly those most directly impacted by the legacy of smelting and milling in the area. Projects Ecology directs consider long-term economic impacts to the upper Columbia River Valley community. As with previous actions, we anticipate the Northport Waterfront cleanup to be a net positive to the local health, ecology, and economy. The cleanup is being advanced in full consideration of the EPA's ongoing RI/FS. Our work in no way will limit EPA or Teck Metals from advancing meaningful cleanups to further protect human health or the environment in the future.

What is your preferred alternative? … Also, why are all the options other than the Beach limited to one for moving forward when other options are considered in the feasibility study.

Ecology presented three cleanup alternatives for the large Beach area because we wanted to get public and municipal input prior to forming an opinion about this substantial portion of the project. We will make a final cleanup proposal in our draft cleanup action plan (CAP), which is the next step in the cleanup process. Our CAP will consider comments received during this comment period and evaluate engineering and regulatory factors.

We formally proposed one option for the Hillside, Jetty, Bay, and Bayshore areas because they are less complex than the Beach. As you noted, although we shared options such as the various Hillside trail, bench, and table positions, they were not presented as formal FS alternatives. For each of those areas, we proposed the actions we found to be most appropriate to improve human and ecological health. That said, we received public comments on those options and will consider those as we develop the final proposed cleanup.

What is the reason for not capping the entire site? The first priority seems to be removal of material. Is this the best long term solution?

MTCA provides minimum requirements for cleanups (WAC 173-340-360(2)). One of these requirements is choosing permanent solutions when possible. Washington's Sediment Management Standards also prefer permanent solutions (WAC 173-204-570 (4)) to protect biological resources. For this site, removal is the most permanent solution. Contamination could potentially be released from the areas proposed for removal, so we think it's appropriate. Another MTCA requirement is weighing the costs of a cleanup action against its benefits, called a disproportionate cost analysis. We believe partial contaminant removal is feasible, practicable, and not disproportionate.

Considering most of the material considered for removal is underwater part of the year, is creating sediment movement safe? Will your method create a long term or permanent solution?

Removing and capping the seasonally underwater areas is important for protecting human health and aquatic ecology. Construction will be performed so it doesn't promote harmful contaminated sediment movement during or after construction. We anticipate construction will occur mostly or entirely with land-based equipment above the water line. Minimal short-term sediment disturbances and movement will be outweighed by the long-term health and ecologic benefits of the action.

The cleanup will be a combination of permanent removal and capping contaminated sediment and soil, which is a long-term solution. Significantly less metals-contaminated sediment is moving downstream from Trail than it has historically. The cleanup is expected to be a substantial and permanent net human health and aquatic ecologic risk reduction.

Why is the scope of this project stopped at the bridge? Is there something magical about the sediment south of the bridge?

The project is designed to reduce human and ecological risks in the immediate vicinity of the Le Roi Smelter outfalls and areas of legacy shoreline dumping. The bridge is a logical and effective downstream boundary. The project centers on areas where shoreline-based public use is encouraged and common, creating a safe area for recreational use. We expect that the EPA's RI/FS will consider areas below the bridge and upstream from the site.

Why is the State and MTCA funds being used to clean up this site, and why now? It is clear from the materials and study that in 2004 EPA did a clean-up of the Le Roi Smelter site. Why was this area not cleaned up at the same time? Why are we paying for this clean up?

EPA and BNSF Railroad cleaned up the upland portion of the Le Roi Smelter over 15 years ago. The EPA removal did not include the shoreline or the areas bordering or influenced by the river. EPA-directed investigations did not fully evaluate or characterize the current project area. EPA and Ecology continue to coordinate on addressing legacy pollution in Northport. EPA cleaned up additional residential yards most recently in 2019, and they plan to do more residential soil sampling in the near future.

Ecology is pursuing cleanup using MTCA funds at the Le Roi Smelter because previously collected data at the waterfront showed pollution substantially above state cleanup standards. We determined it is in the best interest of the Northport community and associated aquatic ecology to complete this cleanup.

Do you plan on using coffer dams to make sure that all work is done outside of a water environment? This project is slated to take one or two years to complete. How are we securing the site from creating an additional hazard as time progresses and the water flows over some of the cleanup areas during high water runoff? Will precautions be taken to limit dust or to avoid sediment movement into the water while work is being done? Will the public have a chance to comment on these items at a later date? If so, when and at what juncture?

The alternatives presented do not assume the installation of rigid structures such as cofferdams, which can create undesirable challenges. As shared during the online public meeting, we anticipate the majority of the work will occur above the water line when water levels are lower. Hydraulic controls or suspended sediment controls may be needed. Methods to maintain dry work areas, such as gravel barriers or temporary turbidity curtains, may be used to contain suspended sediment and/or protect operational areas. These considerations will be addressed during the final design and detailed planning leading to public works.

The project may take more than a year, but near-shore work would not be happening continuously during that time. The work may need to be phased, to accommodate finite work windows when water levels are lowest. Incremental actions will be completed so they don't risk undoing the action or impacting the river due to rising flows.

The next opportunity for formal public comments will be when Ecology issues the draft CAP. However, we welcome your questions and feedback at any time. The draft State Environmental Policy Act (SEPA) determination and joint aquatic resources permitting procedures will be available for review and comment later as well.

I believe your comment period is inadequate and should be extended with additional outreach and comment/questions allowed. I and others tried to log onto the webinar on May 19. All attempts failed. I click on the email log in and got an error message, then hand typed the address of the flyer and got the same. Finally, I called into the webinar. The slides were not released ahead of time for us to follow along … Also, there was no recognition of people on the phone. No ability to ask questions or provide comment for others to consider or start conversations. I believe another presentation and opportunity must be given to the public to participate before moving forward and during the entire process.

We apologize for the technology glitch. Online meetings can be challenging. The comment period was the standard 30 days. A mailer announcing the comment period was sent to 1,513 addresses. A legal ad was published in the *Colville Statesman Examiner*. We held a meeting without receiving the 10 requests that require it because we wanted to engage with the Northport area community.

The inadvertent space in the meeting link was an honest mistake, and we reached out to everyone who contacted us to report the issue to apologize and offer other opportunities to

discuss the project with us. Now that we know this issue can occur, we will be sure it doesn't happen again.

The slides were posted to our Northport Waterfront webpage on the morning of the meeting. Prior to starting the presentation, we unmuted everyone on the phone, so they would have the ability to unmute themselves following that. You may have missed that part while trying to join online. During the question and answer period following the presentation, we unmuted everyone on the phone and announced that it was their opportunity to ask questions. We are sorry you were unable to speak up during this time. We made our best effort to include phone participants.

If you would like to meet after reviewing these responses, we would welcome the opportunity. We will hold another public meeting during the comment period for the draft CAP. No decisions have been made yet about the final cleanup, and we welcome everyone's input at any time.

Where is the fill material coming from? Will it be tested prior to use? What is the cost of the material?

The source for clean backfill and capping material has not been established. That will occur during the public works proposals and contracting. Imported material will be tested. For FS purposes, quotes were obtained from viable pit sources in the Spokane area. Estimates for fill materials can be found in tables 3 through 6 of the FS. Actual costs will vary.

Page 9 of the feasibility study show cost comparisons of disposing of material, one in Stevens County and one in Spokane. There are several problems with this information. First, Stevens County has a flow control ordinance which prohibits taking disposal materials to another county … Second, the cost estimates are flawed. The distance of travel is almost 4 times as much to go to Spokane, but the cost to haul the material is only 2.4 times as much. Whether paying by the hour or the mile, both of which are standard trucking practices, would mean that hauling cost to Spokane would be approximately 4 times as much. Lastly there is no consideration of the number of trucks of the effects on the roads for travel. To go to Spokane would require approximately 313-545 FTEs of driving time for Spokane and 78-136 FTE's for Stevens County depending on the option chosen. There is also no consideration about the effects that many trucks would have on the roads, approximately 625-1090.

Thank you for providing the flow control ordinance copy. Feasibility studies benefit from considering a range of potential costs and technically feasible options for planning purposes. We look forward to coordinating with public works to meet needs and obligations, while balancing this publicly funded cleanup.

The transportation component of the disposal cost comparison was calculated by multiplying trucking prevailing wages and assumed travel times, and then dividing by the assumed load time for an estimated cost by ton. We revisited the assumed drive times (2 hours for Stevens County Landfill and 5 hours for Graham Road Landfill) provided in the FS and agree that the assumed travel time for Graham Road Landfill could be insufficient. As we develop the draft CAP, we will consider a revised disposal cost estimate by adding an additional 30 minutes to the total travel time for disposal at the Graham Road Landfill. That will change the cost per ton

used in the Disposal Cost Comparison for Graham Road Landfill to $75.50 from $68.50 and adjust our upper total project cost by about 5 percent.

Concerning truck traffic, we recognize this short-term impact. We intend to minimize commerce, roadway, and seasonal travel impacts as much as possible. We have started coordinating with Northport leadership. These short-term impacts are common during cleanup construction, and the long-term benefits of cleanup outweigh the temporary impact. Previous cleanups in the vicinity have successfully managed similar concerns.

Have the effects of climate change been considered in developing these alternatives?

Yes. The draft CAP also will discuss this topic. Briefly, our hydraulic analyses will consider a range of likely flow conditions to account for climatic changes that may affect the part of the cleanup that interacts with the river. As you know, the river is regulated upstream, which constrains the range of expected conditions.

The study area is limited and not nearly as thorough as ongoing investigations in and around Lake Roosevelt. How can this be justified? Are the standards used for cleanup here the same as the EPA standards - why or why not?

As noted, the project is narrowly defined to address the area directly associated with the historic Le Roi Smelter and Town Park.

The level of study is appropriate for this site. This cleanup benefits the EPA-directed remedial action and the river's ecology by removing or capping metal contaminants from the active aquatic system. It increases human health protection by providing a safer place for recreation. EPA has not yet established final human health or aquatic ecological cleanup standards for the Upper Columbia River site. Those decisions will also need to consider state regulations. This proposed cleanup will meet state standards.

What is the bioavailability of any of these contaminants? ... So, where is the human health or ecological health nexus?

The nexus will be discussed further in the draft CAP, which follows the FS. As introduced in the RI, human health risk is principally lead metal levels far exceeding state standards. We are aware of bioavailability factors considered under the EPA's process. That consideration does not change our determination. Bioavailability of the smelter waste for the ecological aquatic sediments is shown by direct benthic bioassay testing results in the project area and the surrounding upper Columbia River reaches. We determined that metals in sediments at the site are bioavailable and pose a toxic risk warranting action.

There is no discussion of long-term monitoring or how these designs will last long term or permanent.

Aspects such as durability and permanence are integral to a final engineering design and the post-cleanup phase. Much of this will be associated with river energy dynamics. To address these dynamics and assess permanence, protection, performance, confirmational, and

compliance monitoring are planned. We will complete periodic reviews every five years after cleanup construction is complete because contamination will be left in place. Ecology will do initial monitoring. Potentially, it could become part of long-term monitoring of the Upper Columbia River site, after EPA has determined remedial action on Trail Smelter wastes along the river.

If a cap fails or planting do not keep people out and a new health hazard exists, who will be responsible for repair and cleanup?

The cleanup will be designed to limit future repairs and maintenance. Periodic reviews will assess caps and plantings. Any future repairs will be considered on an as-needed basis. Ecology will have discussions with the Town of Northport about recreational infrastructure, such as fencing maintenance at the park.

Is this project going through SEPA? What permits will be required and when will this be discussed.? Will the SMA/SMP apply?

As part of the MTCA process, we will make a SEPA determination, which usually is available for public comment with the draft CAP. As cleanup planning continues, we will identify and consider applicable, relevant, and appropriate laws, federal permits, and other state or local requirements, and provide opportunity to comment. Shoreline and hydraulic considerations will be associated with a Joint Aquatic Resources Permit Application (JARPA) process.

How will "capping" work if on page 14, section 5.4 of the RI talks about sediment movement (transport)?

Understanding sediment and hydraulics behavior is central to the design and success of the river-influenced portions of this cleanup proposal. Materials selection, shaping, and installation are fundamental to creating a stable design. Sediment moving down from upstream is also considered. Conditions show that sediment transport in the project area is mostly smaller materials. Capping and fill materials will be sized and placed to resist anticipated flow conditions and limit movement, while balancing habitat and public use considerations. The project area has some depositional zones. We expect some recontamination from the river redistributing Trail wastes from upstream. Over the long term, the cleanup should result in a significant overall reduction in sediment contamination mass, toxicity, and risk.

Jim Regis, received via email May 24

I was looking at the jetty the other day and it occurred to me that the tree at the bend of the jetty is a nice feature and it would be nice if it could be preserved.

Ecology's response

Yes, we're hoping the same thing. We will work with engineers and tree specialists when the time comes and see what we can do. You probably remember that there used to be two trees, and one got lost along the way.

Mindy Smith, received via email May 23

My only thought on the clean-up is to remove as much contaminated soil as possible.

Ecology's response

It will be a balancing process to secure removal in critical areas with other construction aspects. The proposed cleanup will combine capping and removal.

Joe Wichmann, received via email June 1

When the project is completed, the only visible indication of Ecology's efforts will be better access for boating during low flow/low lake conditions, the enhanced spit which may or may not really be noticed, and the hillside improvement. The hillside improvement will be by far the most visible outcome of the project. I strongly believe the hillside improvement choice should be Optional Recreational Enhancement 2. This choice will dramatically enhance the potential use of the site. Although the most expensive option, I believe it offers the best site improvement per dollar of the three options. If funding becomes a choke point, Optional Recreational Enhancement 1 would be a distant second choice. The baseline hillside plan is too minimal to be seriously considered.

I really don't think you can go wrong with any of the proposed beach approaches. That said, I'm not sure the benefit of side channel construction in Alternative 2 warrants the additional expense. I think Alternatives 1 and 3 are the primary choices to move forward with. If construction truck traffic becomes a significant issue with the community, Alternative 3 would be an excellent choice. If Optional Recreational Enhancement 2 is chosen, as I propose, this may be the best choice for minimizing truck traffic. It will offset the additional excavation traffic from the hillside Optional Recreational Enhancement 2 option.

I do have a few questions concerning the Bay and Public Dock Subarea plan of the FS. Will the existing floating boat dock and ramp be extended to take advantage of access at lower river levels? Is the concrete boat launch to be removed and replaced during the proposed excavation? Will the boat launch be extended to take advantage of access at lower river levels?

Ecology's response

Thank you for your comments and for sharing which alternatives you prefer. The answers to your questions are below.

Will the existing floating boat dock and ramp be extended to take advantage of access at lower river levels?

The proposed action assumes the existing dock would be temporarily removed, and then placed back in the river with a deeper draft in that general area. We will be closely evaluating the most effective approach for this area. We do not plan to extend the dock due to concerns about increasing log and debris trapping and maintenance needs.

Is the concrete boat launch to be removed and replaced during the proposed excavation?

The current proposal assumes the concrete ramp will remain in place and appropriate engineering will protect its integrity and performance.

Will the boat launch be extended to take advantage of access at lower river levels?

The proposed action does not include extending the boat launch. That said, the end of the launch could be impacted by the construction and may need to be repaired or regraded in that fringe area. These details will be determined as we draft the CAP and engineering design.