



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

June 26, 2023

**Sent via email**

Alison McGrane  
McGrane Schuerman Tate Waters & Worley, PLLC  
298 S. Main Street, Suite 304  
Colville, WA 99114

**Re: Ecology Review of Draft Access Easement Agreement for the Following Site:**

- **Site Name:** Sierra Zinc Mine
- **Property Address:** Chewelah, Stevens County
- **Tax Parcel Number:** Portion of 5651900 (legally described gravel roadway)
- **Facility Site ID:** 1786484
- **Cleanup Site ID:** 1838

Dear Alison McGrane:

Thank you for the draft Access Easement Agreement (Agreement) you provided to Ecology on May 4, 2023. The draft Agreement grants access over and across an existing road (Road). The Road is part of an environmental (restrictive) covenant (Covenant) executed pursuant to the Model Toxics Control Act (MTCA), chapter 70.105D RCW,<sup>1</sup> the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA<sup>2</sup>), chapter 64.70 RCW.<sup>3</sup>

The Covenant restricts certain activities to protect human health and the environment and ensures any cleanup actions remain protective. At this site, mill tailings and other contaminated materials were placed under a cap consisting of 24 inches of clean soil. The Covenant restricts any activity that would compromise the integrity of the soil cap.

---

<sup>1</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D>

<sup>2</sup> <https://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act>

<sup>3</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=64.70>

Alison McGrane  
McGrane Schuerman Tate Waters & Worley, PLLC  
June 26, 2023  
Page 2

Ecology has reviewed the draft Agreement. Our review has determined that the proposed use of the Road **will not** compromise the integrity of the cap. This is because the cap is not located under the Road. Therefore, the activities proposed in the draft Agreement are consistent with the Covenant and do not require modification of the Covenant.

Ecology appreciates the opportunity to review the draft Agreement. Although use of the Road is consistent with the Covenant, we urge caution for the application of loads in excess of the cap load-bearing capacity. Any excessive load placed over and across the soil cap is prohibited. Please ensure that vehicular traffic granted under this draft Agreement is restricted to the Road.

If you have any questions, please feel free to contact me at (509) 724-8268.

A handwritten signature in black ink, appearing to be the initials 'JR' or a similar stylized name.

Justin Rice  
Abandoned Mine Lands (AML) Program Engineer  
Toxics Cleanup Program  
Central Regional Office

cc: Valerie Bound, Section Manager, Toxics Cleanup Program