

INDEPENDENT REMEDIAL ACTION REPORT

CLEANUP ACTION PLAN

**SCHADE BREWERY
528 East Trent Avenue
Spokane, Washington**

Presented To:

WASHINGTON DEPARTMENT OF ECOLOGY

Voluntary Cleanup Program

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1.0 INTRODUCTION

SLR International Corp. (SLR) has been retained by the *American West Bank* (Client) to document and report on independent remedial actions proposed for the Schade Brewery property. This report presents background information on environmental contaminant conditions and a review of proposed cleanup actions to be conducted for contaminant-affected soils.

Prior independent remedial actions have been conducted to characterize the nature and extent of soil contamination at the Schade Brewery. The following independent remedial action report has been submitted to the Washington Department of Ecology (WDOE):

- *Remedial Investigation - Documentation of Soil Contaminant Conditions, Schade Brewery, 528 East Trent Avenue, Spokane, Washington*, SLR International Corp, Project No. 003.0156.00002, May 2004.

This Cleanup Action Report (CAP) provides a brief review of the cleanup action alternatives and proposed remedial activities for site closure processes under the WDOE Voluntary Cleanup Program (VCP). The Subject Site was entered into the VCP in May 2004. This CAP also provides details of the engineering and institutional controls to be implemented in the pursuit of a determination of "no further action" (NFA) following WDOE review and assessment under the VCP.

1.1 Purpose and Scope

Specific criteria and expectations are established for cleanup technology selection using regulatory-defined preferences defined under Section 360 of the Model Toxics Control Act (MTCA) (Chapter 173-340 WAC). The selection of cleanup action technology(s) for any site must consider, to a practical and feasible extent, permanent solutions within a reasonable restoration time frame to meet applicable threshold requirements (cleanup standards) established to protect human health and the environment. The objective of this cleanup action alternative review is to provide a summary of the evaluation and selection process used to identify and recommend the site-specific cleanup technologies for continued contaminant remediation and site closure.

1.2 Site Location and Description

The Site is located within the incorporated city limits of Spokane, Washington. The Site is located at 528 East Trent Avenue. The Site consists of five (5) Spokane County tax parcels located east of the "Y" intersection of Trent and First Avenues. Trent Avenue is located to the west and north of the Site, while Front Avenue comprises the Site's approximate southern property boundary. A portion of the northeast portion of the Site is located immediately adjacent to the southern bank of the westerly-flowing Spokane River, south of the Trent Avenue bridge. The Site is located in the Southwest and Southeast Quarters of Section 17, Township 25 North, Range 43 East, (W.M.) in Spokane County, Washington. The latitude and longitude at the approximate center of the Site is identified as North 47 ° 39.636' and West 117 ° 24.107'. A Site Location Map is provided in Figure 1.

The Site parcels have a significant history of legal segregations, lot line adjustments and ownership changes in the past 25 years. However, the current Site configuration shown in Figure 2 provides a plan view of the approximate current tax parcel delineations, city block and lot layout, and surrounding public right-of-ways and Spokane River. The five Spokane County tax parcels are identified as follows:

Parcel 35173.0906 - The western-most Site parcel is located immediately east of the Trent and Front Avenue intersection. Parcel 35173.0906 is developed with asphalt-paved parking and traffic areas, concrete sidewalks and curbing, landscaping, lighting fixtures, and a brick-based "Schade Towers" commercial sign. The property is bounded to the east by the former Trent Avenue alignment.

The former Trent Avenue alignment is owned by the City of Spokane and segregates Parcel 35173.0906 from the other four Site tax parcels. The former Trent Avenue alignment is difficult to distinguish with visual clues from the actual Site property and boundaries, and has been incorporated into the development in a similar manner with parking and landscaping improvements.

Parcel 35173.0120 - This parcel includes the Schade Brewery commercial building, with the structure's footprint located in the approximate center of the Site. The parcel includes portions of the vacated Sheridan Street right-of-way on the west side of the Schade Brewery building. The western portion of the parcel is improved with asphalt-paved parking and traffic areas, concrete sidewalks and curbing, landscaping, and lighting fixtures. A covered portico and stairway is located on the western side of the building and serves as the main entrance to the building. A 15 ft. wide gravel-surfaced alley is located on the north side of the building, and is segregated from the northern-adjacent commercial property (office building) by a concrete retaining wall. A concrete loading dock is located on the eastern side of the building. The unimproved eastern portion of Parcel 35173.0120 is gravel-surfaced. Front Avenue is located on the south side of the parcel, with the property boundary being described as approximately 1 ft. from the building wall. However, the area immediately to the south of the building, 12 to 15 ft into the right-of-way, has been improved with a concrete sidewalk and curb and a strip of asphalt-paved parking.

Parcel 35173.0124 - This parcel is located immediately to the east of the Schade Brewery building and parcel 35173.0120. The parcel is unimproved and has both gravel and native or imported soil surfaces. The parcel is located between Front Avenue to the south and the northern adjacent commercial office building.

Parcel 35173.0122 - This parcel comprises the majority of the eastern portion of the Site from Front Avenue on the south, to the Spokane River on the north. The adjacent commercial office building is located to the northwest of this parcel. The parcel is unimproved and has both gravel and native or imported soil surfaces. Exposed outcrops of basalt bedrock and fractured boulders are located primarily along the northern portion of Parcel 35173.0122, adjacent to the Spokane River. A very steep slope or bank of near-vertical basalt exposure is found along the Spokane River contact. The parcel legal description includes the use of the "high water line" on the southwesterly shore of the Spokane River. Parcel 35173.0122 includes portions of the vacated Hatch Street right-of-way along the eastern boundary. In addition, the northern portion of Parcel 35173.0122 includes former Burlington Northern Sante Fe Railroad Company (formerly Great Northern Pacific Railway Company) connection track right-of-way.

Parcel 35174.0556 - This triangular-shaped tax parcel comprises the eastern-most portion of the Site. It is located in the Southeast Quarter of Section 17. The parcel is unimproved and has both gravel and native or imported soil surfaces.

The Subject Site is zoned M1 - Light Manufacturing, allowing for both commercial and light industrial land uses. The Site is primarily surrounded by the Joint Center for Higher Education campus (Washington State University, Eastern Washington University, and Spokane Intercollegiate Research and Technical Institute) buildings and property across East Trent Avenue to the north. Older, industrial and office/warehouse buildings are located across East Front Avenue to the south, and include the Washington State University bookstore, vacated office/warehouse spaces, and the Peirone Produce offices, loading docks, and refrigerated warehouse buildings.

1.3 Brief Site History

The five Site parcels have a varied land use and ownership history. The historical changes since development on and around the original Schade Brewery parcel (35173.0120) include changes in road and railroad right-of-way uses and vacations, general land use, lot (parcel) boundaries, and ownership. The following narrative provides a simplified description of these changes based on the five individual parcels currently defining the Site. The records review used to prepare this section included prior environmental studies, WDOE public records, private and public records, aerial photographs, and interviews with knowledgeable parties. Please refer to Figure 3 for a plan view of the Schade Brewery investigation area and related portions of the former Inland Metals property.

Parcel 35173.0906- This parcel was formerly located on property found on the on the west side of the older Trent Avenue alignment. The former Trent Avenue alignment was east of the new Trent Avenue re-alignment currently in existence, and closer to the west side of the Schade Brewery building (Parcel 35173.0120). The Trent Avenue realignment appears to have occurred between 1987 and 1989. It's historical use was not positively determined for the purposes of this report, but aerial and other public records indicate the surface land use was vacant or unimproved.

However, a portion of the underlying surface for Parcel 35173.0906 appears to have been developed with a portion of the former underground railroad tunnel. The underground railroad tunnel begins at a lower surface elevation east of the Site on an adjacent parcel, travels south of the main Site property under Front Avenue, then under the old Trent Avenue alignment and Parcel 35173.0996. The old tunnel opening may have been formerly located on this parcel. There may have been a visible tunnel abutment or wall extending above-ground located on Parcel 35173.0996 to at least 1995-1997, when the Site was developed by the former owner (Mark Leonard). The tunnel opening can currently be viewed on the west side of the newer Trent Avenue re-alignment. Boring SB2 completed on the western portion of this parcel revealed a buried concrete surface, possibly a portion of the upper surface of the relic underground tunnel.

Parcel 35173.0120 - This parcel includes the Schade Brewery building and improvements. The historical evidence suggests the Schade Brewery property was developed in approximately 1903 and was used at various times until the 1950's as a beer and soda brewing/bottling plant. An interim use as a packing plant and homeless shelter is suggested from 1918 to 1933.

The Site and northern adjacent property was purchased in approximately 1957 by Mr. Sam Rykus, who operated the Inland Metals salvage business. The Inland Metals property originally included the Schade Brewery Parcel 35173.1020 and portions of Parcels 35173.0122 and 35173.0122 (eastern Site area). It appears that a majority of the actual salvage operations (e.g., general material dismantling, automobile crushing, material storage, etc.) was conducted on the northern adjacent parcel (now a commercial office building with other improvements) and eastern Site Parcels 35173.0122 and 35173.0122. It is reported that the Schade Brewery building and parcel was used for the storage and sale of salvaged metals and other materials from the Inland Metals operations.

The Schade Brewery parcel was sold to Mr. Louis Ray on or about 1977 following segregation from the parent Inland Metals property. The Schade Brewery property is recorded with Parcel 35173.0114 at that point-in-time, and constituted a similar, but slightly different area than the current delineation of Parcel 35173.0120 (e.g., the parcel at that point-in-time included only the southern 7.5 ft. of the alley, which was a railroad side track serving the building). Mr. Ray is reported to have intended to restore the building for use as an antique store. However, Mr. Ray appears to have used the Schade Brewery building for the storage and sale of recovered demolition and salvaged materials from his building demolition business.

The Schade Brewery building and parcel was sold to Louis and Gailya Bonzon by Mr. Ray in approximately 1991 (identified as Parcel 35173.0114). The building was reported to have undergone first floor renovations and use as an antique and carpet store. The Bonzon's (and/or Mr. Ray) agreed to a lot line adjustment of 35173.0014 with the northern and eastern adjacent land owner - Mr. Brian Whitfield in the 1991 to 1994 time-frame. Mr. Whitfield had purchased the older Inland Metals parcels (identified as that point-in-time as 35174.0108 and 35173.0115) in 1986. The former parcel identification of 35173.0115 includes portions of the current Site parcels (see review of Parcels 35173.0122 and 35174.0124 below). This 1994 lot line adjustment affected portions of the current delineation and boundary of the Site Parcel 35173.0120 (Schade Brewery building and land) and associated, eastern adjacent Site Parcel 35173.0124. Please refer to Figures 2 and 3 for reference.

Aerial photograph images indicate there is very limited evidence of the salvaging or dismantling of materials on the Schade Brewery parcel exterior land surfaces (e.g., within the parcel boundary immediately east of the building footprint). Bulk materials, trucks, and trailers are observed around the Schade Brewery building from 1962 through 1991. However, the railroad side track on the north side of the building appears to have been the subject of extensive loading and unloading of imported salvage and exported salvaged bulk materials. The views indicate that railroad cars were used to deliver materials to the Inland Metals site and/or transport away the materials salvaged by the Inland Metals operations on the northern (non-Site) and eastern (Site) parcels. The aerial photographs depict significant surface debris and waste materials scattered along the length of the railroad side track (now the northern alley for the Schade Brewery building and parcel (35173.0120).

The Schade Brewery building and parcel was obtained from the Bonzons by Mr. Mark Leonard (aka Schade Tower, LLC and Pro Mark of Washington, Inc.) in approximately 1995. Mr. Leonard also obtained and consolidated other surrounding properties into the Site parcels from approximately 1995 through 2001, including 35173.0906, and portions or all of Site Parcels 35173.0124 and 35173.0122. The actual adjustments, segregations, and dates of these changes are not reported within this narrative. Mr. Leonard initiated improvements to the land and Schade Brewery building within this time frame of 1995 to 2001. The client (American West Bank) provided loans for land purchases and site improvements to Mr. Leonard from approximately 1995 through 2001. American West Bank obtained ownership of the five Site parcels following foreclosure and legal proceedings occurring from 2001 through 2004.

During the legal proceedings, Mr. Leonard used a consultant (Kleinfelder, Inc.) to conduct a *Preliminary Phase II Subsurface Soil Characterization* (Schade Tower, 528 East Trent Avenue, Spokane, Washington, Project No. 60-2164.01, August 6, 2001) on Site Parcel 35173.0120. The Phase II report identified various contaminants of concern associated with the Schade Brewery land, including areas in the northern alley and eastern unimproved land portions. Based on the findings of this Phase II environmental assessment, the client (American West Bank) contracted SLR to conduct independent remedial investigation and cleanup actions on their behalf for the Schade Brewery property and other four Site parcels; the subject area for this report.

Parcel 35173.0124, 35173.0122, and 35174.0556 - The two eastern Site Parcels 35173.0122 and 35173.0124 include portions of the former Inland Metals parcel (35173.0115) owned and operated by Mr. Sam Rykus from approximately 1957 to 1986. These Site parcels were used for the dismantling, salvaging, and storage of materials, including a car crushing machine. Portions of these two Site parcels were the subject of the remedial investigation and cleanup of the Inland Metals hazardous waste site conducted by a later owner - Mr. Brian Whitfield. Figure 3 provides a plan view of the former Inland Metals property (former Parcel 35173.0115) and boundary in relationship to the current Site boundary discussed within this report.

Mr. Whitfield appears to have obtained ownership of the former Inland Metals Parcel 35173.0115 in approximately 1986 through tax foreclosure proceedings with Spokane County and/or directly from Mr. Rykus. As noted for Site Parcel 35173.0120 (Schade Brewery building and land), the 1994 lot line adjustment between Bonzon/Ray and Whitfield also changed the northern boundary of the current Site parcel delineation and identification for 35173.0124.

The Site Parcel 35173.0122 currently includes portions of a former railroad side track located along the Spokane River bank, identified as former Great Northern Pacific Railroad. This land appears to have been obtained by Mr. Whitfield after 1992 (post-Inland Metals independent remedial actions), and was included into the parcel designation for 35173.0122. Parcel 35173.0122 also includes portions of the vacated Hatch Street right-of-way on the eastern parcel boundary.

There is little to report on any known land uses associated with the eastern-most Site Parcel 35174.0556 based on the limited records review conducted by SLR. This parcel was not a part of and does not appear to have been associated with the former Inland Metals Parcel 35173.0115 land uses by Mr. Rykus or independent remedial actions conducted by Mr. Whitfield. However, this parcel appears to have been associated with the former Great Northern Pacific Railroad side track along the Spokane River, which was obtained and merged by Mr. Whitfield after 1992.

In summary, the five Site parcels have a significant history of legal segregations, lot line adjustments, and ownership changes in the past 25 years. The historical evidence suggests the Schade Brewery building and parcel was developed in approximately 1903 and was used at various times until the 1950's as a beer and soda brewing/bottling plant. An interim use as a packing plant and homeless shelter is suggested from 1918 to 1933. Portions of the Site and northern adjacent property was purchased in approximately 1957 by Mr. Sam Rykus, who operated the Inland Metals salvage business. It appears a majority of the actual salvage operations (e.g., general material dismantling, automobile crushing, material storage, etc.) was conducted on the northern adjacent parcel (now a commercial office building with other improvements) and eastern Site parcels. It is reported that the Schade Brewery building and parcel was used for the storage and sale of salvaged metals and other materials from the Inland Metals operations. The eastern Site parcel includes portions of a former railroad side track located along the Spokane River bank, identified as former Great Northern Pacific Railroad, and also includes portions of the vacated Hatch Street right-of-way.

2.0 SITE CONTAMINANT CHARACTERIZATION

2.1 Contaminants of Concern

Historical documentation indicated that diesel and heavy oil range petroleum hydrocarbons or organics, polychlorinated biphenyls, non-carcinogenic and carcinogenic polynuclear aromatic hydrocarbons, and five total metals (arsenic, cadmium, chromium, lead, and mercury) were to be investigated for their nature and extent in soils across the Site. These contaminants of concern (COCs) were approved by the WDOE.

2.2 Soil Cleanup Levels

A necessary part of the Schade Brewery independent remedial action effort is the selection and establishment of appropriate cleanup standards for potential COCs in affected soil. As provided in MTCA 173-340-700 WAC, appropriate cleanup standards are to be identified for particular substances at a site and the specific areas or pathways, such as land or water, where humans and the environment can become exposed to these substances. In addition, these standards are established by WDOE to protect human health and the environment for current and potential site and resource use. The remedial investigation was designed to provide specific information to meet these soil cleanup criteria.

Selection of appropriate and applicable cleanup standards was based on the MTCA standards in effect at the start and completion of the actual remedial cleanup actions in the areas identified with COCs. At the time of the remedial investigation the MTCA standards established on August 15, 2001 were applied for establishing COC cleanup standards and related requirements.

The WDOE has determined that residential land use is generally the site use requiring the most protective cleanup levels and that exposure to hazardous substances under residential land use conditions represents the reasonable maximum exposure scenario. Method A cleanup standards are those defined in the MTCA as applicable to sites where the cleanup action can be considered routine and/or relatively few contaminants are involved.

Of the three allowable cleanup standards (Methods A, B and C), Method A soil cleanup levels are typically conservative, but are only available for a limited number of contaminants. As the Site is considered a commercial-use property (although zoned industrial), the Method A Soil Cleanup Levels for Unrestricted Land Uses (Table 740-1, Section WAC 173-340-740) were used for specific COCs. Table 1 provides a review of the Method A - Soil Cleanup Levels for Unrestricted Land Uses applicable to these independent remedial actions.

2.3 Prior Environmental Studies

The Inland Metals portion of the Site has been the subject of regulatory compliance assessment and review by both the WDOE and U.S. Environmental Protection Agency (USEPA). The environmental impacts from historical Inland Metals operations from approximately 1957 through 1986 became the subject of various independent remedial actions by prior land owners and regulatory review processes.

The Inland Metals site was placed on the WDOE Hazardous Sites List in March 1991 with a ranking of 2. A prior owner completed remedial excavations and building demolition activities on the former Inland Metals site from 1991 through 1992. The WDOE issued a NFA determination on October 23, 1992 for the Inland Metals site, including the land associated with portions of the Site parcels.

The USEPA also conducted a "Superfund" site investigation of the former Inland Metals site under authority of CERCLA in 1995. The USEPA correspondence dated March 31, 1995 to a prior owner indicates they did not anticipate further investigation by this federal agency (no further action).

The most recent, prior owner of the property, Mr. Mark Leonard, conducted independent remedial actions on the Schade Brewery Parcel 35173.0120 in 2001. Kleinfelder, completed a series of nine (9) test pits and three (3) exploratory borings on the Schade Brewery Parcel 35173.0120. Kleinfelder identified elevated levels of DRO and heavy oil range organics, PCBs, cPAHs, arsenic, cadmium, and lead above Method A Soil Cleanup Levels for

Unrestricted Land Uses within the test pit samples. There were no reported COCs above the laboratory method reporting limits or current MTCA cleanup levels in any of the three exploratory borings soil samples. The analytical results for the Kleinfelder soil sample program is provided in Table 2.

2.4 SLR Remedial Investigation

SLR was retained by the Client to conduct and document a remedial investigation completed for the Schade Brewery property in the early part of 2004. Figure 3 provides a plan view of the former Inland Metals Property and Schade Brewery Investigation Area. The independent remedial actions were completed pursuant to Washington Department of Ecology (WDOE) rules defined in the MTCA. The independent remedial actions were summarized in the May 2004 *SLR Remedial Investigation* report and submitted to the WDOE under the VCP.

The SLR subsurface exploration program consisted of an "area-wide" subsurface soil sampling and analysis program that began in February 2004. SLR personnel conducted a subsurface testpit exploration program on April 20, March 3, and March 23 and April 20, 2004. Test Pits TP1 through TP3 were completed on the eastern portion of the Schade Brewery Parcel 35173.0120 near the parcel boundary line with 35173.0124; test pits TP4 through TP7 were completed on the eastern Parcel 35173.1022, east of the former Inland Metals portion of the Site and within the former Great Northern Pacific Railroad land and vacated Hatch Street right-of-way; and TP8 through TP12 were completed on the former Inland Metals Parcels 35173.0124 and the northwest corner of 35173.0122. The exploratory borings were completed on February 24, 2004. The seven exploratory boring designations were as follows: B1 through B7. Figure 4 provides a plan view of the SLR Remedial Investigation exploratory boring and test pit locations.

The following is a summary of the tables and figures representing the laboratory results for the SLR Remedial Investigation soil samples and areal extent of the investigated COCs.

Tables

Table	Sample Matrix
3	Total Petroleum Hydrocarbon Soil Sample Results
4	Total Metals and PCBs Soil Sample Results
5	Polynuclear Aromatic Hydrocarbon Soil Sample Results
6	Statistical Data and Cleanup Standard Summary

Figures

Figure	Sample Matrix
5	Petroleum Hydrocarbon Affected Soil
6	Total Metals Affected Soil
7	PCB Affected Soil
8	cPAH Affected Soil

The following is a review of the soil sample analytical results, statistical summary, and general contaminant conditions observed from the SLR Remedial Investigation program:

- Petroleum Hydrocarbons - In general, the majority of the Site does not appear to be affected with petroleum hydrocarbon contamination above the MTCA cleanup level, and where it does exceed the criteria appears to be centralized in the area noted in the afore-mentioned Kleinfelder findings. For DRO, one sample is reported as 2x the Method A cleanup level and therefore out-of-compliance for this COC under the conditions established in MTCA Section 173-340-740(7)(e). Two samples are reported as 2x the Method A cleanup level for Heavy Oil range TPH and therefore out-of-compliance for this COC under the conditions established in MTCA Section 173-340-740(7)(e). In general, the residual petroleum hydrocarbon affected soil is located along the northwest corner of the Schade Building and northern alley.

- Arsenic - The one-sided 95% UCL for arsenic concentrations was calculated as 2.0725 mg/kg. The true mean arsenic contamination is below the MTCA Method A cleanup level established for the Site. There are no samples reported greater than 2x or more than 10% above the the Method A cleanup level. Based on this review the arsenic concentrations are within compliance for this COC under the conditions established in MTCA Section 173-340-740(7)(e).
- Cadmium- Four samples are reported as 2x the Method A cleanup level for cadmium and therefore out-of-compliance for this COC under the conditions established in MTCA Section 173-340-740(7)(e).
- Chromium - The one-sided 95% UCL for chromium concentrations was calculated as 16.829 mg/kg. The true mean chromium site contamination is below the MTCA Method A cleanup level established for the Site. There are no samples reported greater than 2x or more than 10% above the Method A cleanup level. Based on this review the chromium concentrations are within compliance for this COC under the conditions established in MTCA Section 173-340-740(7)(e).
- Lead - The one-sided 95% UCL for lead concentrations was calculated as 452.98 mg/kg. The true mean lead site contamination is above the MTCA Method A cleanup level established for the Site. In addition, four samples are reported as 2x and more than 10% of the samples were greater than the Method A cleanup level for lead and therefore out-of-compliance for this COC under the conditions established in MTCA Section 173-340-740(7)(e).
- Mercury - The one-sided 95% UCL for mercury concentrations was calculated as 0.453 mg/kg. The true mean mercury site contamination is below the MTCA Method A cleanup level established for the Site. There are no samples reported greater than 2x or more than 10% above the Method A cleanup level. Based on this review the mercury concentrations are within compliance for this COC under the conditions established in MTCA Section 173-340-740(7)(e).
- In general, the residual total metals affected soil is located on the east side of the Schade Brewery building, in the northern alley, within the northeast portion of the Site, and the southeastern portion of the Site.
- PCBs - The one-sided 95% UCL for PCB concentrations was calculated as 2.187 mg/kg. The true mean PCB site contamination is above or greater than the MTCA Method A cleanup level established for the Site. There are also three samples reported greater than 2x the Method A cleanup level. Based on this review the PCB concentrations are out-of-compliance for this COC under the conditions established in MTCA Section 173-340-740(7)(e). In general, the residual PCB affected soil is located in the western portion of the northern alley, within the northeast portion of the Site, and the southeastern portion of the Site.
- cPAHs - The true mean total cPAH site contamination is above or greater than the MTCA Method A cleanup level established for the Site. There are also twenty-one samples reported greater than 2x and 70.7% of the samples greater than the Method A cleanup level. Based on this review the total cPAH concentrations are out-of-compliance for this COC under the conditions established in MTCA Section 173-340-740(7)(e). In addition, individual cPAH concentrations are generally above the MTCA Method B cleanup levels as provided in the CLARC Version 3.1 Formula Value Tables. There was no statistical summary prepared for the individual cPAH constituents. In general, the whole Site property is affected with residual cPAH affected soils and fill materials.

The Remedial Investigation has identified residual contaminant affected soils on the Site, with DRO, Heavy Oil range TPH, cadmium, lead, PCBs, and cPAHs as the primary COCs above the MTCA cleanup levels. In the professional opinion of SLR, these contaminant conditions reflect a potential threat to human health and the environment and require additional independent remedial actions to mitigate, reduce, and/or remove the risks.

2.5 Sources of Residual Contaminants

The contaminant sources appear to have been the primary result of on-Site land uses, including former Inland Metals operations. The dismantling of metals-built equipment and materials, the decommissioning of electrical transformers and other electrical components, the crushing of automobiles and other large metal objects, general salvage and metal scrapping operations, burning of waste materials, the oiling of unimproved soil or gravel surfaces for dust suppression using either generated or imported waste oils are implicated as potential sources. Lead and cadmium paint debris may be suspected as potential contaminants from metal and other material coatings generated with the salvage operations. Railroad operations on the former railroad right-of-way located on the northern portion of Parcel 35173.0122 may have also contributed to petroleum hydrocarbon, total metals, and PAH contamination.

Other off-Site sources may also have contributed to these conditions, either from nearby air emissions, soil fate and transport mechanisms, or other historical land uses in the general area. No attempt was made to identify or characterize any potential off-Site contaminants sources that could have contributed to on-Site conditions.

3.0 PROPOSED CLEANUP ALTERNATIVES

The proposed cleanup alternatives include: 1) Engineering controls to create a protective impervious cover (isolation and containment) and provide storm water management to mitigate the threat to human health and the environment, 2) Volume reduction and off-site disposal for excess contaminated soils requiring removal during site development, as necessary, 3) Institutional controls to limit or prohibit activities that may interfere with the integrity of the cleanup action, or result in exposure of hazardous substances, and 4) Natural attenuation / intrinsic bio-degradation.

3.1 Regulatory Compliance Standards

The selection of appropriate cleanup actions must consider cleanup standards and technologies which protect human health and the environment by eliminating, reducing, or otherwise controlling risks posed through each exposure pathway and migration route. The number and types of alternatives to be evaluated must take into account the characteristics and complexity of the facility. The evaluation of cleanup alternatives also recognizes the need for a phased approach to reduce the number of potential remedies and allowing for better-informed decisions.

The WDOE has established various thresholds and other basic requirements pertaining to cleanup actions, which are as follows:

- Protect human health and the environment
- Comply with cleanup standards
- Comply with applicable and relevant state and federal laws
- Provide for compliance monitoring
- Use permanent solutions to the maximum extent practical
- Provide for a reasonable restoration time frame
- Consider public concerns, if applicable to the project status and conditions

When selecting a cleanup action, preference must be given to permanent solutions to the maximum extent practical. A permanent solution is one in which cleanup standards can be met without further action being required, other than the approved disposal of residue from preferred treatment technologies. The WDOE does recognize that permanent solutions may not be practical for all sites. The proposed cleanup action must satisfy the permanent solution criteria outlined in Chapter 173-340-360(d), which are as follows:

- Protection of human health and the environment
- Long-term effectiveness
- Short-term effectiveness
- Permanent reduction of toxicity, mobility, and volume
- Implementation
- Cost

The cleanup action selected shall also provide for a reasonable restoration time frame. The factors to be considered when establishing a reasonable restoration time frame include:

- Potential risks posed to human health and the environment
- Practicability of achieving a shorter restoration time frame
- Current site and surrounding area use
- Potential future site and surrounding area use
- Availability of alternative water supplies, as applicable
- Effectiveness and reliability of institutional controls
- Ability to control and monitor migration of hazardous substances
- Toxicity of the hazardous substances remaining at the site
- Natural attenuation and bio-degradation

The cleanup of contaminant-affected sites shall be conducted using technologies which minimize the amount of untreated hazardous substances remaining at a site. The WDOE has established a scale of preference for cleanup technologies, which is as follows in descending order:

- Reuse or recycling
- Destruction or detoxification
- Separation or volume reduction
- Immobilization of hazardous substances
- On-site or off-site disposal
- Isolation or containment
- Institutional controls and monitoring

A combination of technologies are often utilized, with preference given to the use of higher listed alternatives. The MTCA technology selection process makes it more difficult to select a cleanup action with a low preference without explanation of why technologies above have not been used. WDOE does expect that lower options will be appropriate for some sites. In consideration of the MTCA standards and preferences regarding cleanup technology selection (Chapter 173-340-360 WAC), an evaluation of proposed soil cleanup technologies was performed. The final cleanup technologies to be implemented towards the goals of reaching site closure were assessed using the permanent solution criteria and a reasonable restoration time-frame as a key consideration.

3.2 Proposed Cleanup Alternatives

The following section defines the cleanup action alternatives and technologies to be implemented at the Site to reduce any potential threats to human health and the environment.

3.2.1 Engineering Controls - Isolation and Containment

The pending improvements to the Schade Brewery ground surfaces over the alley and eastern portions of the Site include an asphalt paving and storm water management system designed by Taylor Engineering, Inc. of Spokane, Washington. This impervious surface will prevent outdoor human exposure pathways, surface water (precipitation) infiltration through the affected areas, and potential vertical/horizontal migration of any residual COCs to the underlying native soil, fill materials, ground water, and Spokane River. The storm water management system is integrated into the plan to collect and move precipitation to an off-site source.

The City of Spokane Planning Services is responsible for the permitting processes and enforcement of the Shoreline Management Act along the Spokane River. The Shoreline Management Act governs with specific land use development standards and requirements. The Act has established setback limits and conditions for specific categories of development, including buildings, parking areas, landscaping, and other improvements. Because the nature and extent of COCs on the Site lie within this shoreline management zone, a Shoreline Conditional Use Permit and Shoreline Variance Application were submitted to the City of Spokane Planning Services and Hearing Examiner. The request for various was to allow the design and future construction of the impervious surface cap and storm water management system required under the MTCA cleanup standards. Copies of the request letters submitted by Client representatives to the City of Spokane are attached in Appendix A.

The variance request was reviewed by the City of Spokane Planning Services and Hearing Examiner. A decision to allow the development for MTCA remedial activities was approved under Hearing Examiner File No. Z980061SL/VA. A copy of the approval letter is attached in Appendix A.

Taylor Engineering, Inc. (Taylor) prepared a Preliminary Grading and Drainage Plan for the Schade Brewery Property. The design was prepared based on City of Spokane, Spokane County, and State of Washington codes and guidance outlined in various rules and Shoreline Management Act criteria. The Taylor report attached in Appendix B details the regulatory requirements and design elements. The report also includes plans for the eastern site development including the storm water basins, grading and drainage, parking area layout, and structure details.

The storm water planning included the collection of all impervious surface drainage into three (3) lined storm water bio-filtration swales. Catch basins in the lined swales are connected to storm drain piping, and the overflow is disposed of via off-site connection to an existing City of Spokane storm drain located in Trent Avenue. These Site improvements will be maintained to prevent potential human and biota exposure pathways, the infiltration of storm waters and migration of contaminants, and be protected by institutional controls, as discussed below.

A construction storm water pollution prevention plan will also be required during site development of the parking and storm water management system. The construction storm water pollution prevention plan will be prepared and implemented by the contractor to prevent migration of contaminated soil to surrounding areas, impacts to the Spokane River, and exposure risks to on and off-site workers and the public-at-large. Specific best management practices will be implemented for construction activities required under State of Washington legislative acts (RCW 90.52 and 90.48) and administrative codes (Chapter 173-200 WAC, 173-201a WAC, and 712-204) and defined in the *Storm water Management Plan for Eastern Washington* (Final Draft, June 2003, Publication No. 03-10-038A).

All currently planned and future site development activities will require health and safety planning and controls for construction workers according to Washington State Department of Labor and Industries (WDLI) codes and guidance requirements as defined in occupational safety and health administrative codes (Chapter 296-62 WAC and 296-800 WAC). The Site construction workers will be trained as Hazardous Waste Workers and operate under a site-specific Health and Safety Plan.

Dust control is also an important part of the construction and storm water management practices, and will be used to limit fugitive emissions from the Site. Other best management practices will be planned and implemented according to local Spokane County Air Pollution Control Authority and State of Washington codes and requirements.

3.2.2 Volume Reduction and Off-Site Disposal

The planned site development activities under the Preliminary Grading and Drainage Plan was discussed with Taylor engineering personnel. Based on the cut and fill calculations performed by Taylor, they estimated an approximate "net cut" of 480 cubic yards of soil to finish grade. However, Taylor reported that this volume is not the amount of material that needs to be removed from the site. The final grading calculation includes imported crushed rock, fill, and asphalt quantities and indicates that off-site disposal of Site soils will not necessarily be required. According to Taylor, they estimate that 650 cubic yards of imported material will be required to allow parking lot and storm water swale development. A copy of the Taylor computation and memorandum on the subject is attached in Appendix B.

If the final grading requires excavation of any on-site contaminated soils, then the construction will include the removal and off-site treatment/disposal of original soils in areas impacted by construction, as needed. This process reduces the volume of residual affected soils and limits potential human health and environment exposure scenarios, limits or removes fate and transport mechanisms, and provides for off-site management under regulatory controls and permitting processes.

The preliminary plan for any off-site disposal is to manage the wastes through Waste Management, Inc. acceptance and permitting requirements. While a majority of the Site contaminants consists of cPAHs, special disposal options will be required for PCB affected areas. A waste profile program will be implemented to designate the generated wastes according to the WDOE *Dangerous Waste Regulations* (Chapter 173-303 WAC). Waste Management, Inc. requirements for waste acceptance and material profiling will also be followed to ensure proper disposal at an appropriate, WDOE-approved facility according to waste characterization and permit guidelines.

3.2.3 Institutional Controls

Institutional controls are measures taken to limit or prohibit activities that may interfere with the integrity of the cleanup action, or result in exposure of hazardous substances at a contaminated site. Such measures are required to assure both the continued protection of human health and the environment and the integrity of the cleanup actions. Contaminant affected soils remain at the Schade Brewery above MTCA cleanup standards. Hence, in the professional opinion of SLR, institutional controls are required to comply with regulatory conditions.

The Site historically has been and will continue to be used solely for commercial purposes as defined in MTCA. The general public will continue to be unrestricted, but access to the Site is on a short-term basis for occupants or visitors. Site workers would be considered the greatest-at-risk human category, and may be considered the most likely to be exposed under any actual exposure scenarios during site development and construction. The site development health and safety planning and implementation will be used to prevent site worker exposure.

Food is not grown or raised on the Site and will not in the future. The Site is not proximal to residential areas. Limited potential exists for transport of residual contamination to off-Site areas. Since Site contamination is below the ground surface and relatively immobile, no or very limited potential exists for adverse effects on vegetation and wildlife (please see Section 4.3.3 for additional discussion). There is little likelihood that these factors will change in the foreseeable future and thus no long-term human exposure pathways via Site soils or ground water as defined in WAC 173-340-745 will be present.

In addition to current and future commercial Site uses, a formal deed restriction process will be completed. A Restrictive Covenant will be recorded with the register of the deeds for Spokane County on the five (5) Site tax parcels and be binding on the owner's successors and assigns. The Restrictive Covenant will be discussed and implemented in cooperation with the WDOE and state's Attorney General. A copy of a WDOE Model Restrictive Covenant is provided in Appendix C.

3.2.4 Natural Attenuation

In the opinion of SLR, the potential for exposure to Site contaminants will be minimal following site development, and will decrease in the future as the semi-volatile PAH, PCB, and diesel/heavy oil compounds in soil will naturally attenuate through the processes of dispersion, diffusion, sorption, volatilization, and intrinsic biodegradation. These processes operate together to naturally reduce these semi-volatile contaminant concentrations in the soils, and to degrade the contaminants into less harmful forms. Many of these processes are at least partially dependent upon the native soil, geology, and imported fill characteristics, as discussed below:

- *Dispersion and Diffusion*

Dispersion results from velocity variations in fluids moving in a porous medium through different pores at different rates, causing a gradual divergence and dilution of contaminants. Little information is available regarding the dispersion rate of diesel, heavy oil and PAH hydrocarbons in Site soils. Diffusion is the process of contaminants moving from areas of high concentration to low concentration, again with the corresponding reduction in contaminant concentration. As with dispersion, little information is available regarding the actual diffusion rates of the semi-volatile COCs in Site soils. The porosity of the various native soil, fractured and loose basalt material, and mixed fill mixtures at the Site is opined to be commonly medium to high, and comparable with other types of coarse-textured alluvial or glaciofluvial sediments typically found within the Spokane Valley.

Although the intrinsic permeability, cross-bedding, and layer variability of the materials may be low to moderate depending on depositional and man-influenced characteristics, etc. It may be reasonable to presume that the dispersion/diffusion of semi-volatiles and PCBs from the Site sources will be low or minimal based on the planned engineering controls to limit storm water infiltration and prevent contaminant migration. It is not anticipated that total metals contaminants will be affected by dispersion/diffusion factors.

- *Sorption*

Sorption is the process by which contaminant mobility is reduced resulting from adsorption onto the soil matrix. As with dispersion and diffusion, little information is available regarding the sorption characteristics of specific COCs in Site soils. However, in general there is an inverse relationship between soil moisture content and the amount of semi-volatiles, metals, and PCBs adsorbed to the soil matrix. The greater the soil water content, the less hydrocarbon is adsorbed. As the site is to undergo improvements with asphalt paving and storm water controls, it is reasonable to presume that COCs have already and will continue to be adsorbed by soils. Over the years much of the COCs will have been adsorbed into the unsaturated soil zone. For the most part, these COCs are thus immobilized and do not constitute a potential exposure pathway.

- *Volatilization*

The age and original composition of the semi-volatile, PCB, and metal COCs would indicate that volatilization will not be a significant physical factor in reducing contaminant concentrations, and that these COCs may remain in the pore spaces of the underlying soils for some period. However, this factor will also prevent migration from the Site for extended periods in combination with the engineering controls.

- *Intrinsic Biodegradation*

Intrinsic biodegradation refers to the natural attenuation of contaminants into harmless byproducts by naturally-occurring microorganisms in soil and groundwater. Several factors must be present in Site soils for successful intrinsic biodegradation including appropriate microbial populations, a source of carbon, nutrients for bacterial growth such as nitrogen, phosphorous, potassium, etc., and appropriate environmental conditions such as pH, temperature, and water salinity. Microbes able to degrade petroleum products are generally ubiquitous in the subsurface environment and can be expected to be present at the facility. Further, the presence of mild soil temperatures, organic carbon, neutral water pH and salinity provide optimum conditions for intrinsic biodegradation of spilled hydrocarbons in Site soils.

The potential for soil biological activity, and thus the potential for aerobic and/or anaerobic biodegradation of Site COCs, is anticipated to be low to moderate in the Site soils. These soils are low to medium in organic carbon, have a high porosity (35-50%), a relatively moderate to high permeability, have a moderate cation exchange capacity and base saturation, and neutral pH. However, the biological activity is anticipated to decrease with depth, and increased soil moisture.

The potential for exposure to Site contaminants will be minimized following site development. Natural attenuation processes are not anticipated to be significant given the physical and chemical characteristics of the semi-volatile PAH, PCB, and diesel/heavy oil COCs in the soil. However, the protective cover, storm water, and institutional controls will allow natural attenuation and intrinsic bio-degradation to be preserved and continued. These processes are not anticipated to reduce the total metals concentrations, but biological activity and sorption will assist in binding the contaminants within the soil and geologic matrix and limit mobility.

Based on the existing and continued Site operating conditions, these attenuation processes will continue to reduce any remaining threat to human health or the environment. As the facility is primarily designed and intended for commercial uses, no complete exposure pathways have been identified for human exposure or ground water impacts.

4.0 CLEANUP TECHNOLOGY REVIEW

4.1 Review of the Recommended Permanent Solutions

The proposed strategy is consistent with WDOE expectations provided in WAC 173-340-360. A determination that a cleanup action satisfies the requirement to use permanent solutions to the maximum extent practical is based upon several criteria. The cleanup action alternative:

- Minimizes present and future fate and transport mechanisms within the environment.
- Provide for a net reduction in the amount of affected soil released from the historical source area.
- Do not rely on solely on dispersion or dilution.
- Relies on a technically feasible alternative, in addition to institutional controls.

The selected cleanup action alternatives provide for a reasonable and practical overall protectiveness of human health and the environment. Risks have been reduced for both on-site and off-site factors. Residual affected soil will continue to be affected by natural attenuation and bio-degradation processes.

Restrictions on Site use and institutional controls will provide for protection of the natural petroleum degradation processes, and require no further actions. Restrictive covenants will provide protection of the Site use practices. The cleanup action alternative provides for a permanent reduction in the degree of risk at the Site. This cleanup action alternative is reasonable given the limited human health exposure and environmental fate and transport factors attributed to the residual contaminants.

4.2 Restoration Time Frame

The restoration time frame is dependent on the relatively stable, but immobile COCs. Although natural attenuation and intrinsic bio-remediation practices are inherently longer-term solutions for cleanup actions, significant reductions in Site human health and environment exposure scenarios will be realized from implementation of the engineering controls. Institutional controls will provide for long-term protection of the recommended cleanup action alternatives. The practicality of a shorter time period for the residual affected soil zone is limited given the Site structural improvements, and areal extent and location of the residual affected soil zone, and cost-prohibitive alternatives. There appears to be no net benefit to a quicker restoration timeframe through consideration of additional, alternative cleanup technologies. There is also no net gain with a quicker restoration time frame when considering the limited risk to human health and the environment from the residual contaminants through exposure, fate and transport mechanisms, threat to ground water, etc.

4.3 Receptors and Exposure Pathways

The following section presents a review of the potential human, biota, and environmental receptors and the use and impacts of the cleanup action alternatives to be implemented at the Site to limit these mechanisms for exposure.

4.3.1 Ground Water and Local Water Wells

The local area is located above the Spokane Aquifer. The Spokane Aquifer is the only significant source of potable water in the Spokane area, thus it has been designated as a "Sole Source Aquifer" by the U.S. Environmental Protection Agency. The aquifer underlies an area of approximately 135 square miles in the Spokane Valley. The aquifer thickness varies from a few feet to 500 feet or more. The Spokane Aquifer is noted in references (*The Spokane Aquifer, Washington: It's Geologic Origin and Water-Bearing and Water-Quality Characteristics*, U.S.G.S. Water Supply Paper 2265, 1988) as associated with the surface of the Spokane River at approximately 1960 ft. elevation, approximately 30 to 35 bgs at the Site.

Information on local domestic or consumptive use water wells for the local area were obtained from WDOE public records for the Southwest and Southeast Quarters of Section 17, Township 25 North, Range 43 East, (W.M.). Water well records were reviewed for potential receptors within a one-half (½) mile radius of the Site on the south or western side of the Spokane River within these two quarter sections. There are no reported domestic water well records within the search radius.

Twenty-eight (28) water well records are listed under the Southwest Quarter of Section 17. Forty-four (44) water well records are listed under the Southeast Quarter of Section 17. All the records are for resource protection wells (monitoring wells), exploratory soil borings, and abandonment of monitoring wells associated with nearby geotechnical or environmental soil and ground water investigations, including Gonzaga University Law School, SIRTI (northern adjacent property), Marriott Hotel, and the Spokane Gas Plant hazardous waste site (eastern adjacent property) which is listed under several names, including Browns Building Supply, Burlington Northern, and Gas Plant - Avista. Two (2) water wells are reported under Glacier Park Company are reported for the Southeast Quarter of Section 17, but may actually be monitoring wells or exploratory soil borings as their depths are reported as 17 and 18 ft. bgs and no water table is reported for either subsurface exploration.

The upper water bearing zone in the local area appears to be associated with the Spokane River and aquifer hydrogeologic connection, or with shallow perched water conditions overlying the basalt formations found in the area. The Site is elevated from the Spokane River surface water by approximately 30 ft. and no ground water was encountered in any of the test pits or exploratory soil borings completed on the Site to depth of 12 ft. bgs. There was no evidence obtained from the subsurface exploration that indicated a ground water presence, including wet soils or geologic materials, free water within the voids, or gleyed soil conditions (gray soil matrix or iron mottling) indicating occasional or seasonal saturated conditions. As the remedial investigation was conducted during spring conditions with increased Spokane River water stages, there does not appear to be any indications of ground water in the shallow soil and geologic stratigraphy within at least 12 ft. of the ground surface. A deeper ground water presence is anticipated at a depth exceeding 25 to 20 ft. bgs. within the fractures and fissure of the underlying basalt bedrock.

In general, the ground water reported in the local area south and west of the Spokane River on investigated sites to the north and east of the Site ranges from 8 to 27.4 ft. bgs or was not discovered during the soil boring or monitoring well programs. Many of the geologic descriptions report "fill" materials of varying composition and inert fragments of glass, brick, and concrete. The native soil and geologic materials included silt, sand, and gravel mixtures associated with nearby Spokane River and geologic flood event alluvial sediments. Basalt cobbles, boulders, and bedrock formations are also reported, but at depths (e.g., 30 ft. bgs) greater than those discovered on the Site.

The potential for contaminant migration to the underlying ground water appears to be minimal based on the planned engineering and institutional controls planned for the cleanup action. In general, given the Site hydrogeologic conditions and physical/chemical properties of the COCs there appears to be limited or no quantitative threat to impact the underlying water quality. The properties of the contaminants are relatively stable and generally hydrophobic.

The migration of contaminants from the soil (leaching) to underlying ground water and the adjacent Spokane River are potential exposure pathways for the existing unimproved portion of the Site. Currently, a majority of the storm water in the developed central and western portions of the Site is managed by overland flow to off-site management systems or to a single infiltration swale located in the northwest Site corner adjacent to Trent Avenue.

The unimproved portions include the alleyway on the north side of the Schade Building and the eastern half of the Site from the Schade Building to the Spokane River. Based on the planned engineering and institutional controls, this entire area will be asphalt paved (capped) for isolation and containment and to prevent stormwater infiltration and migration of contaminants. Storm water in the north alley and on the eastern portion of the Site will be collected into lined storm water retention/detention swales for off-site management. This will limit impacts to the underlying contaminant zones and potential migration to the underlying ground water and Spokane River. As noted previously, any sub-grade foundations and storm water collection ponds will require the removal and off-site permitted disposal of the contaminated affected soil beneath and immediately adjacent to these structures.

Landscaped areas within the parking areas or around potential future buildings (required under local and state building and land use codes) will not include irrigation systems and be designed around drought-tolerant species using "zero-scape" techniques.

4.3.2 Direct Exposure Pathways for Soil - Human

The presence of DRO, Heavy Oil range TPH, cadmium, lead, PCBs, and cPAHs in site soils may create exposure or media pathways and mechanisms (points of contact) for humans and the environment through specific contaminant receptors. A quantitative inventory was completed to identify media pathways and current and reasonable future receptors. This limited survey does not include a qualitative risk assessment of the exposure routes (fate and transport mechanisms from source to exposure point) or toxicology related to potential health/environmental concerns. Surface and subsurface soil is identified as the primary media pathway through which the COCs may be transported or contacted. The mechanisms for exposure from the soil exposure pathways for this site may include:

- Inhalation of indoor vapors released from soil
- Inhalation of outdoor vapors or particulates released from soil
- Ingestion of chemicals in soil
- Dermal contact with chemicals in soil

Indoor and outdoor (ambient) air pathways were considered based on the general area-wide soil contamination. Chemicals may volatilize from the soil and diffuse or advect through the soil into foundation/floor cracks (indoor exposure) or outdoor air. Inhalation of particulates may be important where fugitive dust is prominent.

The presence of contaminant affected soil may contribute to potential vapor migration through the vadose zone (unsaturated soil zone) with accumulation beneath structures and release of vapors into building interiors. The primary interior structure receptor includes the existing Schade Brewery building. The building's foundation and bottom or basement floor extends to a depth of 15 to 20 ft. below the surrounding ground surface, and contacts native basalt bedrock in several locations. It is the professional opinion of SLR, that the contaminant affected soils are the result of land use and site activities after the building's construction in approximately 1903. Any contaminant affected soil would be located adjacent to the structure and not found underneath the floor and foundation. The nature of the COCs, including diesel and heavy oil range petroleum hydrocarbons, PAHs, PCBs, and toxic metals, are not anticipated to be mobilize through volatilization, diffusion, and advection factors into the structure's interior spaces. The indoor inhalation pathway may be considered incomplete and not a direct contact pathway.

Outdoor exposure to vapors or particulates, ingestion of chemicals, and dermal contact from contaminant affected soils poses a potential risk for direct exposure primarily for existing conditions (e.g., unpaved, unimproved surfaces) and during future site development activities. Based on the planned engineering and institutional controls to be implemented as part of the cleanup action, these exposure routes will be minimized or reduced for the commercial workers associated with Site business activities and construction workers involved in site development.

Any future (not currently planned) construction activities that include foundation or sub-grade work will include the removal and permitted off-site disposal of affected soil beneath and immediately around the structure or excavation. This may include excavation activities for foundations, sub-grade structures (e.g., basement levels), utilities, stormwater infiltration systems, or general cut and fill grading. In addition, the paving or capping of unimproved portions of the Site will reduce the potential for fugitive dust emissions that create chemical ingestion and dermal contact conditions, and limit outdoor volatilization of chemicals with potential inhalation factors.

All future construction work that involves sub-grade construction activities will require excavation and removal of the affected soil. All sub-grade excavations will be conducted by construction workers trained under 40-Hour Hazardous Waste Worker per state and federal regulations. Site construction activities for future paving, structures, and other development will be attended by dust control to limit fugitive emissions.

4.3.3 Terrestrial Ecological Evaluation

Section 7490 of the most recent MTCA promulgation defines the requirements for a terrestrial ecological evaluation (TEE). The TEE is necessary to determine if a release of hazardous substances may harm plants and/or animals, to identify and characterize the existing or potential threats to the plants and/or animals that may be exposed to COCs in soil, and to establish cleanup standards to protect plants, animals, and soil biota.

The first step in the TEE process is determining if the subject property has the potential to pose a risk to wildlife, plants or soil biota. Certain site circumstances may provide for an exclusion from any further ecological evaluation because the contaminants have no pathway to harm plants, animals or soil biota, there is no habitat for plants or animals live near the contamination, or the contamination does not occur at concentrations higher than is found naturally occurring in the area. If any one of the exclusion criteria is meet, then the TEE process may be ended.

The WDOE *Interactive User's Guide* (<http://ecy.wa.gov/programs/tcp/policies/terrestrial/TEEhome.htm>) was used by SLR to process the TEE evaluation and determine if an "exclusion" was applicable to future Site conditions under the proposed cleanup action plan with engineering and institutional controls. The TEE Primary Exclusions Documentation and VCP TEE Exclusion forms used for this review are attached in Appendix D.

The contaminant analysis under the TEE exclusion process requires the user to determine the present location of the hazardous substance(s) in the soil and any planned future land uses that may affect the location of these substances. The contaminant analysis criteria indicates that no further TEE is required if all soil contaminated with hazardous substances is, or will be, located below the point-of-compliance. Based on the current information available on site contaminant characteristics, the nature of extent of the COCs does not meet the point-of-compliance exclusion requirements because the soil contamination is located between 6 and 15 ft. bgs - within the point-of-compliance and no site-specific point-of-compliance is established for the Site under Section 440 of MTCA.

The second exclusion detail includes an exposure pathway analysis requiring the user to identify physical barriers, including planned future barriers, at the site that will prevent plants or wildlife from being exposed to soil contaminants. The Schade Brewery building and existing paved and parking areas in the central and western Site parcels/portion provide a physical barrier from exposure.

The currently planned engineering controls included asphalt parking and traffic areas over a majority of the existing unimproved surface areas on the Site's eastern parcels or portion. The Taylor Engineering site development plan includes storm water treatment and landscaping zones along the Spokane River within the north alley and eastern portion of the Site, as required by the City of Spokane Shoreline Management Plan and land use permit set-back criteria. The storm water treatment swales will collect precipitation run-off and infiltration/percolation treatment before underground collection and out-flow to the City of Spokane municipal storm water system.

The storm water collection and treatment impoundment will be excavated into the existing COC affected soil. The underlying affected soil removed from the swale excavation will be either be managed on-site with covered containment by moving the material to beneath a paved area to prevent storm water infiltration, or will be excavated and removed for off-site disposal at a permitted land-fill facility, depending on the cut and fill requirements for site development. Additional details on these engineering controls are provided in Section 3.2.1 above.

An institutional control is required to ensure the long-term maintenance of the physical barriers that prevent exposure to soil contamination. The planned cleanup action for Schade Brewery includes the application of a restrictive covenant on the property deed approved by the WDOE (see Section 3.2.3 above) as an institutional control. If the demonstration for exclusion is based on a planned future land use, then a completion date for such development that is acceptable to the WDOE is also required. At the time of this report, the planned future engineering and institutional control actions are to be conducted following purchase of the property by the current prospective purchaser and/or other purchaser acceptable to the client's review and acceptance criteria. Based on the currently available information at the time of this report, the engineering and institutional controls are anticipated to be implemented before July 1, 2005.

The second exclusion criteria - exposure pathway analysis - indicates that no further ecological evaluation is required at the Site. In the professional opinion of SLR, the rationale for the TEE exclusion is valid, because all soil contamination will be covered by buildings, paved roads, pavement, and physical barriers and therefore will not likely pose a threat of exposure to plants or wildlife.

5.0 SUMMARY AND CONCLUSIONS

- SLR conducted a remedial Investigation and reported the results to the WDOE in May 2004. The residual contaminant affected soils included DRO, Heavy Oil range TPH, cadmium, lead, PCBs, and cPAHs as the primary COCs above the MTCA cleanup levels.
- The contaminant sources appear to have been the primary result of on-Site land uses, including former Inland Metals operations. Railroad operations on the former railroad right-of-way located on the northern portion of Site may have also contributed to petroleum hydrocarbon, total metals, and PAH contamination. Other off-Site sources may also have contributed to these conditions, either from nearby air emissions, general fate and transport mechanisms, or other historical land uses in the general area.
- The proposed cleanup alternatives include: 1) Engineering controls to create a protective impervious cover (isolation and containment) and provide storm water management to mitigate the threat to human health and the environment, 2) Volume reduction and off-site disposal for excess contaminated soils requiring removal during site development, as necessary, 3) Institutional controls to limit or prohibit activities that may interfere with the integrity of the cleanup action, or result in exposure of hazardous substances, and 4) Natural attenuation / intrinsic bio-degradation.
- The pending improvements to the Schade Brewery ground surfaces over the alley and eastern portions of the Site include an asphalt paving and storm water management system designed by Taylor Engineering, Inc. of Spokane, Washington. This impervious surface will prevent outdoor human exposure pathways, surface water (precipitation) infiltration through the affected areas, and potential vertical/horizontal migration of any residual COCs to the underlying native soil, fill materials, ground water, and Spokane River.
- The storm water planning included the collection of all impervious surface drainage into three (3) lined storm water bio-filtration swales. Catch basins in the lined swales are connected to storm drain piping, and the overflow is disposed of via off-site connection to an existing City of Spokane storm drain located in Trent Avenue.
- A Shoreline Conditional Use Permit and Shoreline Variance Application were submitted to and approved by the City of Spokane Planning Services and Hearing Examiner. The request for various was to allow the design and future construction of the impervious surface cap and storm water management system required under the MTCA cleanup standards.
- A construction storm water pollution prevention plan will be prepared and implemented by the selected parking and storm water system contractor to prevent migration of contaminated soil to surrounding areas, impacts to the Spokane River, and exposure risks to on and off-site workers and the public-at-large. Specific best management practices will be implemented for construction activities under the current codes and guidance requirements.
- All currently planned and future site development activities will require health and safety planning and controls for construction workers according to Washington State Department of Labor and Industries codes and guidance requirements. Site construction workers will be trained as Hazardous Waste Workers and operate under a site-specific Health and Safety Plan.
- Dust control is also an important part of the construction and storm water management practices, and will be used to limit fugitive emissions from the Site. Other best management practices will be planned and implemented according to local Spokane County Air Pollution Control Authority and State of Washington codes and requirements.
- The Taylor final grading calculation for the parking area and storm water management plan includes imported crushed rock, fill, and asphalt quantities indicates that off-site disposal of Site soils will not necessarily be required. According to Taylor, they estimate that 650 cubic yards of imported material will be required to allow finish grading.

- If the final grading requires excavation of any on-site contaminated soils, then the construction will include the removal and off-site treatment/disposal of original soils in areas impacted by construction, as needed. The preliminary plan for any off-site disposal is to manage the wastes through Waste Management, Inc. acceptance and permitting requirements. A waste profile program will be implemented to designate the generated wastes according to the WDOE *Dangerous Waste Regulations* (Chapter 173-303 WAC).
- Institutional controls are measures taken to limit or prohibit activities that may interfere with the integrity of the cleanup action, or result in exposure of hazardous substances at a contaminated site. Such measures are required to assure both the continued protection of human health and the environment and the integrity of the cleanup actions. A Restrictive Covenant will be recorded with the register of the deeds for Spokane County on the five (5) Site tax parcels and be binding on the owner and successors and assigns.
- The potential for exposure to Site contaminants will be minimized following site development. Natural attenuation processes are not anticipated to be significant given the physical and chemical characteristics of the semi-volatile PAH, PCB, and diesel/heavy oil COCs in the soil. However, the protective cover, storm water, and institutional controls will allow natural attenuation and intrinsic bio-degradation to be preserved and continued. These processes are not anticipated to reduce the total metals concentrations, but biological activity and sorption will assist in binding the contaminants within the soil and geologic matrix and limit mobility.
- The potential for contaminant migration to the underlying ground water appears to be minimal based on the planned engineering and institutional controls planned for the cleanup action. In general, given the Site hydrogeologic conditions and physical/chemical properties of the COCs there appears to be limited or no quantitative threat to impact the underlying water or adjacent surface water quality. The properties of the contaminants are relatively stable and generally hydrophobic. The processes for fate and transport include sorption, advection, dispersion, diffusion, sorption, volatilization and chemical/biological transformation.
- Outdoor exposure to vapors or particulates, ingestion of chemicals, and dermal contact from contaminant affected soils poses a potential risk for direct exposure primarily for existing conditions (e.g., unpaved, unimproved surfaces) and during future site development activities. Based on the planned engineering and institutional controls to be implemented as part of the cleanup action, these exposure routes will be minimized or reduced for the commercial workers associated with Site business activities and construction workers involved in site development.
- The potential for contaminant migration to the underlying ground water appears to be minimal based on the planned engineering and institutional controls planned for the cleanup action. In general, given the Site hydrogeologic conditions and physical/chemical properties of the COCs there appears to be limited or no quantitative threat to impact the underlying water quality. The properties of the contaminants are relatively stable, are generally hydrophobic, and the The processes for fate and transport include sorption, advection, dispersion, diffusion, sorption, volatilization and chemical/biological transformation.
- A TEE is necessary to determine if a release of hazardous substances may harm plants and/or animals, to identify and characterize the existing or potential threats to the plants and/or animals that may be exposed to COCs in soil, and to establish cleanup standards to protect plants, animals, and soil biota. The second exclusion criteria - exposure pathway analysis - indicates that no further ecological evaluation is required at the Site, and hence there is minimal or negligible impacts to plants and/or animals.
- In the professional opinion of SLR, the evidence of immobility of COCs in Site soils, the lack of complete exposure pathways, the pending engineering controls for limiting infiltration and controlling storm water, and institutional controls that guide and restrict future Site uses, the proposed cleanup action plan is considered appropriate for the Schade Brewery.

6.0 REMARKS/SIGNATURES

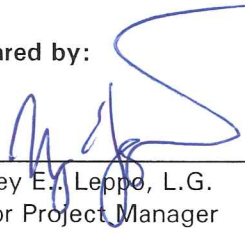
This report has been prepared for the exclusive use of the American West Bank (Client) and the Washington Department of Ecology. Use of this report, its contents, or any part thereof without expressed or written consent from SLR is herewith disallowed. The findings and conclusions are based on the best available information known or made available; obvious, visual inspection and observations of the subject property at the time of the report; analytical results from an independent laboratory, contacts and discussions knowledgeable parties; reasonable interpretation of applicable environmental regulations; and opinions and judgments of SLR.

This report sets forth SLR's findings and conclusions arising from the scope of services agreed to with the Client, and completed pursuant to the agreed schedule and budget. Subject to these limitations, the independent remedial actions and documentation is intended to satisfy the standards of care, skill, and diligence customarily provided by environmental professionals performing similar services at the time the services were performed. All findings are based on readily available and reasonably ascertainable information on site conditions present at the time of the documentation and for the regulatory framework in effect at that time.

The Client acknowledges that SLR has been retained for the sole purpose of assisting the Client in monitoring, documenting, and reporting on the independent remedial actions.

SLR INTERNATIONAL CORP.

Prepared by:



Jeffrey E. Leppo, L.G.
Senior Project Manager

November 23, 2004
Date

TABLES

TABLE 1: MTCA SOIL CLEANUP LEVELS
Schade Brewery

Contaminant of Concern	Method A - Unrestricted Land Uses
Petroleum Hydrocarbons	
Gasoline Range Organics or TPH	100 / 30
Diesel Range Organics or TPH	2,000
Heavy or Lube Oil TPH	2,000
Total Metals	
arsenic	20
cadmium	2
chromium III	2,000
chromium VI	19
lead	250
mercury	2
Other	
polychlorinated biphenyls (C)	1.0
Polynuclear Aromatic Hydrocarbons	
acenaphthene	na
acenaphthylene	na
anthracene	na
benzo (a) anthracene (C)	0.1
benzo (a) pyrene (C)	0.1
benzo (b) fluoranthene (C)	0.1
benzo (ghi) perylene	na
benzo (k) fluoranthene (C)	0.1
chrysene (C)	0.1
dibenzo (a,h) anthracene (C)	0.1
fluoranthene	na
fluorene	na

TABLE 1: MTCA SOIL CLEANUP LEVELS (continued)
Schade Brewery

Contaminant of Concern	Method A - Unrestricted Land Uses
indeno (1,2,3-cd) pyrene (C)	0.1
naphthalene	5
phenanthrene	na
pyrene	na
Total cPAHs (C)	0.1

Notes:

All soil cleanup levels are reported in milligrams per kilogram (mg/kg) or parts per million (ppm)

na - no cleanup level established within MTCA (Adopted August 2001) using Method A Soil Cleanup Levels for Unrestricted Land Uses (Table 740-1)

Gasoline Range Organics - 100 ppm for gasoline mixtures without benzene and the total of ethylbenzene, toluene, and xylenes are less than 1% of the gasoline mixture, 30 ppm for all other gasoline mixtures

C - designated as a carcinogen

cPAHs - carcinogenic polynuclear aromatic hydrocarbons

TABLE 2: Summary of Kleinfelder Soil Sample Analytical Results

Sample No.	Sample Depth (ft.)	arsenic	cadmium	lead	PCBs	DRO	Heavy Oil Organics	
TP-1-12	12		2.9	712				
TP-2-8	8			1,530				
TP-3-13.5	13.5	25	2.1	262		2,600	6,300	
TP-4-12	12			449				
TP-6-9	9		4.6	428			7,770	
TP-7-5	7			262				
TP-8-4	4			270	1,365	4,300	13,000	
TP-8-9	9	38	5.3	841				
TP-9-1	1	20	2	250	1	2,000	2,000	
Method A								
Sample No.	benzo(a)anthracene	chrysene	benzo(b)fluoranthene	benzo(k)fluoranthene	benzo(a)pyrene	indeno(1,2,3-cd)pyrene	dibenzo(a,h)anthracene	Total cPAHs
TP-1-12	1.1	1.4	1.1	1.6	1.5	0.62		7.32
TP-2-8	1.3	1.5	1.2	1	1.2	0.47		6.67
TP-3-13.5	0.42	0.46	0.35	0.38	0.44			2.05
TP-4-12	80	87	70	66	78	24	5.9	410.9
TP-7-5	3.16	5.97	3.1	4.4	3.3	1.34		21.27
TP-8-9	1.7	2.4	1.3	2.6	2.8			10.8
TP-9-1	3.4	3.8	2.6	2.1	2	0.846	0.23	14.976
Method B	0.137	0.137	0.137	0.137	0.137	0.137	0.137	1

Notes:

All results and cleanup levels reported in milligrams per kilogram (mg/kg) or parts per million (ppm)

Only results above MTCA cleanup level are reported for all test pits and exploratory borings

Cleanup levels per MTCA - Model Toxics Control Act, Chapter 173-340 WAC

Method A: Soil Cleanup Levels for Unrestricted Land Uses, MTCA Table 740-1

Method B (Standard): Soil Cleanup Level for Unrestricted Land Use, Direct Contact Pathway (Ingestion Only)

TABLE 3: Schade Brewery Property - Total Petroleum Hydrocarbon Soil Sample Results

Sample No.	Sample Depth (ft.)	HCID-GRO	HCID-DRO	HCID-Heavy Oils	NWTPH - DRO	NWTPH-Heavy Oils
Soil Borings						
SB1-2.5	2.5	ND	ND	ND	na	na
SB1-5	5	ND	ND	ND	na	na
SB1-6.5	6.5	ND	ND	ND	na	na
SB2-2.5	2.5	ND	ND	460	ND	734
SB2-4	4	ND	57	280	na	na
SB3-0.5	0.5	ND	ND	330	ND	425
SB5-2.5	2.5	ND	ND	260	na	na
SB5-3.5	3.5	ND	ND	350	ND	459
SB6-2.5	2.5	ND	ND	200	na	na
SB6-5	5	ND	ND	180	na	na
SB7-2.5	2.5	ND	ND	110	na	na
Test Pits						
TP1-2.5	2.5	ND	ND	ND	na	na
TP1-7.5	7.5	ND	ND	ND	na	na
TP2-3.5	3.5	ND	ND	ND	na	na
TP2-8	8	ND	ND	ND	na	na
TP3-3	3	ND	ND	420	na	na
TP3-7	7	ND	ND	ND	na	na
TP3-10	10	ND	ND	ND	na	na
TP4-2	2	ND	69	240	na	na
TP4-5	5	ND	ND	130	na	na
TP5-2	2	ND	ND	230	na	na
TP5-3.5	3.5	ND	ND	ND	na	na
TP6-2.5	2.5	ND	ND	ND	na	na
TP6-6	6	ND	ND	ND	na	na
TP7-2.5	2.5	ND	63	300	na	na
TP7-5.5	5.5	ND	ND	ND	na	na
TP8-2	2	na	na	na	ND	ND
TP8-7	7	na	na	na	23.3	84.8
TP9-1	1	na	na	na	10.3	45.5
TP10-1	1	na	na	na	14	72.3
TP11-2	2	na	na	na	ND	28.3
TP11-4.5	4.5	na	na	na	70.9	271
MTCA	Method A Unrestricted	0.3	2,000	2,000	2,000	2,000
Notes:						
All results and cleanup levels reported in milligrams per kilogram (mg/kg) or parts per million (ppm)						
MTCA - Model Toxics Control Act, Chapter 173-340 WAC						
Method A Soil Cleanup Levels for Unrestricted Land Uses, MTCA Table 740-1						
ND - not detected above laboratory method reporting limits						
na - not analyzed						
HCID - analysis for hydrocarbon identification by NWTPH-HCID with semi-quantitative report						
NWTPH - analysis for DRO and Heavy Oil semi-volatile petroleum products by NWTPH-DX						
GRO - gasoline range organics						
DRO - diesel range organics						
Heavy Oil - heavy oil range petroleum hydrocarbons						

TABLE 4: Schade Brewery Property - Total Metals and PCBs Soil Sample Results

Sample No.	Sample Depth (ft.)	Arsenic	Cadmium	Chromium	Lead	Mercury	PCBs
Soil Borings							
SB1-2.5	2.5	10.5	0.366	12	112	ND	ND
SB1-5	5	3.93	0.201	16.1	83.3	ND	ND
SB1-6.5	6.5	3.02	ND	74.6 (III)	39	ND	ND
SB2-2.5	2.5	ND	ND	10.2	104	ND	ND
SB2-4	4	2.84	ND	18.8	97.1	ND	ND
SB3-0.5	0.5	ND	ND	7.21	46.4	ND	ND
SB5-2.5	2.5	4.04	0.316	17.4	117	ND	ND
SB5-3.5	3.5	ND	0.278	10.2	62.2	ND	1.04
SB6-2.5	2.5	ND	ND	5.56	24.9	ND	ND
SB6-5	5	ND	ND	5.22	16.5	ND	ND
SB7-2.5	2.5	ND	0.574	9.09	71	ND	ND
Test Pits							
TP1-2.5	2.5	9.97	ND	11.6	10.9	ND	ND
TP1-7.5	7.5	9.57	ND	14.7	78.7	0.14	ND
TP2-3.5	3.5	4.33	ND	11.9	86.9	0.16	ND
TP2-8	8	5.14	ND	16.1	103	ND	ND
TP3-3	3	3.01	ND	11.3	91.6	ND	ND
TP3-7	7	3.79	ND	8.39	10.8	ND	ND
TP3-10	10	2.93	ND	18.2	126	ND	ND
TP4-2	2	8.49	1.97	16	690	1.02	0.562
TP4-5	5	7.33	0.955	20.2	341	0.246	ND
TP5-2	2	6.03	9.37	30.7	2,520	2.47	6.14
TP5-3.5	3.5	ND	ND	16.4	9.31	ND	ND
TP6-2.5	2.5	3.15	0.349	14.4	97.5	0.31	0.224
TP6-6	6	ND	ND	5.62	13.8	ND	ND
TP7-2.5	2.5	32.3	8.91	39	2,200	2.44	3.42
TP7-5.5	5.5	ND	0.872	12.3	144	2.93	0.23
TP8-2	2	8.1	ND	12.1	17.5	ND	ND
TP8-7	7	4.45	0.907	17.6	184	0.278	0.867
TP9-1	1	8.45	0.482	15.5	94.4	0.134	0.205
TP10-1	1	10.2	0.647	19	142	0.152	0.392
TP11-2	2	5.69	ND	21.7	40.7	ND	ND
TP11-4.5	4.5	ND	1.19	28.8	205	0.411	0.166
MTCA	Method A Unrestricted	20	2	19 (VI), 2,000 (III)	250	2	1
Notes:							
All results and cleanup levels reported in milligrams per kilogram (mg/kg) or parts per million (ppm)							
Concentrations shown in bold type indicate exceedance of cleanup level							
MTCA - Model Toxics Control Act, Chapter 173-340 WAC							
Method A Soil Cleanup Levels for Unrestricted Land Uses, MTCA Table 740-1							
ND - not detected above laboratory method reporting limits							
PCBs - polychlorinated biphenyls							
VI - Hexavalent Chromium							
III - Trivalent Chromium							

TABLE 5: Schade Brewery Property - Polynuclear Aromatic Hydrocarbon Soil Sample Results

Sample	Sample Depth	acenaphthene	acenaphthylene	anthracene	benzo (a) anthracene ¹	benzo (a) pyrene ¹	benzo (b) fluoranthene ¹	benzo (ghi) perylene	benzo (k) fluoranthene ¹	chrysene ¹	fluenzo (a,h) anthracene ¹	fluoranthene
Soil Borings												
SB1-2.5	2.5	ND	ND	0.0533	0.04	0.0372	0.033	0.0239	0.0274	0.04	ND	0.0625
SB1-5	5	ND	ND	0.0317	0.0245	0.0231	0.0223	0.0151	0.018	0.0252	ND	0.0353
SB1-6.5	6.5	ND	ND	0.0301	0.0224	0.0196	0.0182	0.0126	0.0154	0.0217	ND	0.0329
SB2-2.5	2.5	ND	ND	0.1	0.1	0.1	ND	ND	ND	0.115	ND	0.158
SB2-4	4	ND	ND	1.81	1.42	1.26	0.992	0.567	0.949	1.29	0.241	2.62
SB3-0.5	0.5	ND	ND	0.0713	0.057	0.0713	ND	ND	ND	0.0713	ND	0.0856
SB5-2.5	2.5	ND	ND	ND	0.0845	0.0986	0.0986	0.113	ND	0.113	ND	0.127
SB5-3.5	3.5	ND	ND	ND	0.085	0.0567	ND	ND	ND	0.0567	ND	0.0567
SB6-2.5	2.5	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SB6-5	5	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SB7-2.5	2.5	ND	ND	0.373	0.337	0.271	0.212	0.117	0.227	0.3	ND	0.534
Test Pits												
TP1-2.5	2.5	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
TP1-7.5	7.5	0.0321	ND	0.299	0.203	0.176	0.119	0.0971	0.116	0.172	0.0381	0.311
TP2-3.5	3.5	0.024	ND	0.307	0.301	0.206	0.191	0.111	0.181	0.25	0.0255	0.414
TP2-8	8	0.0146	ND	0.154	0.124	0.111	0.0811	0.0518	0.0759	0.104	0.027	0.178
TP3-3	3	ND	ND	0.137	0.121	0.167	ND	0.213	ND	0.167	ND	ND
TP3-7	7	ND	ND	0.0835	0.0676	0.0552	0.0393	0.0324	0.0373	0.0607	0.0104	0.0897
TP3-10	10	0.0164	ND	0.219	0.171	0.147	0.108	0.0595	0.103	0.14	0.0305	0.241
TP4-2	2	0.301	ND	1.45	0.851	0.968	1.57	0.235	0.77	1.06	ND	2.41
TP4-5	5	ND	ND	0.164	0.171	0.216	0.424	ND	0.208	0.268	ND	0.438
TP5-2	2	0.229	ND	1.18	0.585	0.671	1.11	ND	0.798	0.79	ND	1.98
TP5-3.5	3.5	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
TP6-2.5	2.5	ND	0.0353	0.146	0.189	0.22	0.176	0.121	0.186	0.182	ND	0.387
TP6-6	6	ND	ND	0.0231	0.258	0.0356	0.0267	ND	0.0338	0.0391	ND	0.0667
TP7-2.5	2.5	ND	0.115	0.575	1.15	1.52	1.19	0.36	1.42	1.64	ND	4.64
TP7-5.5	5.5	0.249	0.0905	0.364	0.336	0.333	0.233	0.132	0.266	0.395	ND	1.28
TP8-2	2	ND	ND	ND	ND	0.0248	0.0124	ND	ND	0.0151	ND	0.0282
TP8-7	7	ND	ND	0.104	0.0576	ND	ND	ND	0.0288	0.0691	ND	0.16
TP9-1	1	ND	ND	0.137	0.122	0.0958	0.0224	ND	0.0783	0.136	ND	0.267
TP10-1	1	ND	ND	0.348	0.248	ND	ND	ND	0.0851	0.316	ND	0.571
TP11-2	2	ND	ND	0.033	0.239	ND	ND	ND	ND	0.0239	ND	0.054
TP11-4.5	4.5	ND	ND	0.285	0.235	ND	ND	ND	ND	0.26	ND	0.503
MTCA	Method A Unrestricted	na	na	na	0.1	0.1	0.1	na	0.1	0.1	0.1	na

TABLE 5: Schade Brewery Property - Polynuclear Aromatic Hydrocarbon Soil Sample Results

Sample	Sample Depth	fluorene	Indeno (1,2,3-cd) pyrene ¹	1-methylnaphthalene	2-methylnaphthalene	naphthalene	phenanthrene	pyrene	Total PAHs	TEF Total PAHs ²
Soil Borings										
SB1-2.5	2.5	ND	0.0211	0.0218	0.0133	0.0199	0.0498	0.0744	0.1987	0.04975
SB1-5	5	ND	0.013	0.0173	0.0108	0.0101	0.0295	0.0447	0.1261	0.03113
SB1-6.5	6.5	ND	0.0112	0.0126	ND	ND	0.0273	0.0393	0.1085	0.02654
SB2-2.5	2.5	ND	ND	ND	ND	ND	ND	0.201	0.315	0.11115
SB2-4	4	ND	0.524	ND	ND	ND	1.7	3.22	6.676	1.7578
SB3-0.5	0.5	ND	ND	ND	ND	ND	0.057	0.128	0.1996	0.07771
SB5-2.5	2.5	ND	0.0845	ND	ND	ND	ND	0.155	0.4792	0.12649
SB5-3.5	3.5	ND	ND	ND	ND	ND	ND	0.085	0.1984	0.06577
SB6-2.5	2.5	ND	ND	ND	ND	ND	ND	0.0575	ND	ND
SB6-5	5	ND	ND	ND	ND	ND	ND	0.0282	ND	ND
SB7-2.5	2.5	ND	0.117	ND	ND	ND	0.344	0.593	1.464	0.3633
Test Pits										
TP1-2.5	2.5	ND	ND	ND	ND	ND	ND	ND	ND	ND
TP1-7.5	7.5	0.0239	0.0881	0.0157	ND	0.0343	0.28	0.424	0.9122	0.24557
TP2-3.5	3.5	0.0165	0.113	ND	0.0105	ND	0.287	0.573	1.2675	0.2973
TP2-8	8	0.0102	0.0518	ND	ND	ND	0.144	0.247	0.5748	0.15612
TP3-3	3	ND	ND	ND	ND	ND	0.121	0.182	0.455	0.18077
TP3-7	7	ND	0.0235	ND	ND	ND	0.0708	0.142	0.294	0.07674
TP3-10	10	0.0141	0.0603	ND	ND	ND	0.204	0.358	0.7598	0.20483
TP4-2	2	0.191	0.11	0.213	0.161	0.132	1.65	2.17	5.329	1.3087
TP4-5	5	ND	ND	0.164	0.126	ND	0.193	0.349	1.287	0.29898
TP5-2	2	0.158	ND	0.261	0.197	0.134	1.45	1.6	3.954	0.9282
TP5-3.5	3.5	ND	ND	ND	ND	ND	ND	ND	ND	ND
TP6-2.5	2.5	ND	0.0985	0.137	0.0752	0.0879	0.167	0.364	1.0515	0.28677
TP6-6	6	ND	ND	0.016	0.0107	0.0107	0.0267	0.0507	0.3932	0.06784
TP7-2.5	2.5	ND	0.123	0.123	0.146	ND	0.981	3.19	7.043	1.9247
TP7-5.5	5.5	0.199	0.0912	0.21	0.194	0.271	1.47	1.13	1.6542	0.42957
TP8-2	2	ND	ND	ND	ND	ND	0.0227	0.0255	0.0523	0.02619
TP8-7	7	ND	ND	0.0108	0.0936	0.072	0.0122	ND	0.1555	0.00933
TP9-1	1	ND	ND	ND	ND	ND	0.125	0.148	0.4545	0.11943
TP10-1	1	ND	ND	ND	ND	ND	0.312	0.34	0.6491	0.03647
TP11-2	2	ND	ND	ND	ND	ND	0.0295	0.0309	0.2629	0.02414
TP11-4.5	4.5	ND	ND	ND	ND	ND	0.26	0.352	0.495	0.0261
MTCA	Method A Unrestricted	na	0.1	na	na	5	na	na	0.1	0.1

TABLE 5: Schade Brewery Property - Polynuclear Aromatic Hydrocarbon Soil Sample Results

Notes:

All results and cleanup levels reported in milligrams per kilogram (mg/kg) or parts per million (ppm)

Results in **bold** indicate concentration above MTCA Method A Soil Cleanup Level for Unrestricted Land Uses

ND - not detected above laboratory method reporting limit (PQL)

na - not available or analyzed

1) Designated as a carcinogenic polynuclear aromatic hydrocarbon (cPAH)

2) TEF - toxicity equivalency factor per California EPA under WAC 173-340-708(8)(e) and CLARC Version 3.1, Part V Background Information

TABLE 6: Schade Brewery - Statistical Data and Cleanup Standard Summary

Notes:

All results and cleanup levels reported in milligrams per kilogram (mg/kg) or parts per million (ppm)

Summary items shown in bold indicated non-compliance with MTCA soil cleanup standards (Section 740 et al)

MTCA - Model Toxics Control Act, Chapter 173-340 WAC

Method A Soil Cleanup Levels for Unrestricted Land Uses, MTCA Table 740-1

HCID - analysis for hydrocarbon identification by NWTPH-HCID with semi-quantitative report

NWTPH - analysis for DRO and Heavy Oil semi-volatile petroleum products by NWTPH-DX

DRO - diesel range organics

Heavy Oil - heavy oil range petroleum hydrocarbons

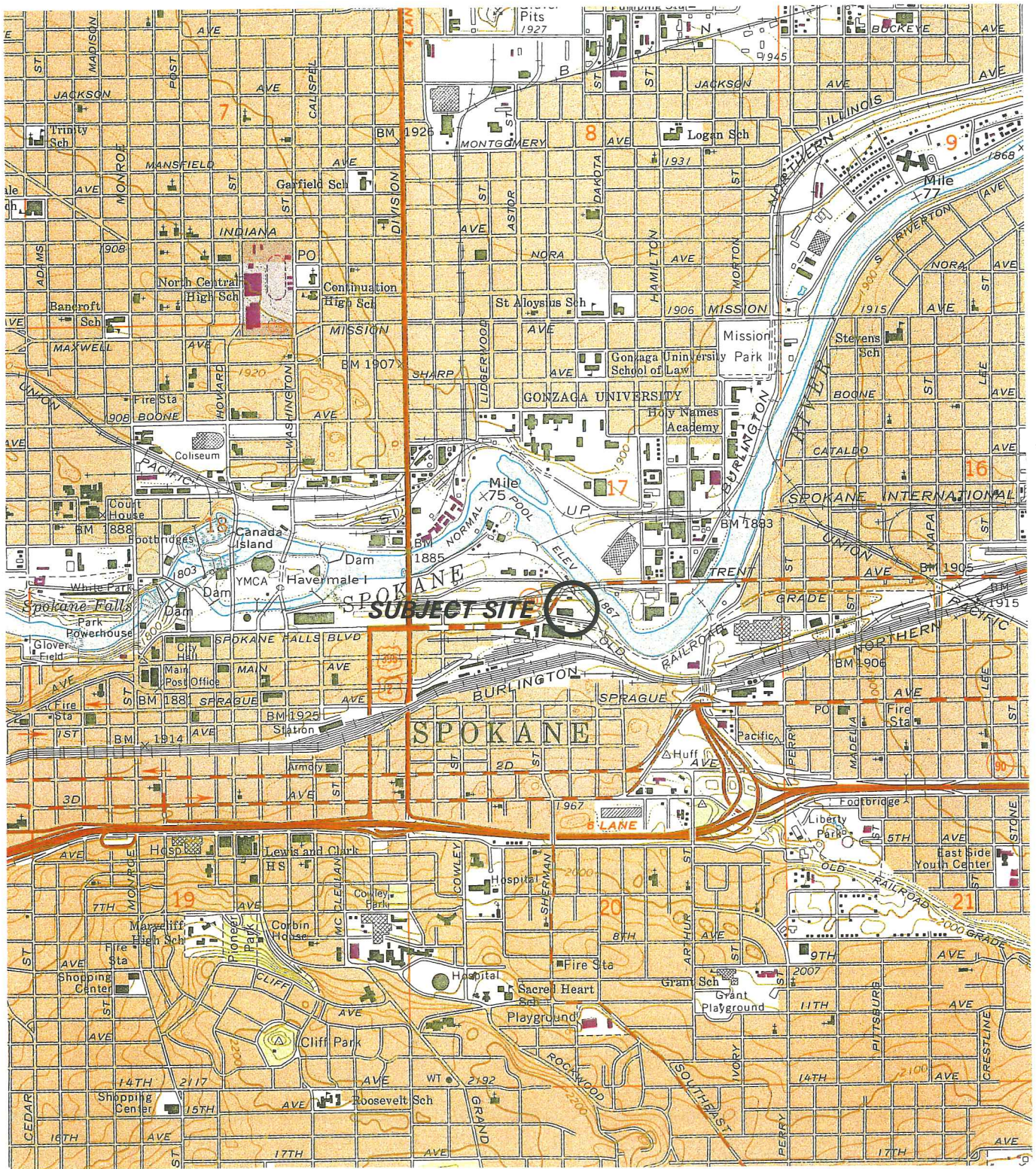
PCBs - polychlorinated biphenyls

cPAHs - sum of all carcinogenic polynuclear aromatic hydrocarbons

True Mean - sum of all sample concentrations divided by number of samples

MDL - minimum detection limit or practical quantitation limit. All results below MDL assigned concentration value of 1/2 the MDL

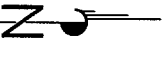
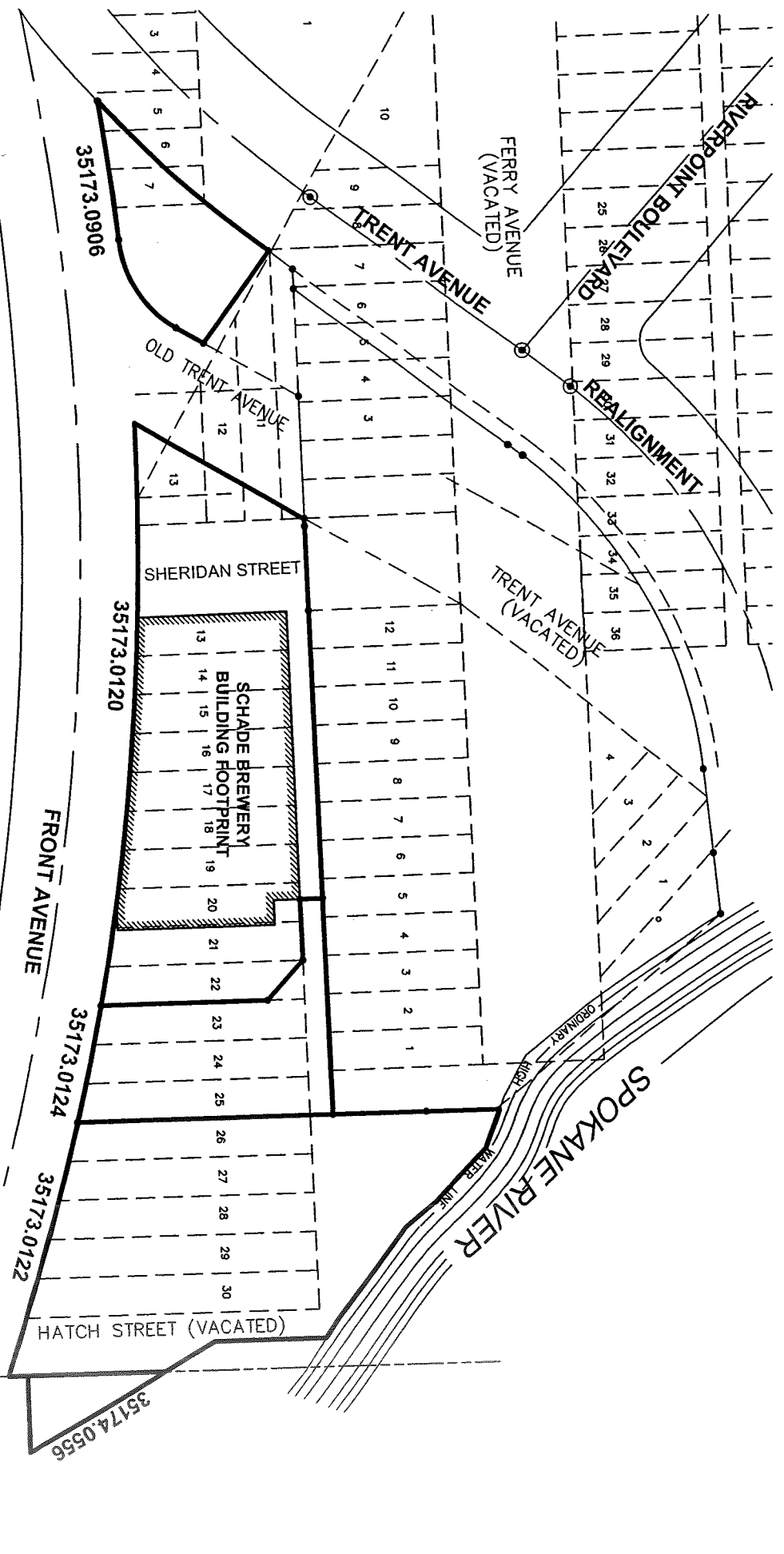
FIGURES



SOURCE: USGS 7.5 Minute Topographic Quadrangle - Spokane NW, Washington (1986)



<p>FIGURE 1</p>	<p>SITE LOCATION MAP</p>	<p>DATE: Oct. 2004</p>
<p>PN 003.0156.00002</p>	<p>Schade Brewery Property</p>	<p>SCALE: 1:24,000</p>
<p>SLR International Corp.</p>	<p>528 East Trent Avenue</p>	<p>DRWN: USGS</p>
<p>Spokane, Washington</p>	<p>Spokane, Washington</p>	<p>CHKD: JL</p>

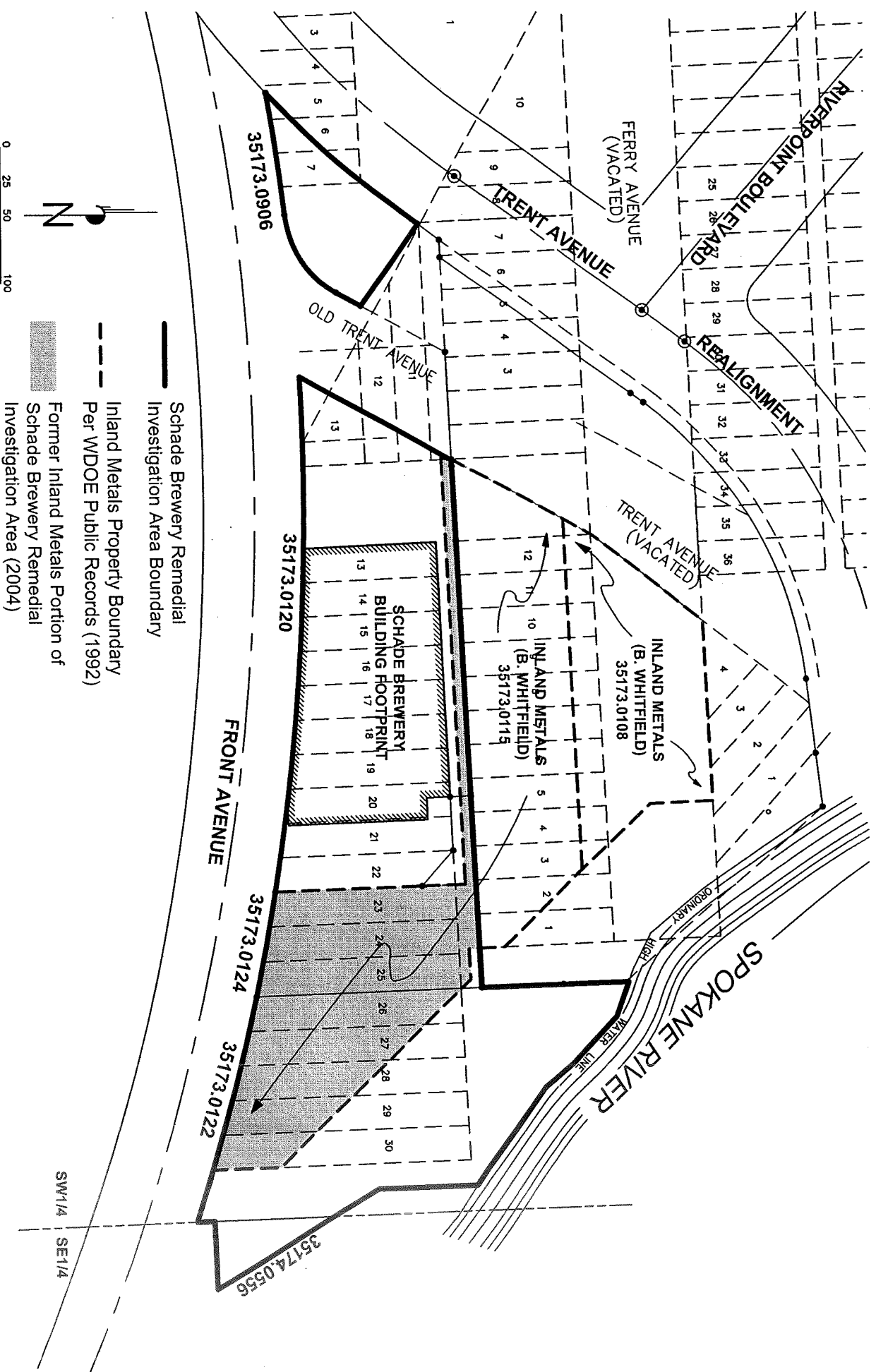


Portions of the SW 1/4 and SE 1/4
of Section 17, T25N, R43E, W.M.
City of Spokane, Spokane County, Washington

SW1/4 SE1/4

Base Map Source: Adams & Clark, Inc.
For Representational Purposes Only
All locations and distances are approximate
Tax ID parcel boundaries based on currently known
descriptions

	FIGURE 2		Cleanup Action Plan TAX PARCEL IDENTIFICATION American West Bank Schade Brewery and Adjoining Parcels Spokane, Washington
	SLR NO. 003.0156.00002		
DRAWN: Jasper GeoGraphics CHECKED: JEL DATE: October 2004 SCALE: 1"=100'	SLR INTERNATIONAL, CORP. Spokane, Washington		



Map Sources: Adams & Clark, Inc.
 Spokane County Assessor's Office,
 WDOE Public Records

For Representational Purposes Only
 All locations and distances are approximate
 Tax ID parcel boundaries based on currently known descriptions

- Schade Brewery Remedial Investigation Area Boundary
- Inland Metals Property Boundary Per WDOE Public Records (1992)
- ▨ Former Inland Metals Portion of Schade Brewery Remedial Investigation Area (2004)

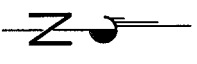
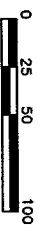
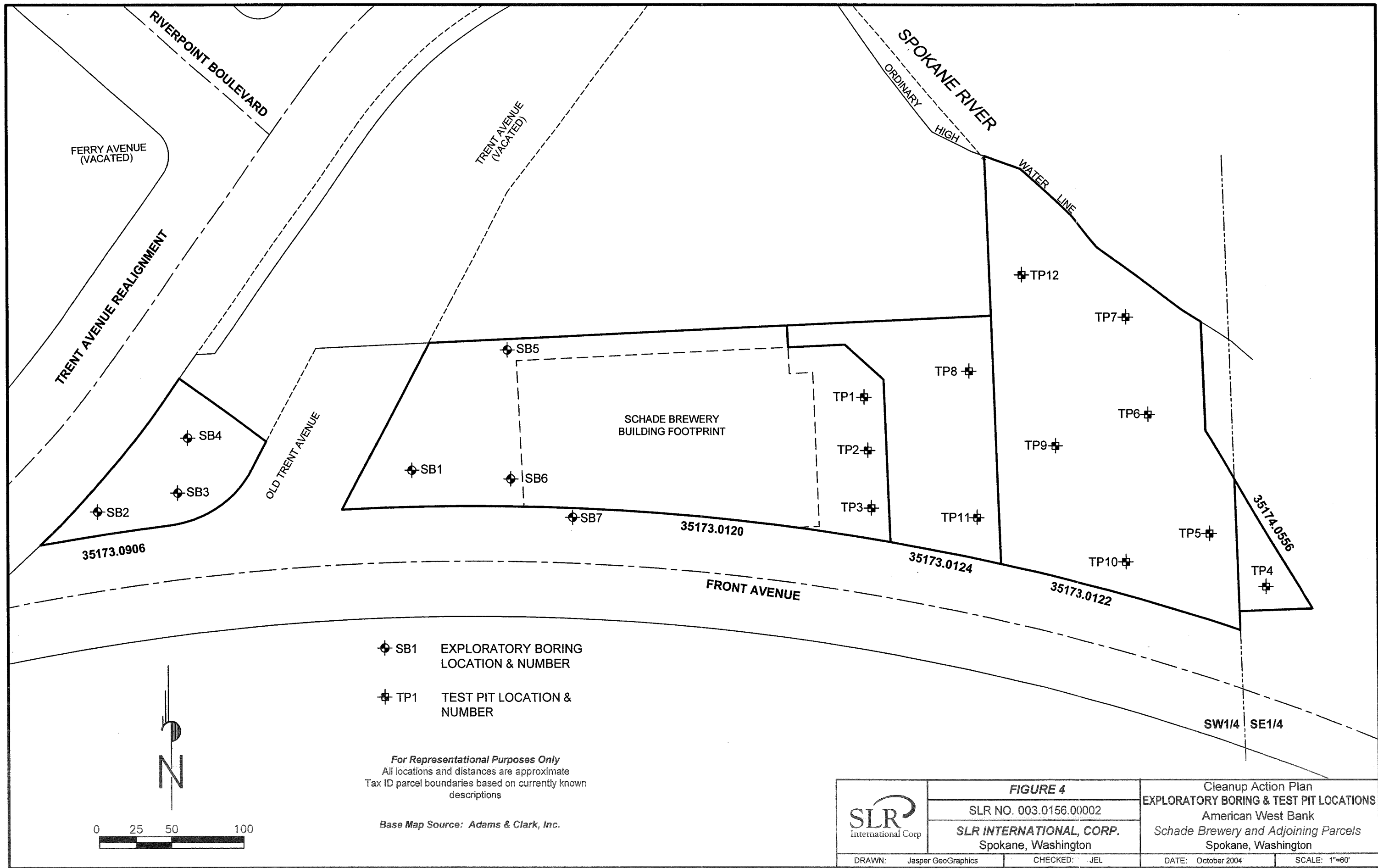




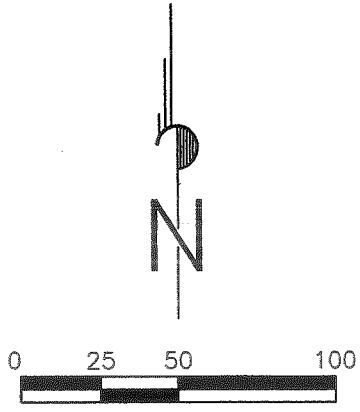
	FIGURE 3		Cleanup Action Plan INLAND METALS PROPERTY & SCHADE BREWERY INVESTIGATION AREA American West Bank Schade Brewery and Adjoining Parcels Spokane, Washington
	SLR NO. 003.0156.00002 SLR INTERNATIONAL, CORP. Spokane, Washington		
DRAWN: Jasper Geographics	CHECKED: JEL	DATE: October 2004	SCALE: 1"=100'




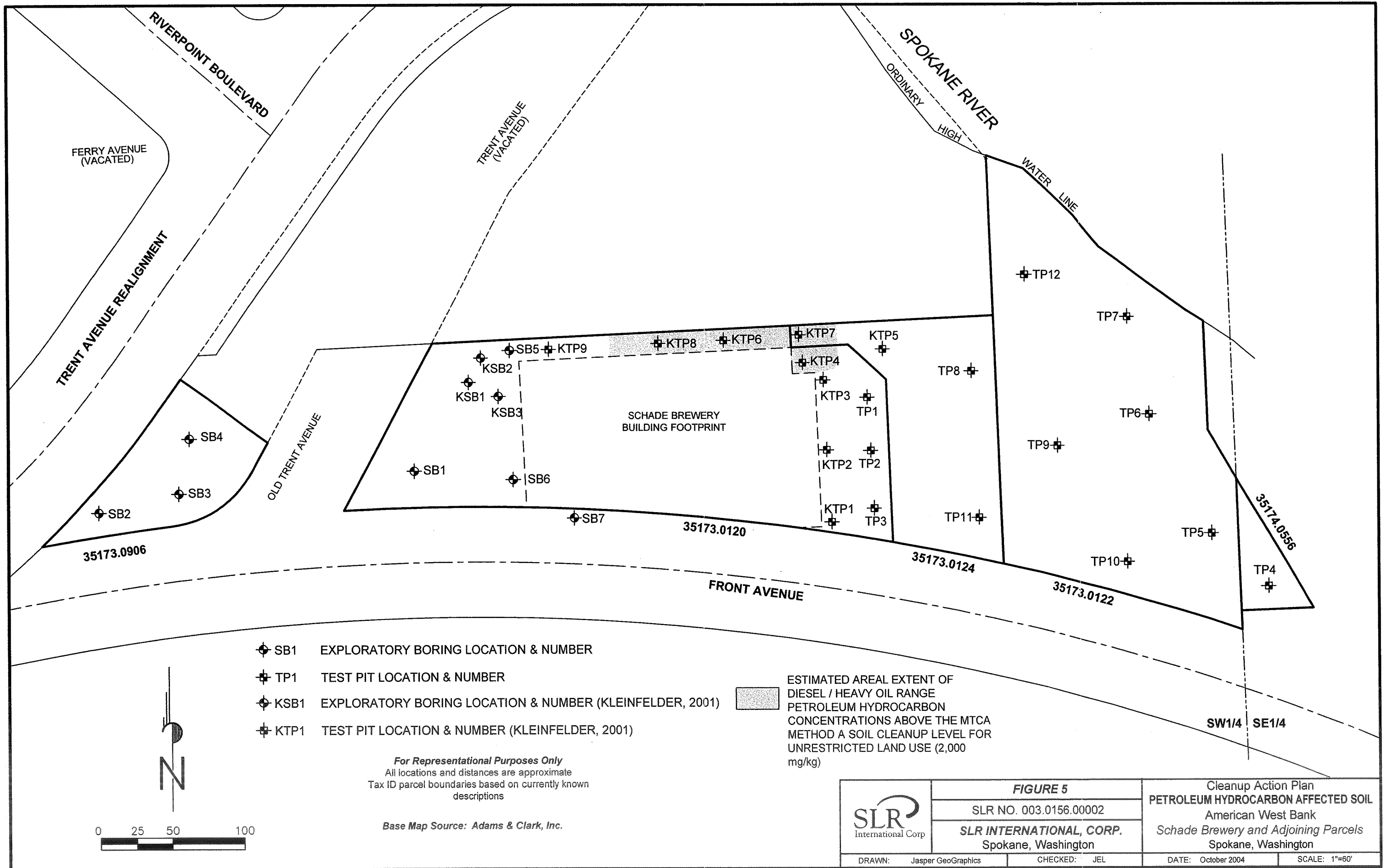
-  SB1 EXPLORATORY BORING LOCATION & NUMBER
-  TP1 TEST PIT LOCATION & NUMBER

For Representational Purposes Only
 All locations and distances are approximate
 Tax ID parcel boundaries based on currently known descriptions

Base Map Source: Adams & Clark, Inc.



	FIGURE 4	Cleanup Action Plan	
	SLR NO. 003.0156.00002	EXPLORATORY BORING & TEST PIT LOCATIONS	
	SLR INTERNATIONAL, CORP. Spokane, Washington	American West Bank Schade Brewery and Adjoining Parcels Spokane, Washington	
DRAWN: Jasper GeoGraphics	CHECKED: JEL	DATE: October 2004	SCALE: 1"=60'



- ◆ SB1 EXPLORATORY BORING LOCATION & NUMBER
- ⊕ TP1 TEST PIT LOCATION & NUMBER
- ◆ KSB1 EXPLORATORY BORING LOCATION & NUMBER (KLEINFELDER, 2001)
- ⊕ KTP1 TEST PIT LOCATION & NUMBER (KLEINFELDER, 2001)

ESTIMATED AREAL EXTENT OF DIESEL / HEAVY OIL RANGE PETROLEUM HYDROCARBON CONCENTRATIONS ABOVE THE MTCA METHOD A SOIL CLEANUP LEVEL FOR UNRESTRICTED LAND USE (2,000 mg/kg)

For Representational Purposes Only
 All locations and distances are approximate
 Tax ID parcel boundaries based on currently known descriptions

Base Map Source: Adams & Clark, Inc.

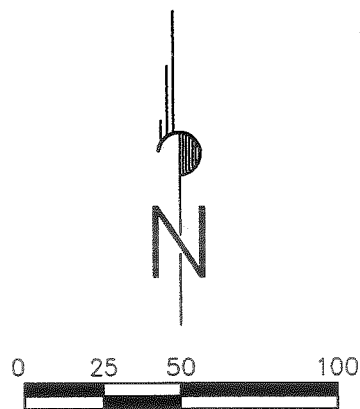
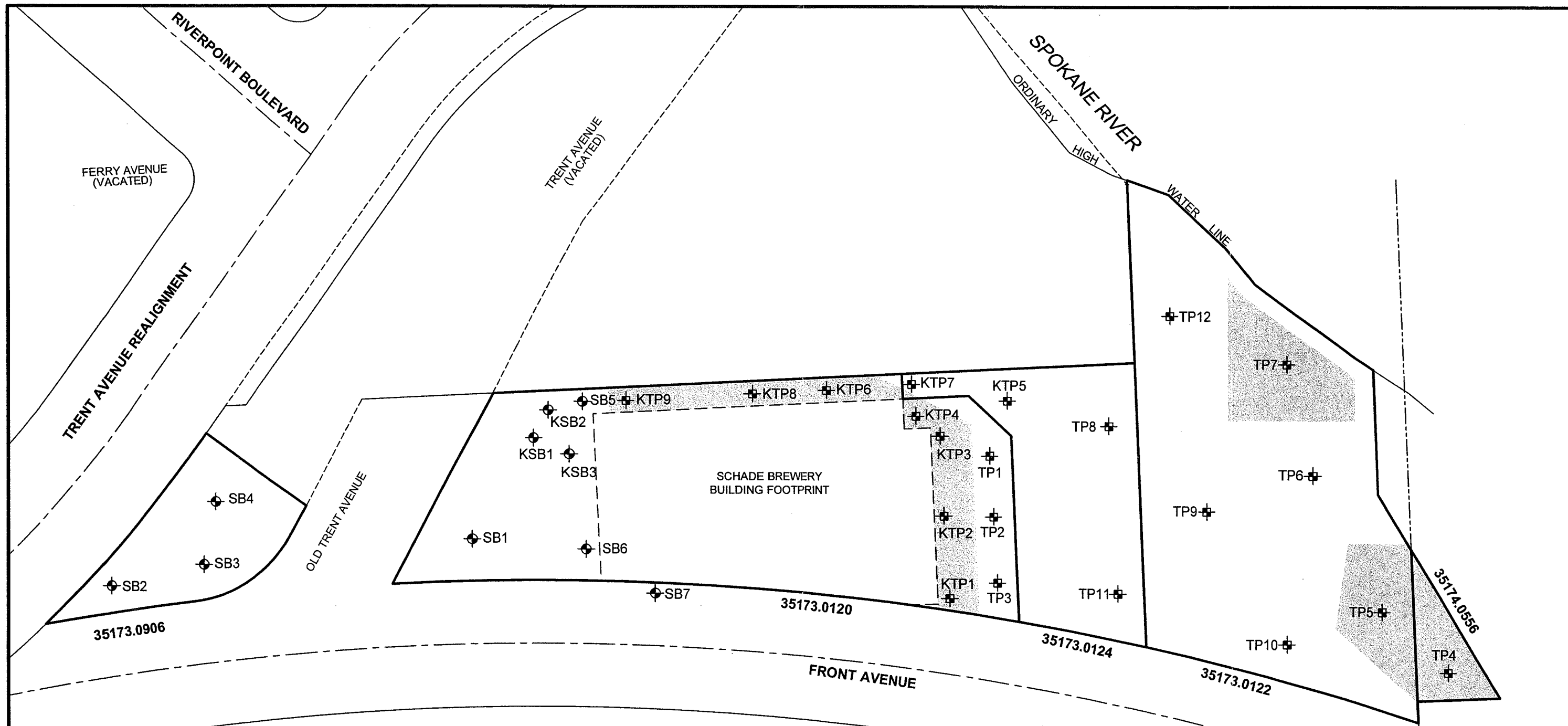


	FIGURE 5	Cleanup Action Plan PETROLEUM HYDROCARBON AFFECTED SOIL American West Bank Schade Brewery and Adjoining Parcels Spokane, Washington
	SLR NO. 003.0156.00002	
	SLR INTERNATIONAL, CORP. Spokane, Washington	
DRAWN: Jasper GeoGraphics	CHECKED: JEL	DATE: October 2004
		SCALE: 1"=60'



- ⊕ SB1 EXPLORATORY BORING LOCATION & NUMBER
- ⊕ TP1 TEST PIT LOCATION & NUMBER
- ⊕ KSB1 EXPLORATORY BORING LOCATION & NUMBER (KLEINFELDER, 2001)
- ⊕ KTP1 TEST PIT LOCATION & NUMBER (KLEINFELDER, 2001)

ESTIMATED AREAL EXTENT OF TOTAL METALS (ARSENIC, CADMIUM, LEAD, MERCURY) CONCENTRATIONS ABOVE MTCA METHOD A SOIL CLEANUP LEVELS FOR UNRESTRICTED LAND USE (As - 20mg/kg, Cd - 2 mg/kg, Pb - 250 mg/kg, Hg - 2 mg/kg)

For Representational Purposes Only
 All locations and distances are approximate
 Tax ID parcel boundaries based on currently known descriptions

Base Map Source: Adams & Clark, Inc.

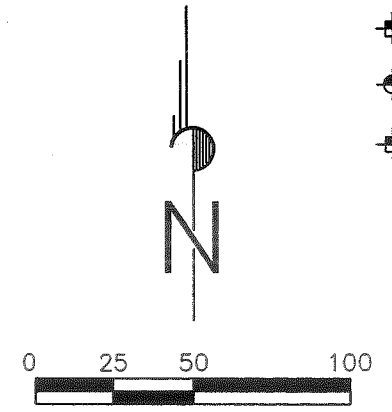
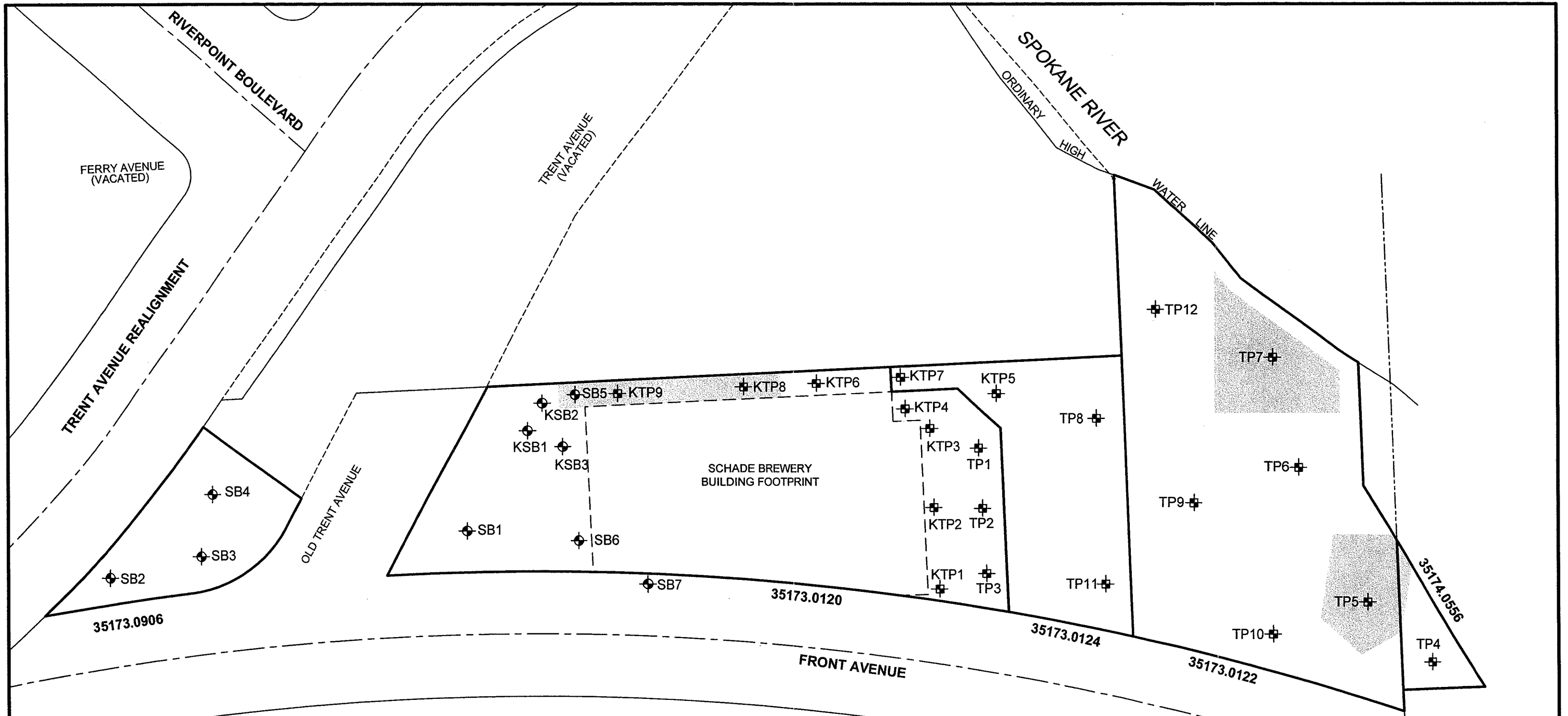


	FIGURE 6	Cleanup Action Plan TOTAL METALS AFFECTED SOIL American West Bank Schade Brewery and Adjoining Parcels Spokane, Washington
	SLR NO. 003.0156.00002	
	SLR INTERNATIONAL, CORP. Spokane, Washington	
DRAWN: Jasper GeoGraphics	CHECKED: JEL	DATE: October 2004
		SCALE: 1"=60'



- ◆ SB1 EXPLORATORY BORING LOCATION & NUMBER
- ⊕ TP1 TEST PIT LOCATION & NUMBER
- ◆ KSB1 EXPLORATORY BORING LOCATION & NUMBER (KLEINFELDER, 2001)
- ⊕ KTP1 TEST PIT LOCATION & NUMBER (KLEINFELDER, 2001)

ESTIMATED AREAL EXTENT OF PCB CONCENTRATIONS ABOVE THE MTCA METHOD A SOIL CLEANUP LEVEL FOR UNRESTRICTED LAND USE (1.0 mg/kg)

For Representational Purposes Only
 All locations and distances are approximate
 Tax ID parcel boundaries based on currently known descriptions

Base Map Source: Adams & Clark, Inc.

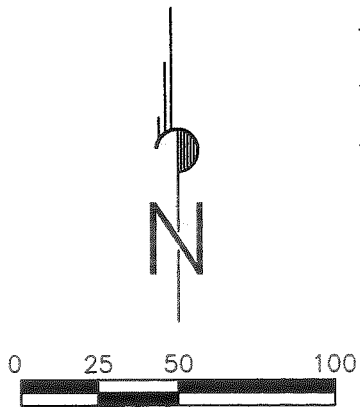
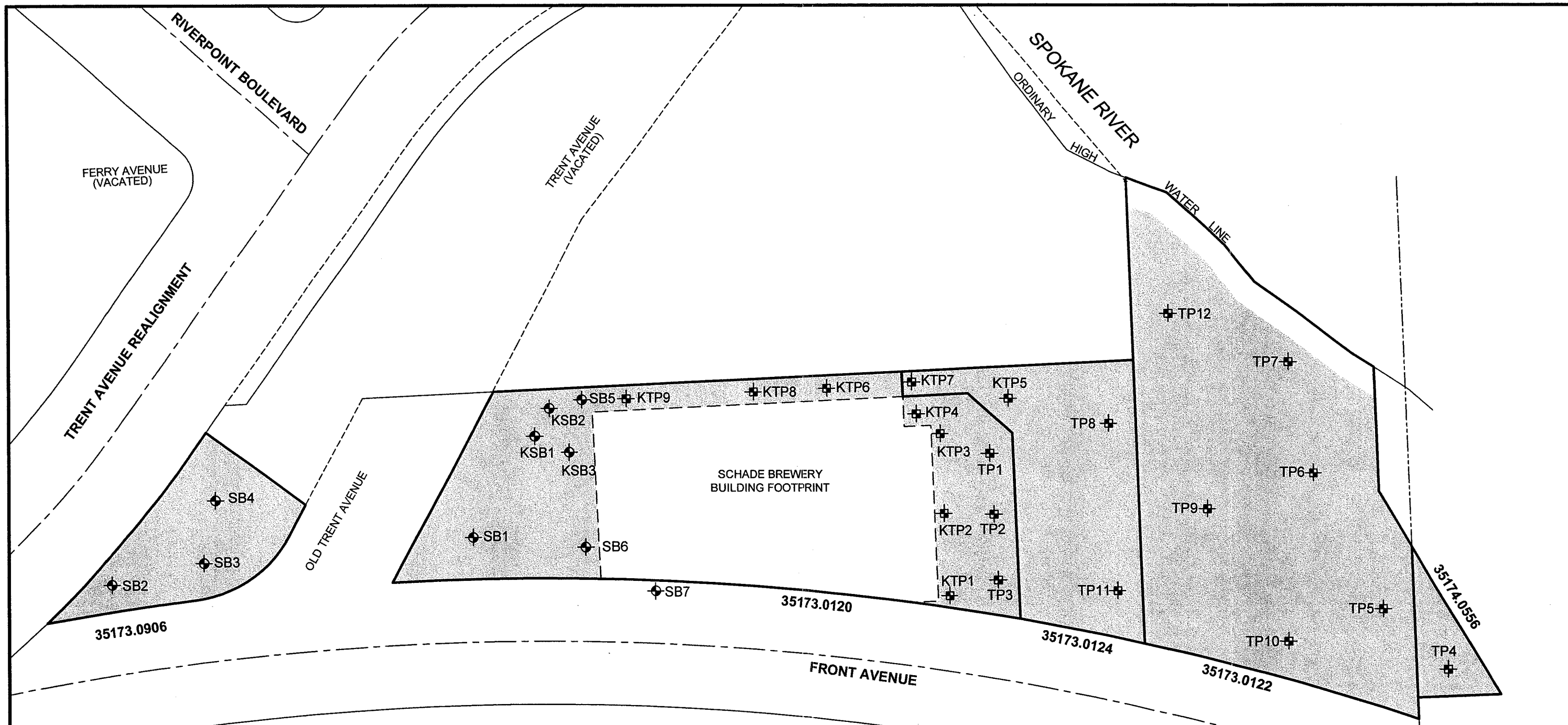


	FIGURE 7	Cleanup Action Plan PCB AFFECTED SOIL American West Bank Schade Brewery and Adjoining Parcels Spokane, Washington	
	SLR NO. 003.0156.00002		
	SLR INTERNATIONAL, CORP. Spokane, Washington		
DRAWN: Jasper GeoGraphics	CHECKED: JEL	DATE: October 2004	SCALE: 1"=60'



- ◆ SB1 EXPLORATORY BORING LOCATION & NUMBER
- ⊕ TP1 TEST PIT LOCATION & NUMBER
- ◆ KSB1 EXPLORATORY BORING LOCATION & NUMBER (KLEINFELDER, 2001)
- ⊕ KTP1 TEST PIT LOCATION & NUMBER (KLEINFELDER, 2001)

ESTIMATED AREAL EXTENT OF TOTAL cPAH CONCENTRATIONS ABOVE MTCA METHOD A SOIL CLEANUP LEVELS FOR UNRESTRICTED LAND USE (Total cPAHs - 0.1 mg/kg)

For Representational Purposes Only
 All locations and distances are approximate
 Tax ID parcel boundaries based on currently known descriptions

Base Map Source: Adams & Clark, Inc.

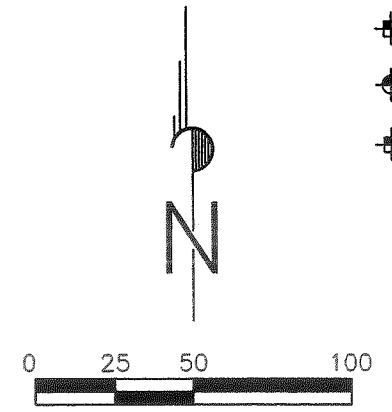


	FIGURE 8	Cleanup Action Plan cPAH AFFECTED SOIL American West Bank Schade Brewery and Adjoining Parcels Spokane, Washington
	SLR NO. 003.0156.00002	
	SLR INTERNATIONAL, CORP. Spokane, Washington	
DRAWN: Jasper GeoGraphics	CHECKED: JEL	DATE: October 2004
		SCALE: 1"=60'

APPENDIX A



WITHERSPOON, KELLEY, DAVENPORT & TOOLE

A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

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K. THOMAS CONNOLLY
THOMAS D. COCHRAN
DUANE M. SWINTON
JOSEPH H. WESSMAN
JEFFREY L. BUPPINGER*
DONALD J. LUKES*†
LESLIE R. WEATHERHEAD*‡
MICHAEL D. CURRIN
BRIAN T. REEDER*
EDWARD J. ANTON**
R. MAX EITNER, JR.*
STANLEY R. SCHULTZ
MICHAEL F. NIENSTEDT*
JOHN M. RILEY III
DENNIS M. DAVIS**
F.J. DULLANTY, JR.
DANIEL E. FIDNEY
MARY R. GIANNINI*†
TIMOTHY M. LAWLOR
CLAUDE F. BAILEY
WILLIAM M. SYMMES**
ROBERT E. MAGNUSON
MARK A. ELLINGSEN*
STANLEY M. SCHWARTZ*
DAVID M. KNUTSON
JODY M. MCCORMACK
SHELLEY N. RIPLEY
JOEL F. HAZEL*
CHRISTOPHER G. VARALLO*
KIMBERLY A. KAMEL*
RYAN M. BEAUDOIN*
LARA L. HEMINGWAY
RICHARD A. REFF*
ROBERT J. CALDWELL*
BENJAMIN S. COLEMAN
STACY A. BJORDAHL
D. TOBY McLAUGHLIN
RYAN K. JENSEN
J. ROBERT HOSKINSON, JR. **
TRACY N. LARON**
STEVEN O. ANDERSON

OF COUNSEL

Wm. A. Davenport
John E. Heath, Jr.
Alan H. Toole
Karl K. Kroger

*Also admitted in Idaho
**Also admitted in New York
** Also admitted in California
†Admitted in Idaho only
‡Also admitted in Oregon
-Also admitted in Montana
>> Admitted in Illinois only

October 11, 2004

Greg Smith
City of Spokane Hearing Examiner
808 W. Spokane Falls Blvd.
Spokane WA 99201

Steve Haynes
City of Spokane Planning Services
808 W. Spokane Falls Blvd.
Spokane WA 99201

VIA FAX AND FIRST CLASS MAIL

**Re: *Shoreline Conditional Use Permit and Variance Application
for Schade Brewery Building/File No. Z980061SL/VA***

Dear Messrs. Haynes and Smith:

As a follow up to my September 30, 2004 letter, I am enclosing a letter prepared by Jeffrey E. Leppo of SLR International Corp, which describes the various contaminants which are present on the Schade Brewery property and which must be remediated prior to development. The environmental issues, as well as over four years of litigation have delayed development of the parking lot project described in the variance permit.

To summarize, in 1998, the City of Spokane approved a variance request to allow the construction of a parking lot within the 100-foot shoreline setback area in conjunction with the renovation of the Schade Brewery Building. The Findings, Conclusions and Decision issued by the Hearing Examiner include a time limitation on the variance approval. Specifically, the variance expires if the applicant fails to submit an application for a building permit within three years of the effective date of the variance, unless a time extension is approved. In this case, the criteria for a time extension (SMC 11.02.0280) have been satisfied. As indicated in my September 30, 2004 letter, a lengthy foreclosure proceeding and litigation between the prior site owner (Mark Leonard) and American West Bank occurred between 2000 and 2004. Consequently, neither the Bank nor Mr. Leonard were in any position to develop the property until the legal proceedings were concluded. Further, as indicated in Mr. Leppo's letter, in 2001, a consultant for Mr. Leonard discovered and reported that there were various contaminants of concern on the property. The identification

Greg Smith
Steve Haynes
October 11, 2004
Page 2

of contaminants in 2001 again precluded the development of the parking lot contemplated under the variance permit.


The legal proceedings and identification of site contaminants were unforeseen circumstances and conditions which precluded development of the parking lot. If the variance permit is not extended, this would result in an unreasonable hardship to American West Bank, as the time frame to obtain a new variance permit would likely delay the clean up action. I note the delay in constructing the parking lot was not the fault of American West Bank, but has simply been a consequence of the litigation and environmental issues. Finally, I note that there was no opposition to the variance request; therefore, there is no party that would be adversely affected if the variance is extended.

Based upon the above, we respectfully request the variance permit be extended. If you need any additional information regarding this matter, please contact me.

Thank you for your courtesies.

Very truly yours,

WITHERSPOON, KELLEY, DAVENPORT
& TOOLE, P.S.

By 
Stacy A. Bjordahl

Enc.

SAB/jp

cc: Duane Brandenburg, American West Bank
Ron Pace, Taylor Engineering, Inc.
Jeffery E. Leppo, SLR International Corp.

G:\AmericanWest 88129\Schade Bldg Sale 26\Ltr Haynes & Smith 101104.wpd

October 11, 2004



Steve Haynes
City of Spokane - Planning Services
808 West Spokane Falls Blvd.
Spokane, WA 99201

RE: *Review of Recognized Environmental Conditions for Shoreline Mgmt. Variance*
Schade Brewery Property @ 528 East Trent Avenue
Spokane, WA 99202

Dear Mr. Haynes:

SLR International Corp (SLR) on behalf of our client, American West Bank, is presenting a review of recognized environmental conditions associated with the Schade Brewery property (Site). This review includes a brief location; summary of recent investigations and findings of contaminants on the Site; and regulatory requirements and agency involvement with the environmental issues at the Site. The purpose of this review letter is to provide technical background in support of an extension of the variance permit approved under File No. Z9800061SL/VA.

Site Description

The Site is zoned M1-Light. The Site is primarily surrounded by the Joint Center for Higher Education campus (Washington State University, Eastern Washington University, and Spokane Intercollegiate Research and Technical Institute) development along the Spokane River, across East Trent Avenue to the north. The Site consists of five (5) Spokane County tax parcels: 35173.0906; 35173.0120; 35173.0124; 35173.0122; 35174.0556.

Regulatory Compliance and Agency Records

The Washington Department of Ecology (WDOE) has conducted regulatory compliance inspections for hazardous waste management processes and reviewed independent remedial actions between approximately 1985 through 1992, for issues regulated under the *Dangerous Waste Regulations* by the Hazardous Waste and Toxics Reduction Program and *Model Toxics Control Act (MTCA)* regulations by the Toxics Cleanup Program.

An initial investigation for potential contaminants of concern was completed by the owner of the Inland Metals business and associated properties in 1985. Between 1987 and 1992, the new owner of the former Inland Metals property completed site characterization and cleanup actions on certain tax parcels identified as Inland Metals (including portions of the Site). A series of "dig and haul" remedial excavations to remove affected soil, follow-up cleanup confirmation sampling programs, and other independent remedial actions were conducted.

The WDOE conducted a preliminary assessment of the Site in 1990 based on the complaint that contaminated on-site soil could have created drainage of potentially contaminated precipitation run-off into the adjacent Spokane River, or contaminated soil could have been dumped in the river. The site characterization laboratory results collected by the owner(s) and the WDOE indicated that polychlorinated biphenyls (PCBs), lead, and heavy-oil range petroleum compounds were designated as the contaminants of concern with soil concentrations above regulatory cleanup standards in effect at that point-in-time. The Inland Metals site was placed on the WDOE Hazardous Sites List in March 1991 with a ranking of 2.

3810 East Boone Ave., Suite 306, Spokane, WA 99202 ☎ 509-535-7225 ☎ 509.535.7361

SLR International Corp: ANCHORAGE CONCORD FAIRBANKS LOS ANGELES SEATTLE SPOKANE SAN MATEO
SLR Consulting (UK): BATH BIRMINGHAM EDINBURGH NOTTINGHAM OXFORD

Steve Haynes
October 11, 2004
Page 2

Additional remedial excavations and building demolition activities were conducted on the former Inland Metals site from 1991 through 1992. WDOE also conducted an additional in situ soil sampling round in 1992 to confirm cleanup activities. The WDOE was petitioned in July 1992 to formally review the independent remedial actions and consider: 1) providing a review to issue a "determination of no further action" (NFA), and 2) removing Inland Metals from the Hazardous Sites List. The WDOE issued an NFA determination on October 23, 1992. The WDOE letter acknowledges residual total lead contaminants, but that evidence suggested that polychlorinated biphenyls concentrations in the site soil were below the cleanup level.

The WDOE NFA determination required that a "restrictive covenant" institutional control be placed on the Inland Metals parcels, to be registered with the Spokane County register of deeds. Based on currently available information, a restrictive covenant was never placed on the Inland Metals parcels by the owner; a portion of which includes the Site. The primary restrictive covenant condition would prohibit the property from future residential development and other conditions. The WDOE initiated and completed the necessary regulatory actions (e.g., public participation) for removal of Inland Metals from the Hazardous Sites List in November 1992.

The U.S. Environmental Protection Agency (USEPA) also conducted a "Superfund" Site Investigation of the former Inland Metals site under authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in 1995. The Site Inspection and review of potential contaminant fate and transport mechanisms was conducted by a federal contractor - URS Consultants, Inc. USEPA correspondence dated March 31, 1995 to the owner indicates the agency did not anticipate further investigation by this federal agency (no further action).

Recent Environmental Investigations

The Schade Brewery building and parcel was obtained by Mr. Mark Leonard (aka Schade Tower, LLC and Pro Mark of Washington, Inc.) in approximately 1995. Mr. Leonard also obtained and consolidated other surrounding properties into the Site parcels from approximately 1995 through 2001, including 35173.0906, and portions or all of Site Parcels 35173.0124 and 35173.0122.

Mr. Leonard initiated improvements to the land and Schade Brewery building within this time frame of 1995 to 2001. As part of the renovation of the Schade Brewery, Mr. Leonard made application to the City for a shoreline variance. The purpose of the variance was to allow construction of a parking lot to serve the building tenants. As you are aware, the variance was approved by the City Hearing Examiner on October 13, 1998. Thereafter, various site issues and unforeseen litigation between Mr. Leonard and American West Bank ensued, which prevented the pursuit of permits to renovate the building and construct the parking lot.

Ultimately, American West Bank obtained ownership of the five Site parcels following the foreclosure and legal proceedings that occurred during 2001 through 2004. During the legal proceedings, Mr. Leonard contracted a consultant (Kleinfelder, Inc.) to conduct a *Preliminary Phase II Subsurface Soil Characterization* (Schade Tower, 528 East Trent Avenue, Spokane, Washington, Project No. 60-2164.01, August 6, 2001) on Site Parcel 35173.0120. The Phase II report identified various contaminants of concern associated with the Schade Brewery land, including areas in the northern alley and eastern unimproved land portions. Again, the identification of these various contaminants postponed the development of the parking lot until clean up of the site is completed.

Finally, SLR was retained by American West Bank in January 2004 to conduct and document a remedial investigation and cleanup action plan for the Site. The independent remedial cleanup actions were completed pursuant to the MTCA and other applicable rules and guidance. The independent remedial actions are currently under review by the WDOE Voluntary Cleanup Program (VCP). Additional information on the WDOE review process is available from Patti Carter, VCP Manager (509.329.3522).

Steve Haynes
October 11, 2004
Page 3

The remedial investigation identified residual contaminant affected soils on the Site, including diesel and heavy oil range organics, the metals cadmium and lead, polychlorinated biphenyls (PCBs), and carcinogenic polynuclear aromatic hydrocarbons as the primary contaminants above the MTCA cleanup levels. In the professional opinion of SLR and according to WDOE and the MTCA regulation, these contaminant conditions reflect a potential threat to human health and the environment and will require additional independent remedial (cleanup) actions to mitigate, reduce, and/or remove the risks.

Proposed Cleanup Action Alternatives

At the present time SLR is preparing a Cleanup Action Plan (CAP) that defines the proposed independent remedial actions necessary to be in compliance with the State of Washington and federal regulations for contaminant-affected lands. The VCP will review the CAP for thoroughness and applicability to MTCA cleanup standards and requirements.

The proposed cleanup alternatives for the Site include engineering controls to create a protective impervious cover (isolation and containment) to mitigate the threat to human health and the environment and reduce stormwater infiltration to prevent migration, and institutional controls to limit or prohibit activities that may interfere with the integrity of the cleanup action, or result in exposure of hazardous substances. The MTCA-defined cleanup standards will require construction of parking areas and storm water controls within the Shoreline Management zones.

The pending Improvements to the Schade Brewery ground surfaces over the unimproved alley and eastern portions of the Site include an asphalt paving and storm water plan to be designed by Taylor Engineering, Inc. of Spokane, Washington. This impervious surface will prevent subsurface contaminant migration and outdoor human exposure pathways. Storm water will be managed by overland flow into lined storm water ponds for underground conveyance to an off-site management system.

These Site improvements will require protection with institutional controls. Institutional controls are measures taken to limit or prohibit activities that may interfere with the integrity of the cleanup action, or result in exposure of hazardous substances at a contaminated site. Such measures are required to assure both the continued protection of human health and the environment and the integrity of the cleanup actions. Contaminated affected soils remain at the Schade Brewery above MTCA cleanup standards. A Restrictive Covenant will be recorded with the register of the deeds for Spokane County on the Site and be binding on the owner's successors and assigns. The Restrictive Covenant will be discussed and implemented in cooperation with the WDOE and state's Attorney General office.

The cleanup action alternatives proposed for the Site are dependent on the acceptance of the variance application. The cleanup action must be implemented to provide for a reasonable and practical protection of human health and the environment. Risks will be reduced for both on-site and off-site factors, including protection of the Spokane River and down-stream waters. In summary, it is the professional opinion of SLR that the proposed engineering and institutional controls are a necessary element of remaining in compliance with the MTCA criteria.

On behalf of American West Bank, we respectfully request the variance permit be extended, to ensure timely clean-up and remediation of this Site. Please do not hesitate to contact us if you require additional information regarding the remedial investigation and cleanup action planning, or have any questions.

Steve Haynes
October 11, 2004
Page 4

Respectfully,

~~SLR INTERNATIONAL CORP~~



Jeffrey E. Leppo, L.G.
Senior Project Manager

jlschadeRECshorelinevar.tr

cc: Duane Brandenburg, American West Bank
Stacy Bjordahl, Witherspoon, Kelley, Davenport & Toole, P.S.
Ron Pace, Taylor Engineering, Inc.

October 13, 2004

Stacy A. Bjordahl, Attorney at Law
Witherspoon, Kelley, Davenport & Toole, P.S.
1100 U.S. Bank Building
422 West Riverside Avenue
Spokane, WA 99201-0300

Re: Shoreline Conditional Use Permit and Shoreline Variance Application
for Schade Brewery Building
Hearing Examiner File No. Z980061SL/VA

Dear Ms. Bjordahl:

I am in receipt of two letters from you, dated September 30, 2004, and October 11, 2004, regarding the above matter. Attached to your October 11 letter is a letter from Jeffery Leppo of SLR International Corp., which describes clean-up activity on the Schade Brewery site. This office approved a shoreline variance request by Mark Leonard for the Schade Brewery on October 13, 1998. The variance related to a parking lot to be constructed on the east side of the site. Your letter describes what has happened since that time, including foreclosure litigation and the before-mentioned site clean-up as required by the Washington State Department of Ecology. I assume from Mr. Leppo's letter that the clean-up is occurring on the site of the east parking lot.

My decision, which quotes the ordinance, states that the variance approval expires if the applicant fails to submit an application for a building permit within three years of the effective date of the variance unless the applicant has received an extension for the variance as provided in Section 11.02.0280. While your letter sets forth reasons that would meet the requirements for an extension under the ordinance, no extension was applied for and under normal circumstances the variance approval would have expired on October 13, 2001.

This situation is different, however. The improvement of this parking lot was not a stand-alone project, but was a part of a larger project, that being the renovation of the Schade Brewery building. While the parking lot itself needed the shoreline variance, the parking lot was a necessary feature of the overall project. The records of the City's Building Department show that substantial work was being

done on the larger project throughout the late 90s. Since the property owner continued taking out permits and working on the remodel of the primary use, which was the Schade Towers building, as well as constructing the parking lot on the west side of the building, it is my position that the variance did not expire.

It is my finding, therefore, that the variance for the parking lot on the east side of the historic Schade Brewery is still in force and effect subject to the conditions of approval in the Hearing Examiner decision dated October 13, 1998. I would strongly encourage the property owner to continue with clean-up activities and with the construction of this parking lot.

If you have questions please call.

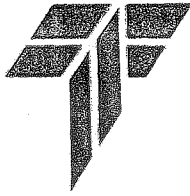
Sincerely,

Greg Smith
City of Spokane Hearing Examiner

c. Steve Haynes, Planning/Zoning Dept.

APPENDIX B





Taylor Engineering, Inc.

Civil Design and Land Planning

Principals:

Perry M. Taylor, P.E.
Stanley R. Stirling
Mark A. Aronson, P.E.
David C. Larsen, P.E.
Ronald G. Pace, P.E.

Associates:

Scott M. Busch, P.E.
Frank R. Ide, ASLA

Chief Financial Officer:

Edwin G. Wagnild

November 8, 2004

Mr. Jeff Leppo, L.G.
SLR International Corp.
3810 East Boone, Ave., Suite 306
Spokane, WA 99202

RE: Schade Brewery Building & Adjacent Lots Parking Lot Cap – Preliminary Grading and Drainage Plan

Dear Jeff,

Please find enclosed our drawings illustrating a preliminary grading and drainage design for the proposed parking lot cap located on the eastside of the Schade Brewery building. Please note that the parking lot layout conforms to the shoreline variance and preliminary site plan, dated June 29, 1998, as provided by 3E Design Group. The drawings are as follows:

- Site Plan – Sheet 1/3
- Grading and Drainage Plan – Sheet 2/3
- Details – Sheet 3/3
- Basin Map – Sheet 1/1

The basis for our design conforms to the requirements as outlined in the *Guidelines for Stormwater Management (GSM)* as published by Spokane County Public Works, Division of Engineering & Roads and the *City of Spokane Design Standards* as provided by the City of Spokane Engineering Services Department. The City of Spokane accepts the *GSM* as a method for design of stormwater conveyance and disposal.

The Schade Brewery Building site is located inside the aquifer sensitive area (ASA). Therefore, stormwater runoff from impervious asphalt areas is to be treated by means of biofiltration ('208') swales and disposed of via overflow drainage structures.

Since the drainage basins are less than ten acres in size, the Rational Method with a 10-year return storm frequency was used to determine the runoff rate. The time of concentration was assumed to be 5-minutes, a worst-case scenario. A weighted runoff coefficient for impervious areas and peak runoff amounts were used in sizing the '208' swales. The swales are sized to contain the first ½-inch of runoff at a maximum 6-inch ponding depth in the swales.

Stormwater runoff from paved areas will sheet flow directly to swales via curb drop inlets or sheet flow to gutters where it will be channeled to '208' swales through curb inlets. Due to site soil conditions, the swales are lined with a geomembrane below the overlying grass percolation zone. A perforated pipe, lying atop the geomembrane liner will convey the treated stormwater to catch basins for disposal. During large storm events, runoff will pond to a 6-inch depth, and the excess runoff will overflow into catch basins that drain to the City of Spokane's existing storm sewer system.

Catch basins located in the lined swales are connected via storm drain piping that discharge into an on-site storm drain manhole. The invert elevation of the storm drain manhole is approximately 4 feet higher than an existing City of Spokane storm drain located in Trent Avenue at Riverpoint Boulevard (west of the Schade Brewery Building). The storm drain manhole and the existing City storm drain will be connected via a flexible polyethylene pipe forming an inverted siphon. The pressure pipe will be routed along the north side of the Schade Brewery building where the existing ground is lower than the point of discharge, resulting in the required siphon.

The preliminary design for stormwater management meets the requirements for disposal and treatment as outlined in Spokane County's "Guidelines for Stormwater Management" and the "City of Spokane's Design Standards". The design also provides for effective stormwater control while limiting infiltration on-site with the impervious asphalt parking lot and geomembrane lined swales.

Should you have any questions regarding the enclosed, please contact Ron Pace or Michael Morse at 328-3371. Thank you for the opportunity to provide engineering services for the Schade Brewery building parking lot cap project.

Sincerely,

TAYLOR ENGINEERING, INC.

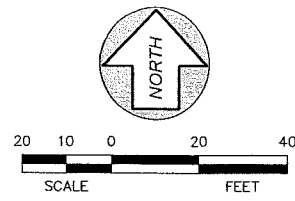
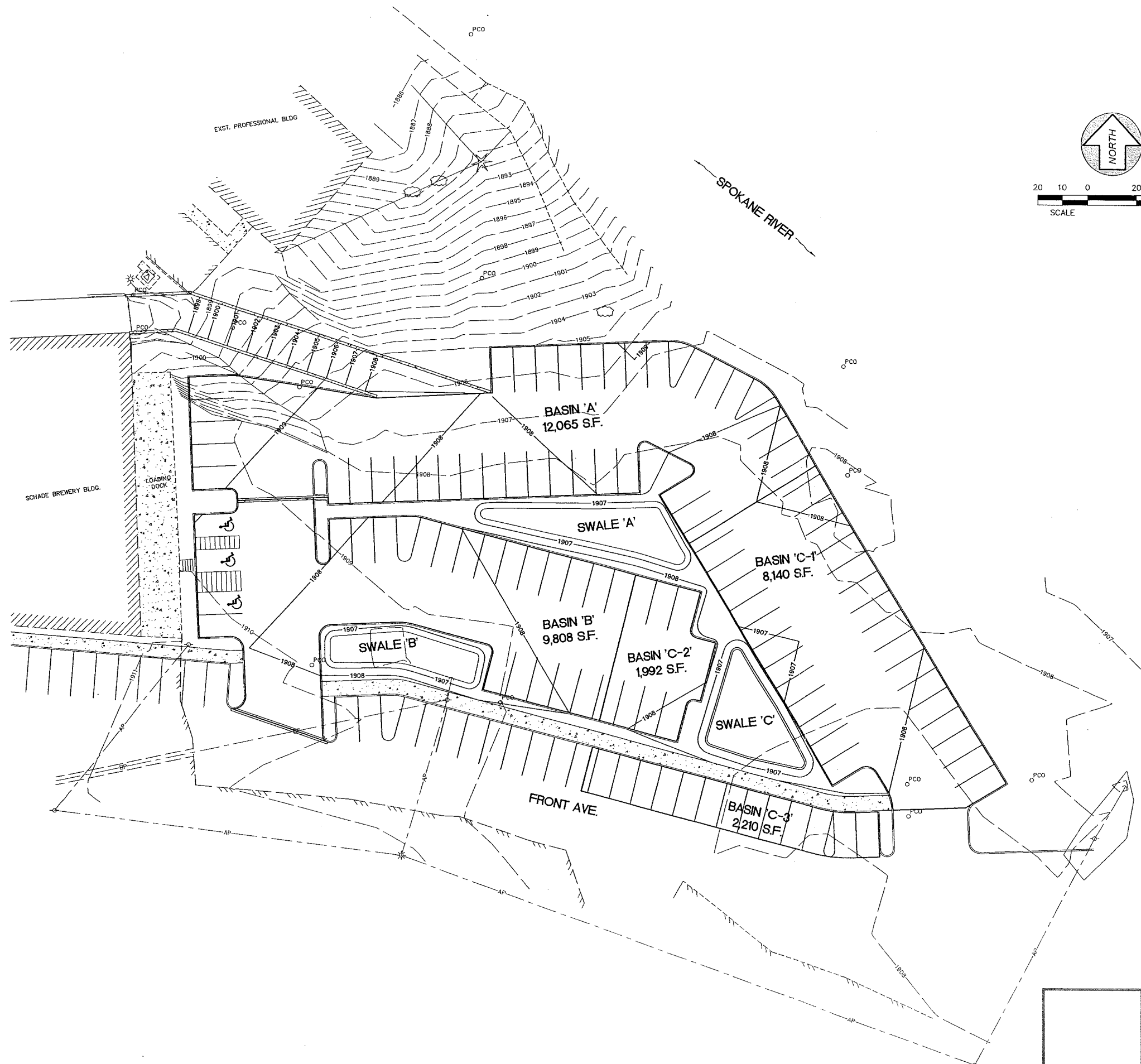


Michael F. Morse, P.E.
Civil Project Engineer

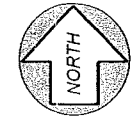
Enclosures

Taylor Engineering, Inc.

M:\Admin\JOBS\04102J Leppo ltr 11-08-04 Civil Design and Land Planning
106 W. Mission Ave. • Spokane, WA 99201-2345 • (509) 328-3371
FAX (509) 328-8224 / E-MAIL tei@taylorengr.com



REVISIONS		Taylor Engineering, Inc. Civil Design and Land Planning W. 106 Mission Ave. Spokane, Washington 99201 (509) 328-3371 FAX (509) 328-8224	SCALE: 1"=20'	SHEET 1 OF 1
DWN: ALB	DATE: 11/08/04		SCHADE BREWERY BLDG. and ADJOINING PARCELS PARKING LOT CAP	BASIN MAP
CK'D: MFM	DATE: 11/08/04	CADD FILE: 04102BASINS.dwg		

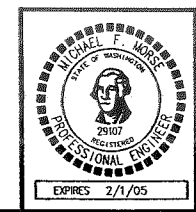


LEGEND			
	EXISTING PROPERTY LINE		PROPOSED ACP
	EXISTING CONTOUR		PROPOSED CURB
	EXISTING BUILDING		PROPOSED SWALE BOTTOM
	EXISTING CONCRETE		PROPOSED PARKING STALL
	EXISTING LANDSCAPE AREA		PROPOSED SIDEWALK
	EXISTING ASPHALT		PROPOSED CONCRETE RETAINING WALL
	EXISTING GRAVEL		
	EXISTING CONCRETE LINE		
	EXISTING AERIAL POWER		
	EXISTING BURIED POWER		
	EXISTING LOADING DOCK		
	EXISTING CURB & GUTTER		
	EXISTING RETAINING WALL		
	EXISTING SHRUB		
	EXISTING TREE		
	EXISTING POWER POLE		
	EXISTING GUY WIRE		
	EXISTING LIGHT POLE		

60' ENCROACHMENT VARIANCE INTO 100' SHORELINE SETBACK PER HEARING EXAMINER FILE NO. Z980061SL/VA

PROPOSED PARKING:
 84 STALLS NORTH OF FRONT AVE. & EAST OF SCHADE BREWERY BLDG.
 52 STALLS ALONG FRONT AVE. ON SOUTH SIDE OF SCHADE BREWERY BLDG.

NOTE:
 1. THE GENERAL PARKING LOT LAYOUT, INCLUDING STALLS & THRU LANES, WAS PROVIDED BY 3E DESIGN GROUP, P.S. AND IS FROM THEIR PRELIMINARY SITE PLAN DATED JUNE 29, 1998.



REVISIONS	

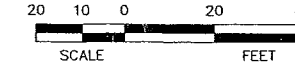
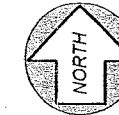
Taylor Engineering, Inc.
 Civil Design and Land Planning
 1100 Mission Ave.
 Spokane, Washington 99201
 (509) 328-3371 FAX (509) 328-8224

SHEET
 SCALE: 1"=20'
 1 OF 3

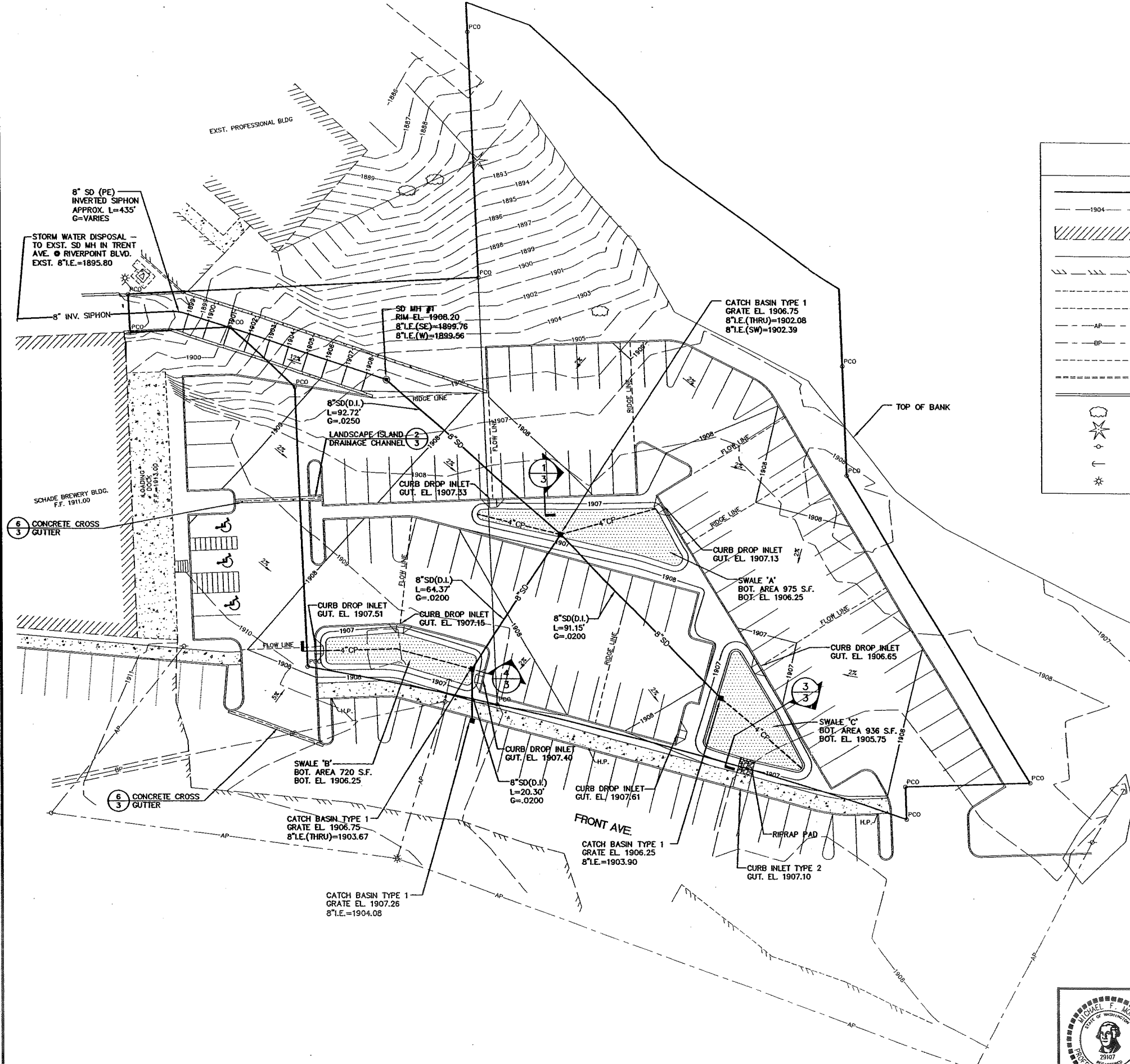
SCHADE BREWERY BLDG. and ADJOINING PARCELS PARKING LOT CAP

SITE PLAN
 CADD FILE: 04102SITE.DWG

DWN: ALB DATE: 11/08/04
 CK'D: MFM DATE: 11/08/04



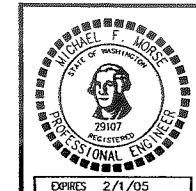
LEGEND	
—	EXISTING PROPERTY LINE
---	EXISTING CONTOUR
▨	EXISTING BUILDING
▨	EXISTING LANDSCAPE AREA
---	EXISTING ASPHALT
---	EXISTING GRAVEL
---	EXISTING CONCRETE LINE
---	EXISTING AERIAL POWER
---	EXISTING BURIED POWER
---	EXISTING LOADING DOCK
---	EXISTING CURB & GUTTER
---	EXISTING RETAINING WALL
⊙	EXISTING SHRUB
⊙	EXISTING TREE
⊙	EXISTING POWER POLE
⊙	EXISTING GUY WIRE
⊙	EXISTING LIGHT POLE
---	1908 PROPOSED CONTOUR
---	8"SD PROPOSED STORM DRAIN
---	4"CP PROPOSED PERFORATED '208' COLLECTION PIPE
■	PROPOSED CATCH BASIN
▽	PROPOSED CURB DROP INLET
---	PROPOSED CURB
---	PROPOSED SWALE BOTTOM
▨	PROPOSED EROSION PROTECTION
---	PROPOSED PARKING STALL
---	PROPOSED CONCRETE



GENERAL NOTES:

- ALL WORK SHALL BE DONE IN CONFORMANCE WITH THE LATEST EDITION OF THE W.S.D.O.T./APWA STANDARD SPECIFICATIONS AS AMENDED BY THE CITY OF SPOKANE SUPPLEMENTAL SPECIFICATIONS.
- CURB DROP INLETS SHALL BE PER CITY OF SPOKANE STANDARD PLAN NO. F-109. INLETS SHALL BE PROVIDED WITH SWALE DRAIN PADS PER CITY STANDARD PLAN NO. F-110.
- TYPE 1 CATCH BASINS SHALL BE PER CITY OF SPOKANE STANDARD PLAN NO. B-101C (SEE DETAIL 5/3).
- CURB INLET TYPE 2 SHALL BE PER SPOKANE COUNTY STANDARD PLAN B-9 (SEE DETAIL 7/3).
- STORM DRAIN PIPE SHALL BE CLASS 50 DUCTILE IRON (D.I.) CONFORMING TO AWWA C151 AND C111 AND INVERTED SIPHON SHALL BE HIGH DENSITY POLYETHYLENE (PE) SDR 32 MEETING THE REQUIREMENTS OF AWWA C-906.

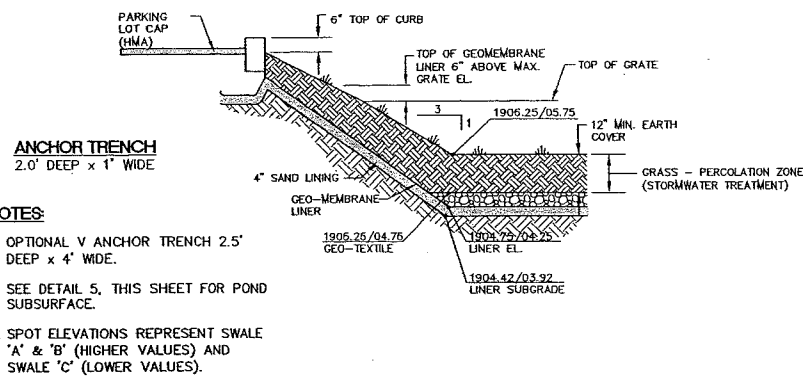
STORMWATER TREATMENT SUMMARY			
DRAINAGE BASIN	BASIN AREA	'208' VOL. REQ'D.	'208' VOL. PROVIDED
A	12,065 S.F.	525 C.F.	556 C.F.
B	9,810 S.F.	409 C.F.	412 C.F.
C	12,340 S.F.	514 C.F.	519 C.F.



REVISIONS	

Taylor Engineering, Inc.
 Civil Design and Land Planning
 W. 106 Mission Ave.
 Spokane, Washington 99201
 (509) 328-3371 FAX (509) 328-8224

SCALE: 1"=20'
 SHEET 2 OF 3

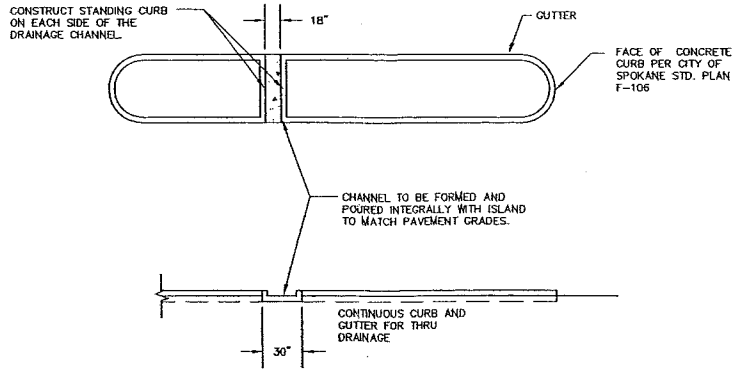


ANCHOR TRENCH
2.0' DEEP x 1' WIDE

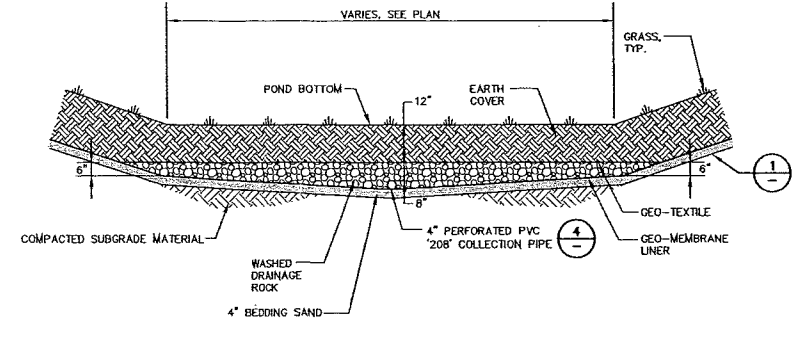
NOTES:

1. OPTIONAL V ANCHOR TRENCH 2.5' DEEP x 4' WIDE.
2. SEE DETAIL 5, THIS SHEET FOR POND SUBSURFACE.
3. SPOT ELEVATIONS REPRESENT SWALE 'A' & 'B' (HIGHER VALUES) AND SWALE 'C' (LOWER VALUES).

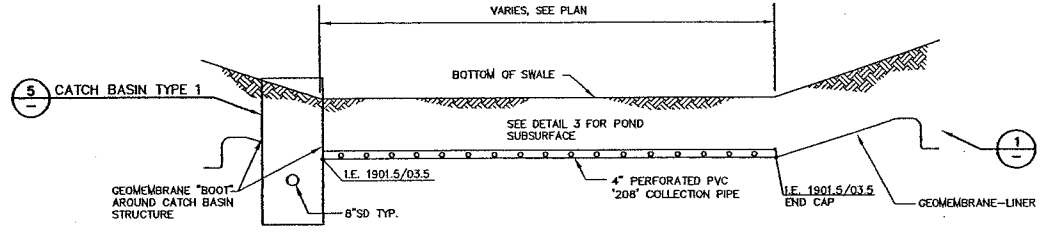
1 '208' POND SECTION AT SLOPE
NOT TO SCALE



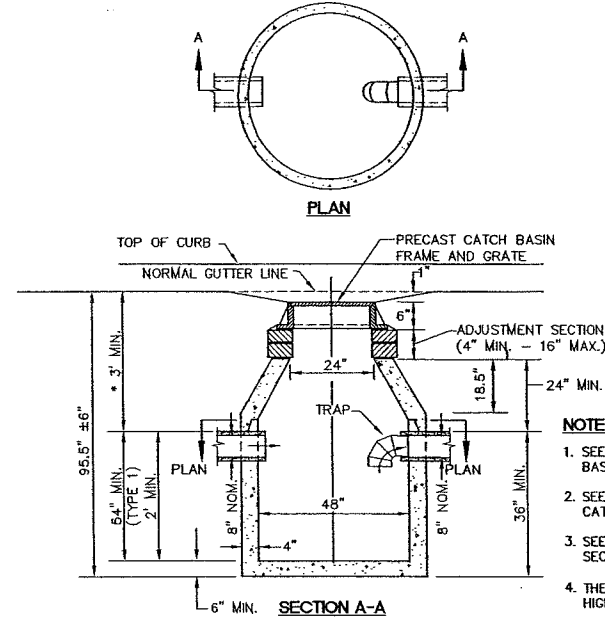
2 LANDSCAPE ISLAND DRAINAGE CHANNEL
NOT TO SCALE



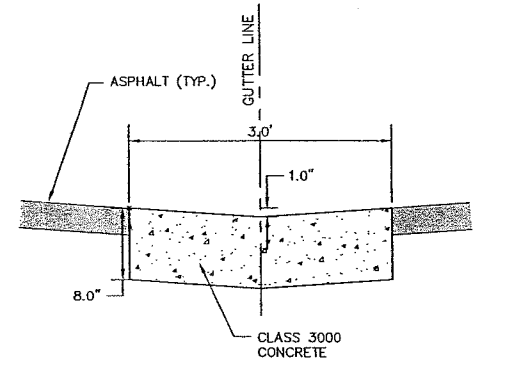
3 LINED '208' POND SUBSURFACE
NOT TO SCALE



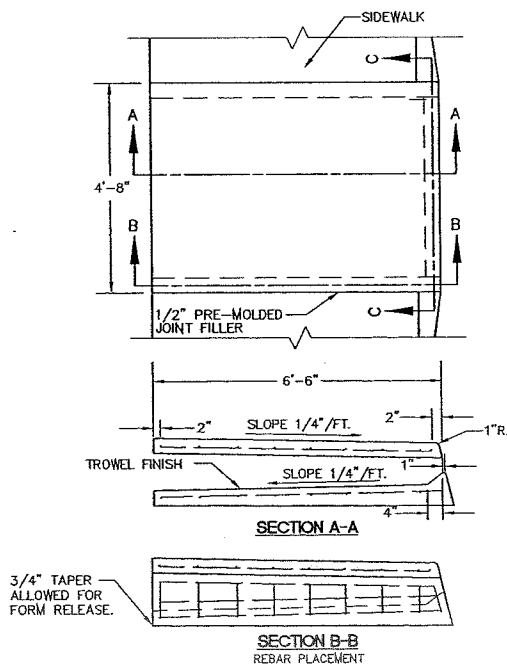
4 '208' PERFORATED COLLECTION PIPE
NOT TO SCALE



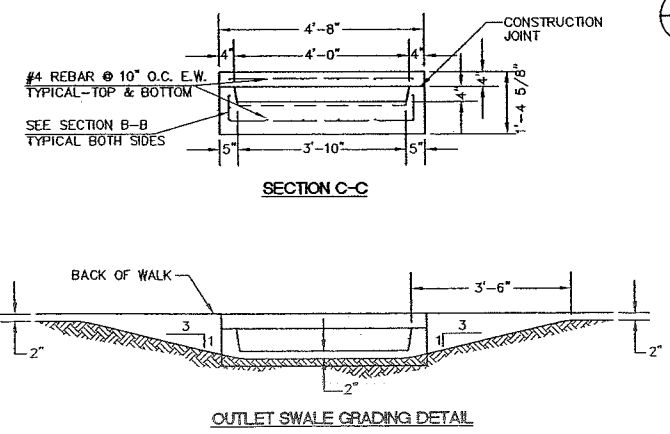
5 CATCH BASIN TYPE 1
NOT TO SCALE



6 CONCRETE CROSS-GUTTER
NOT TO SCALE



7 CURB INLET TYPE 2
NOT TO SCALE



OUTLET SWALE GRADING DETAIL

NOTES:

1. SEE STANDARD PLAN B-122 FOR BASE AND FOUNDATION DETAILS.
2. SEE CITY STANDARD PLAN B-120 FOR CATCH BASIN TRAP.
3. SEE SECTION 9-12.5 FOR PRECAST SECTION.
4. THE INLET PIPE (IF ANY) SHALL BE HIGHER THAN THE OUTLET PIPE.
5. 1'-0\"/>
- 6. NO TRAP REQUIRED IF OUTFALL CONNECTED TO A TRAP BASIN.

NOTES:

1. CURB INLET SHALL BE CONSTRUCTED IN ACCORDANCE WITH ASTM C 478 (AASHTO M 199) & ASTM C 890 UNLESS OTHERWISE SHOWN ON PLANS OR NOTED IN THE PROJECT SPECIAL PROVISIONS.
2. TOP SURFACE TO BE BROOM FINISHED.
3. TALL EXTERNAL EDGES NOT LABELED SHALL BE TROWELLED WITH A 1/4\"/>

	REVISIONS _____ _____ _____		Taylor Engineering, Inc. Civil Design and Land Planning W. 106 Mission Ave. Spokane, Washington 99201 (509) 328-3371 FAX (509) 328-8224	SCALE: N.T.S.	SHEET 3 OF 3
	DWG: ALB CK'D: MFM	DATE: 11/08/04 DATE: 11/08/04		SCHADE BREWERY BLDG. and ADJOINING PARCELS PARKING LOT CAP	DETAILS



TAYLOR ENGINEERING, INC.
Civil Design and Land Planning
West 106 Mission Ave
Spokane, WA 99201

FAX Transmittal

Voice Phone (509) 328-3371
Fax: (509) 328-8224

Date: November 19, 2004

To: Jeff Leppo, SLR International Corp.

Phone: (509) 535-7225
FAX: (509) 535-7361

From: Mike Morse, P.E.

Re: Schade Brewery Bldg. Prelim. Grading & Drainage Plan – Earthwork Quantities

Jeff,

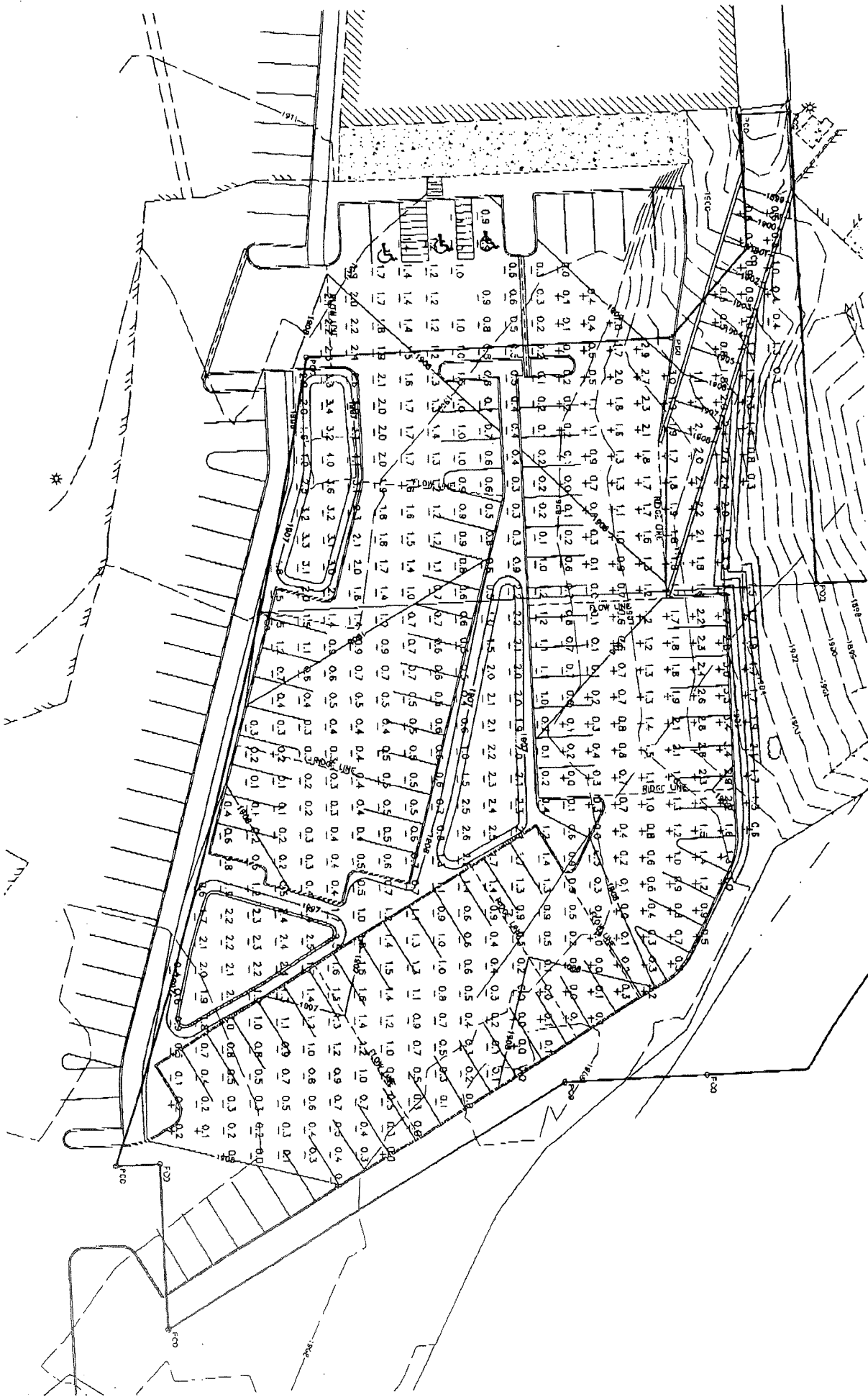
Please find enclosed a copy of the earthwork analysis on the preliminary grading and drainage plan for the Schade Brewery east parking lot cap. The site plan with the plus and minus tick marks and adjacent numbers indicate cuts (minus) and fills (plus) to finish grade (top of asphalt and to topsoil in the swales).

The second sheet indicates that there is a net cut of approximately 480 cubic yards. Please note that this number is to finish grade and not the amount of material that needs to be removed from the site.

Actually, in theory, there should be no material removed from the site to achieve the final grades shown on the grading plan since approximately 650 cubic yards of material (asphalt @ 2", crushed rock @ 4" and topsoil @ 6") needs to be hauled into the site to make the proposed finished grades.

Please call with any questions that you may have.

Thank you,
Mike Morse



STR1.txt

Site Volume Table: Unadjusted

Cut cu.yds	Fill cu.yds	Net cu.yds	Method
---------------	----------------	---------------	--------

Site: STR1

Stratum: str1 eg1 fg
986

502

483 (C) Grid

APPENDIX C



RESTRICTIVE COVENANT

[NAME OF PROPERTY OWNER, AND NAME OF PROPERTY]

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by [NAME OF PROPERTY OWNER], its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following document[s]: [INSERT THE DATE AND TITLE FOR EACH DOCUMENT¹ LISTED INCLUDING THE NAME OF THE PERSON OR BUSINESS WHO PREPARED THE DOCUMENT(S)]. [THIS or THESE] document[s] [IS or ARE] on file at Ecology's [SWRO, NWRO, ERO, or CRO].

+++++++*Select the appropriate scenario for the property*+++++++

SCENARIO 1:

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of [SPECIFICALLY LIST SUBSTANCE(S)] which exceed the Model Toxics Control Act Method [LIST APPLICABLE METHOD A OR B] Residential Cleanup Level(s) for [SOIL, GROUNDWATER, ETC.] established under WAC 173-340-_____.

¹ The term 'document' means reports prepared regarding the remedial action as well as Ecology's NFA letter.

++++and/or++++

SCENARIO 2:

This Restrictive Covenant is required because a conditional point of compliance has been established for [SOIL, GROUNDWATER, ETC.].

SCENARIO 3:

If the Remedial Action does not fit within Scenarios 1 and/or 2 and you believe that the property still needs a Restrictive Covenant, contact the AG's office.

+++++

The undersigned, [NAME OF PROPERTY OWNER], is the fee owner of real property (hereafter "Property") in the County of [NAME OF COUNTY], State of Washington, that is subject to this Restrictive Covenant. The Property is legally described [AS FOLLOWS: *(insert legal description language)*] -or- [IN ATTACHMENT A OF THIS RESTRICTIVE COVENANT AND MADE A PART HEREOF BY REFERENCE *(attach document containing legal description)*].

[NAME OF PROPERTY OWNER] 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. *(This Section must describe with particularity the restrictions to be placed on the property.)*

1. *If the property was remediated to Industrial Cleanup Standards use the following sentence:* "The Property shall be used only for traditional industrial uses, as described in RCW 70.105D.020(23) and defined in and allowed under the [CITY -or- COUNTY] of [_____]'s zoning regulations codified in the [OFFICIAL NAME OF ZONING REGULATION] as of the date of this Restrictive Covenant."

2. *If the groundwater contains hazardous substances above Method A or B Residential Cleanup Levels use the following sentence:* "No groundwater may be taken for [LIST THE PROHIBITED USES, E.G., DOMESTIC, AGRICULTURAL, OR ANY USE] from the Property."

3. *If contaminated soil remains that is above Method A or B Residential Cleanup Levels describe prohibited activities.*

a. *For contaminated soil under a structure use the following sentence:* "A portion of the Property contains [SPECIFICALLY LIST SUBSTANCE(S)] contaminated soil located [SPECIFICALLY DESCRIBE WHERE THE SOIL IS LOCATED, I.E., UNDER THE SOUTHEAST PORTION OF BUILDING 10]. The 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 that

contaminated soil or create a new exposure pathway without prior written approval from Ecology."

b. Example language for contaminated soil under a cap: "Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork."

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The 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 6. The 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.

Section 7. The 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.

Section 8. The Owner of the Property 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.

[NAME OF PROPERTY OWNER]

[DATE SIGNED]

[NOTE: The Property Owner must have this Restrictive Covenant notarized.]

APPENDIX D



Terrestrial Ecological Evaluation Process - Primary Exclusions

Documentation Form

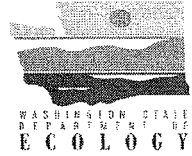
Exclusion #	Exclusion Detail	Yes or No?	Are Institutional Controls Required If The Exclusion Applies?
1	Will soil contamination located at least 6 feet beneath the ground surface and less than 15 feet?	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes
	Will soil contamination located at least 15 feet beneath the ground surface?	Yes <input type="radio"/> No <input checked="" type="radio"/>	No
	Will soil contamination located below the conditional point of compliance?	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes
2	Will soil contamination be covered by buildings, paved roads, pavement, or other physical barriers that will prevent plants or wildlife from being exposed?	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes
3	Is there less than 1.5 acres of contiguous undeveloped land on the site, or within 500 feet of any area of the site affected by hazardous substances other than those listed in the table of <u>Hazardous Substances of Concern</u> ?	Yes <input type="radio"/> No <input checked="" type="radio"/>	Other factors determine
	And Is there less than 0.25 acres of contiguous undeveloped land on or within 500 feet of any area of the site affected by hazardous substances listed in the table of Hazardous Substances of Concern ?	Yes <input type="radio"/> No <input checked="" type="radio"/>	
4	Are concentrations of hazardous substances in the soil less than or equal to natural background concentrations of those substances at the point of compliance	Yes <input type="radio"/> No <input checked="" type="radio"/>	No

[\[Exclusions Main\]](#) [\[TEE Definitions\]](#) [\[Simplified or Site-Specific?\]](#) [\[Simplified Ecological Evaluation\]](#) [\[Site-Specific Ecological Evaluation\]](#) [\[WAC 173-340-7493\]](#)

[\[TEE Home\]](#)

Voluntary Cleanup Program

Washington State Department of Ecology – Toxics Cleanup Program



TERRESTRIAL ECOLOGICAL EVALUATION EXCLUSION

Some contaminated sites are excluded from conducting a Terrestrial Ecological Evaluation (TEE). If your site meets the criteria for exclusion as described in WAC 173-340-7491, please complete this form.

Please note that exclusion from the TEE does not exclude the site for consideration of effects on aquatic or sediment ecological receptors.

SITE NAME Schade Brewery
SITE ADDRESS 528 East Trent Avenue, Spokane, WA
EVALUATOR'S NAME Jeffrey E. Leppo, SLR International Corp.

REASONS FOR EXCLUSION:

A site is eligible for exclusion if it meets any of the following criteria:

1. POINT OF COMPLIANCE WAC 173-340-7491(1)(A)

- No contamination present at site. 1-
- All contamination is below 15 feet prior to remedial activities. 2-
- All contamination is below six feet and an institutional control has been implemented, as required by WAC 173-340-440. 3-
- All contamination is below a site-specific point of compliance established in compliance with WAC 173-340-7490(4)(b) with an institutional control implemented as required by WAC 173-340-440. 4-

Please provide documentation that describes the rationale for setting a site-specific point of compliance.

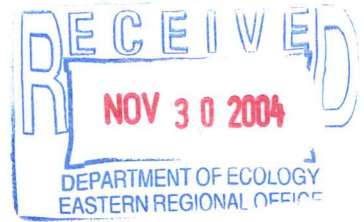
2. BARRIERS TO EXPOSURE WAC 173-340-7491(1)(B)

- All contaminated soil is or will be covered by physical barriers that prevent exposure to plants and wildlife and an institutional control has been implemented, as required by WAC 173-340-440. 5-

An exclusion based on future land use must have a completion date for future development that is acceptable to Ecology.

TRANSMITTAL

Date: 11/24/04
 To: Patti Carter
Voluntary Cleanup Program
Wash. Dept. of Ecology
Spokane, WA



Project No.: 003.0156.00002

Project Description: Schade Brewery Property, Spokane, WA

Enclosed are the following item(s):

- () Prints () Reproducibles () Sketches () Other (See Below)
 (X) Reports () Shop Drawings () Specifications

Quantity	Description
1	Cleanup Action Plan

- () As Requested () For Your Information/Files () Reviewed With Comments
 (X) For Comment/Action () For Your Use () Other (See Below)
 () For Design Preparation () Reviewed & Approved

Remarks: The attached CAP is the follow-up document to
The Remedial Investigation report submitted in May 2004.
Please call me if you have any questions.
Thank you!

Sent By: Jeff Leppo

If material is not received as listed, please call sender immediately.