



August 3, 2023

Christer Loftenius
Washington State Department of Ecology
PO Box 47600
Olympia, Washington 98604

**Re: Progress Report No. 24, District on the River Redevelopment
July 2023**

Sagamore Spokane, LLC; PPCD No. 21200059-32
Facility/Site ID #1523145 and Cleanup Site ID #3509
Project No. 190210

Dear Christer:

This Progress Report has been prepared by Aspect Consulting, LLC (Aspect) for the District on the River Redevelopment at the Hamilton Street Bridge site (Site) as a requirement of Prospective Purchaser Consent Decree (PPCD) No. 21200059-32 between Sagamore Spokane, LLC (Sagamore) and the Washington State Department of Ecology (Ecology). The PPCD was signed and executed on January 15, 2021. Section XII of the PPCD requires Sagamore to submit to Ecology a written monthly Progress Report that describes the PPCD required actions completed during the reporting period. This Progress Report No. 24 covers the reporting period of July 1 through July 31, 2023.

1) Progress During Reporting Period

Progress and actions taken at the Site during this period include:

- No in-field construction activities occurred during this reporting period; however, selection of a new pile Subcontractor has occurred and pilot testing of the next test pile type is being scheduled pending drill equipment availability, discussed below.

2) Sampling and/or Testing Reports Received

- No soil or groundwater samples were obtained for testing during this reporting period.

3) Summary of Deviations

- No deviations occurred during this reporting period.

4) Schedule

- On July 6, Ecology emailed Aspect noting that the stockpiles needed re-covering and requested that it be completed. On July 6, Aspect replied that the email had been forwarded to the Owner's development manager to be resolved. Aspect has also requested the Contractor implement a more robust method of securing the stockpile cover to reduce the possibility of it being blown off during windy days.



- On July 6 Aspect provided an updated basis of financial assurance to Ecology. On July 11, Ecology replied that the submittal satisfied the requirements and that no additional documentation was needed until February 2024.
- On July 18, Ecology emailed Aspect a Corrective Action Notice (dated July 11, 2023; Attachment 1). The Corrective Action Notice primarily contained questions about the construction schedule and requested clarity about the timing of the soil cap/cover replacement and/or alternative plans to stormwater management. Aspect replied via email to Ecology on July 21, 2023 (Attachment 2) requesting a schedule extension to 60 days (by September 15, 2023) to respond to Ecology with an alternative stormwater diversion and management plan.

There was no contact with other parties during this reporting period.

5) List of Deliverables and Key Activities Planned for Next Month

- The Owner, Contractor, and new building foundation Subcontractor have been meeting over the past several weeks to agree on the pile type, material availability, price and installation means and methods for buildings requiring piles. Additional pilot testing of piles will be completed (tentatively scheduled for September 2023 depending on drilling equipment availability). Pile testing schedule is a function of selected supplier schedule and material availability. As soon as the Contractor confirms the final pile type selected for full-scale implementation, Aspect will inform Ecology and will document details in a future progress report.
- In Aspect's July 21, 2023 email response to Ecology's Corrective Action Notice, we suggested having an Ecology-update phone call. We are now also suggest a monthly phone call to provide Ecology with timely communication updates about construction logistics and schedule; a regular call will also ensure the Site is meeting goals of the PPCD, and the cap/cover is maintained sufficiently during the winter months.
- Aspect will continue environmental oversight during the Contractor's stockpile management and pile testing programs.

Please let us know if you have any questions.

Sincerely,

Aspect consulting, LLC



Breeyn Greer, PE
Project Engineer
bgreer@aspectconsulting.com



Dave Cook, LG, CPG
Principal Geologist
dcook@aspectconsulting.com

Washington State Department of Ecology
August 3, 2023

Project No. 190210

Attachments:

Attachment 1 – Corrective Action Notice dated July 11, 2023

Attachment 2 – Aspect reply to Corrective Action Notice dated July 21, 2023

cc: Chuck Dubroff, Sagamore Spokane LLC (email only)

Kevin Schafer, Garco Construction (email only)

Mike Ingram (email only)

V:\190210 Sagamore Spokane\Project Management\Progress Reports\No 24_08032023\Monthly Progress Report No 24_080123.docx

ATTACHMENT 1

**Corrective Action Notice
dated July 11, 2023**



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

July 11, 2023

David Cook
Sagamore Spokane LLC Project Coordinator
Aspect Consulting
710 2nd Avenue, Suite 550
Seattle, Washington, 98104

Re: Prospective Purchaser Consent Decree (PPCD) No. 21200059-32, Corrective Action Notice:

- **Site Name:** Hamilton Street Bridge Site
- **Site Address:** 111 North Erie Street, Spokane, WA 99202
- **Cleanup Site ID:** 3509
- **Facility/Site ID:** 84461527

Dear David Cook:

On January 17, 2023, the Department of Ecology (Ecology) project coordinator visited the Hamilton Street Bridge Site ("Site") to inspect the current construction work, and to assess the damage from campers that cut down trees in 2022. Based on the observations from the Site visit, Ecology issued a corrective action notice to Sagamore, dated January 23, 2023. All deficiencies, except one regarding the alteration of the Site gradient and stormwater diversion, have been adequately addressed by Sagamore Spokane LLC (Sagamore).

In the January 23, 2023, corrective action notice, Ecology had requested a foundation piling schedule by February 15, 2023. The purpose of this request was to ensure that Sagamore is proceeding to construct the CAP remedy in a timely manner. As of the date of this letter, Ecology has not received a schedule update from Sagamore regarding when foundation piling work will resume at the Site.

The Schedule contained in the Prospective Purchaser Consent Decree (PPCD) as Exhibit D specifies that construction under the CAP amendment was due to be completed in accordance with the schedule described in the final Engineering Design Report (EDR), Section 11, Reporting and Schedule. The final EDR (2021), Section 11, Reporting and Schedule, Site construction was scheduled to end by April 2023, and the permanent structures for stormwater management

David Cook
July 11, 2023
Page 2

and diversion were to have been installed by that time. This has not taken place. Additionally, Ecology has not received a request for an extension of the schedule, a requirement set forth in Article XVII of the PPCD. Hence, Sagamore has not complied with the schedule for construction of the remedy, including the permanent hardscape capping and stormwater diversion required by the CAP Amendment.

The PPCD Article VI Work to be Performed, Section A requires that "The work will also include enhancing the existing stormwater management system by conveying stormwater to areas outside the area of contamination." To ensure that the underlying media are protected from stormwater infiltration in compliance with the PPCD, Ecology requires that Sagamore implement one of the two following options:

- Sagamore must restore the Site to the original pre-construction grade using the materials described in the February 2, 2006, Cleanup Action Report within 90 days of receipt of this letter.
- Or, Sagamore may propose an alternative plan to manage and divert stormwater from contaminated soils, instead of restoring the Site surface to its original grade. Sagamore must submit a plan to Ecology describing this alternative within 30 days of receipt of this letter and must complete the installation of the alternative within 30 days of receiving Ecology's written approval of the alternative plan.

We appreciate your cooperation in this matter. If you have any questions or need additional information about this corrective action notice, please contact me at 509-385 8380 or e-mail me at christer.loftenius@ecy.wa.gov.

Sincerely,



Christer Loftenius, LG, LHG
Site Manager
Toxics Cleanup Program, Eastern Region

By certified mail: 9214 8901 9403 8321 2974 88

cc: Nick Acklam, Ecology ^{NA}
Barry Rogowski, Ecology
Kara Tebeau, Office of the Attorney General
Bryce Robbert, Avista
Scott McDonald, BNSF
Ecology Site File

ATTACHMENT 2

**Aspect reply to
Corrective Action Notice
dated July 21, 2023**

Breeyn Greer

From: Dave Cook
Sent: Friday, July 21, 2023 2:51 PM
To: Acklam, Nicholas (ECY); Loftenius, Christer (ECY)
Cc: Tebeau, Kara J. (ATG); bryce.robbert@avistacorp.com; Scott.Macdonald@BNSF.com; cdubroff@gmail.com; Dunning, Michael L. (SEA); Mike Ingram; Breeyn Greer; Dave Cook; Nick Szot
Subject: RE: FSID 84461527 - Hamilton Street Bridge Site: Corrective Action Notice - and Sagamore Response
Attachments: 2023_01_20_CSID_3509_Sagamore_Corrective Action_Notice.pdf

Hi Christer and Nick. On July 18 via certified mail I received the attached PPCD Corrective Action Notice on behalf of Sagamore Spokane LLC. On July 19, I received the letter via email from Nick. I am responding to the Correction Notice via this email on behalf of Sagamore Spokane. A few clarifications and responses:

- 1) Use of the term “campers” is incorrect. No individuals are allowed to legally “camp” or trespass on the property. Evidence of debris was noted along the river historically, but there is no direct evidence that trespassers are living along the river. Nevertheless, to address the potential for trespassing and related issues on the property, Sagamore Spokane fixed fences and hired a security guard to monitor the property.
- 2) The statement that Sagamore has not provided information related to construction schedule is incorrect. Sagamore acknowledged the January 23, 2023 Correction Notice’s request for a construction schedule and has communicated with Ecology multiple times related to the schedule. For example, Aspect on behalf of Sagamore has submitted regular schedule updates to Ecology:
 - a. Aspect’s Corrective Action Notice Response letter dated February 7, 2023 (in advance of the February 15, 2023 date that Ecology requested an update).
 - b. February Progress Report, dated March 10, 2023
 - c. March Progress Report, dated April 3, 2023
 - d. April Progress Report, dated June 9, 2023
 - e. April 14, 18, and 19, 2023 Emails between Aspect and Ecology regarding pile testing and schedule update.
 - f. April 18, 2023 Response to Ecology inquiry about the proposed test pile program.
 - g. May 23, 2023 Email to Ecology related to an update on multiple site issues; including pile testing and construction schedule notification.
 - h. May Progress Report, dated June 9, 2023
- 3) The comment in the Correction Notice referencing the 2021 EDR is outdated. It should refer to the EDR Amendment dated April 22, 2022. That EDR Amendment revised the schedule and indicated at that time that a Construction Completion Report would be submitted by June 1, 2024 (not April 2023 per the superseded 2021 EDR). Aspect has notified Ecology that the April 22, 2022 EDR (and schedule) will be updated once pile testing is complete. Further, it has been our understanding that because of our regular communications with Ecology about the construction schedule that updates to the PPCD and EDR would not be necessary until more certainty was established related to pile testing, procurement, and installation. Based on the July 11, 2023 PPCD Correction Notice, it appears that Ecology is not satisfied with the regular communications and monthly progress reporting related to the construction schedule. We understand from the development manager that there is progress related to solidifying the construction team and procuring equipment and materials to conduct pile testing. We would be happy to arrange a meeting/call with you and the development manager to convey schedule information and to better understand what additional communications would be helpful to Ecology.
- 4) Because pile testing and installation is anticipated to occur during the summer of 2023, Sagamore Spokane will work with Ecology related to the two options outlined in the July 11, 2023 PPCD Correction Notice Letter, as follows:

- a. Ecology Option 1. "Sagamore must restore the Site to the original pre-construction grade using the materials described in the February 2, 2006, Cleanup Action Report within 90 days of receipt of this letter."
 - i. This would require restoration by October 16, 2023. Because construction and hardscape development will not be completed by October 16, 2023, a restoration method will need to be completed. But, it may not be feasible to replace the site to the historic grade if production pile installation is underway.
- b. Ecology Option 2. "Or, Sagamore may propose an alternate plan to manage and divert stormwater from contaminated soils, instead of restoring the Site surface to its original grade. Sagamore must submit a plan to Ecology describing this alternative within 30 days of receipt of this letter and must complete the installation of the alternative within 30 days of receiving Ecology's written approval of the alternative plan."
 - i. This would require a plan to be submitted by August 17, 2023, and implementation 30 days after Ecology approval (whenever that may be). This timeframe will not be possible because of ongoing negotiations with the pile contractor. Sagamore requests a 60 day timeframe (by September 15, 2023) to respond to Ecology with a possible alternative plan.

Sagamore recognizes that If construction has not progressed by the time that fall wet weather commences (according to historic rain gauge data that period falls in October) then the site will need to be prepared for winter weather. Sagamore will work with Ecology to develop an appropriate plan to facilitate this condition. Sincerely, Dave

Dave Cook, LG, CPG | Principal Geologist | Direct: 206.838.5837 | Cell: 206.372.7637
Aspect Consulting LLC | 710 2nd Ave, Suite 550, Seattle, WA 98104 | www.aspectconsulting.com

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From: Acklam, Nicholas (ECY) <nack461@ECY.WA.GOV>
Sent: Wednesday, July 19, 2023 11:58 AM
To: Dave Cook <dcook@aspectconsulting.com>
Cc: Loftenius, Christer (ECY) <clof461@ECY.WA.GOV>; Tebeau, Kara J. (ATG) <Kara.Tebeau@atg.wa.gov>; bryce.robber@avistacorp.com; Scott.Macdonald@BNSF.com; cdubroff@gmail.com; Dunning, Michael L. (SEA) <mdunning@perkinscoie.com>; Mike Ingram <mike@arttcon.com>; Breeyn Greer <bgreer@aspectconsulting.com>
Subject: RE: FSID 84461527 - Hamilton Street Bridge Site: Corrective Action Notice

Thanks Dave for the response. I apologize for our oversight, and we will make sure to include the property owner, Chuck Dubroffas as well as the rest of this distribution list in any future communications.

Nick

From: Dave Cook <dcook@aspectconsulting.com>
Sent: Wednesday, July 19, 2023 11:21 AM
To: Acklam, Nicholas (ECY) <nack461@ECY.WA.GOV>
Cc: Loftenius, Christer (ECY) <clof461@ECY.WA.GOV>; Tebeau, Kara J. (ATG) <Kara.Tebeau@atg.wa.gov>; bryce.robber@avistacorp.com; Scott.Macdonald@BNSF.com; cdubroff@gmail.com; Dunning, Michael L. (SEA) <mdunning@perkinscoie.com>; Mike Ingram <mike@arttcon.com>; Breeyn Greer <bgreer@aspectconsulting.com>
Subject: RE: FSID 84461527 - Hamilton Street Bridge Site: Corrective Action Notice

Thanks Nick. Acknowledging receipt of this email and the certified letter that I received yesterday. Aspect will respond on behalf of Sagamore Spokane. I've asked Christer this before, but can Ecology please copy the property owner, Chuck

Dubroff, on these types of communications? It seems odd to me that other PLPs are copied, but not the property owner. Thanks. Dave

Dave Cook, LG, CPG | Principal Geologist | Direct: 206.838.5837 | Cell: 206.372.7637
Aspect Consulting LLC | 710 2nd Ave, Suite 550, Seattle, WA 98104 | www.aspectconsulting.com

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From: Acklam, Nicholas (ECY) <nack461@ECY.WA.GOV>
Sent: Wednesday, July 19, 2023 10:24 AM
To: Dave Cook <dcook@aspectconsulting.com>
Cc: Loftenius, Christer (ECY) <clof461@ECY.WA.GOV>; Tebeau, Kara J. (ATG) <Kara.Tebeau@atg.wa.gov>; bryce.robbert@avistacorp.com; Scott.Macdonald@BNSF.com
Subject: FSID 84461527 - Hamilton Street Bridge Site: Corrective Action Notice

Good morning David,

Please find the attached Corrective Action Notice for the Hamilton Street Bridge Site. This letter is being sent on behalf of the Site Manager Christer Loftenius who is out of the office this week. If you have any questions about the content of this letter, please let Christer and/or myself know.

Thank you,
Nicholas M. Acklam
Section Manager - ERO
Toxics Cleanup Program
Washington State Department of Ecology
(509)818-7457
nack461@ecy.wa.gov