



Response to Comments

Draft 100% Engineering Design Report for Northport Waterfront

Public comment period held August 22 – October 5, 2023
Facility Site ID: 96239, Cleanup Site ID: 14874

Toxics Cleanup Program, Eastern Region

Washington State Department of Ecology
Spokane, Washington

October 2023

Document Information

This document is available on the Washington Department of Ecology's [Northport Waterfront cleanup Site page](#).¹

Related Information

- Facility Site ID: 96239
- Cleanup Site ID: 14874

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1 <https://apps.ecology.wa.gov/cleanupsearch/Site/14874>

2 <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-Sites>

3 <https://ecology.wa.gov/About-us/Accountability-transparency/Our-website/Accessibility>

Toxics Cleanup in Washington State

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

Contaminated Sites in Washington are cleaned up under the Model Toxics Control Act⁴ (MTCA, Chapter 173-340 Washington Administrative Code), a citizen-mandated law passed in 1989. This law sets standards to ensure toxics cleanup protects human health and the environment and includes opportunities for public input.

Public Comment Period Summary

Ecology held a comment period August 22 through October 5, 2023, for the draft [100% Engineering Design Report](#)⁵ for the Northport Waterfront cleanup site. More information is available in the [public notice](#)⁶ we mailed to the surrounding community.

We held a 45-day comment period that began before the community received public notice in the mail. The comment period remained open for 30 days following the receipt of notice via mail. We began the comment period as soon as we posted the Engineering Design Report and comment period online so the bidding process for the public works contract can be completed in time to keep the work on schedule to begin in spring 2024.

Ecology appreciates the comments we received from one person and three organizations. We address them in the Response to Comments section that begins on Page 4. We finalized the draft report without changes.

Site Background

Ecology is directing and funding cleanup of smelter-related metals contamination on Northport's waterfront area next to the Town Park. The site includes permanently and seasonally exposed areas of the Columbia River bank and shore next to the park and around the boat launch.

⁴ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>

⁵ <https://apps.ecology.wa.gov/cleanupsearch/document/128558>

⁶ <https://apps.ecology.wa.gov/cleanupsearch/document/128749>

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

The Engineering Design Report provides more details about how the Cleanup Action Plan will be completed. The plan is to remove and cap contamination and add public access improvements such as covered viewing areas and trail re-grading in cleaned up areas. The report includes specifications such as the anticipated construction schedule; staging/stockpiling and waste characterization of excavated sand, soil, and rock; best management practices during construction; and public access improvements that will be installed after cleanup.

The estimated cost of cleanup is \$10.5 million. The Eastern Washington Clean Sites Initiative funds this project. The money comes from a voter-approved tax on hazardous substances. Funds are used to clean up properties where the responsible party couldn't be found or can't pay cleanup costs.

Response to Comments

The comment letters are printed verbatim. Ecology's responses follow the comments.

Index of comments received

Everyone who submitted comments is listed in Table 1 in alphabetical order by their last name, followed by the date we received their comments and the page on which their comments are printed as received. Contact information (postal and email addresses and phone numbers) has been omitted.

Table 1. Index of comments received

Name	Organization	Date received	Page
Whitney Fraser	Lodestone LLC for the Confederated Colville Tribes	October 5	4
Wes McCart	Stevens County Board of Commissioners	October 5	5
Jack Sandberg	None	September 8	8
Danny Stone	Grant County Board of Commissioners	August 29	9

Whitney Fraser, Lodestone LLC for the Colville Confederated Tribes, received via email October 5

I have read through the engineering design report for the Northport cleanup and saw no discussion or consideration of recontamination from upstream slag. How is that being accounted for (or is it)? Apologies if it is in there and I missed it.

Ecology's response

Thank you for your comment. Some amount of granular slag from the Trail Smelter is expected to settle and deposit within the Northport waterfront nearshore floodplain area after the cleanup work is completed. Ecology weighed this issue against those presented by not taking action.

First, contaminant concentrations at the site are widespread and high enough to represent a threat to human health and the environment. As an example, lead concentrations within all five areas of the site exceed 10,000 parts per million (ppm) up to 4 feet deep. The popularity of the site for river access and recreation makes potential exposure risks high. It is unlikely any future contamination would be at such a high level.

Second, some areas will not face recontamination. The Hillside area sits above ordinary high-water levels. Removal of contamination at the hillside will benefit human health and the environment regardless of future sediment transport.

Third, the waterfront is subject to possible erosion as well as deposition. Metal-impacted waste materials from the Trail Smelter and the LeRoi Smelter potentially will move downstream in the river through natural hydrologic processes. This poses additional risk if areas of redeposition are hard to access as part of possible future cleanup actions that aren't part of this project. At the Northport waterfront, it is relatively easy to remove the slag present to prevent current risks as well as any downstream movement.

Wes McCart, Stevens County Commissioners, received online October 5

I would like to submit the following for the record on behalf of the Board of County Commissioners and the over 47,000 citizens we represent in Stevens County.

Section 10 talks about the Implementation Schedule. Table 10-1 shows a tentative construction schedule in the Spring of 2024, but it also talks about work possibly needing to be done in the Fall 2024 construction window. What is not talked about is that with no agreement on the Columbia River Treaty, the Army Corps of Engineers (ACE) is currently looking into flow changes to "real time operations" which would take effect on September 16, 2024. ACE estimates that Grand Coulee Dam will likely have to change its storage operations drastically and there is great uncertainty as to how Canada will release flows. This may change any work window in the Fall timeframe, and if the work were to carry into 2025 (unexpected but referenced in previous documents). Although the contractor will be responsible for this work window and develop a schedule to work when the water is below work areas, we would request that some discussion be added to the report that talks about the flow variability after September 16, 2024, if the ACE needs to go to "real time operations."

How does Ecology expect to defend this cleanup action for Lead in light of the EPA [U.S. Environmental Protection Agency] currently going through the process of lowering the cleanup standard to the 100-200 mg/kg level? It seems like your engineering standard for cleanup levels of Lead will exceed safe standards if this change is made prior to the start of construction. We

would hate to see this area need to be cleaned up again at a later date and spend additional taxpayer dollars. (Reference Table 2-1, page 6)

We also have some concerns as to why the Arsenic cleanup level is above 10ppm when this is the drinking water standard? Table 2-1, page 6 shows cleanup levels at 20 mg/kg and 12.9 mg/kg. This seems inadequate for a beach/swim area where water is likely to be ingested in large quantities with frequent use.

Thank you for the ability to comment. If you should have any questions on the comments, please contact us.

Ecology's response

Thank you for your comments. We will answer them individually.

Columbia River Treaty

The potential for uncertainty during ACE's "real-time operations" starting September 2024 could impact many resources. However, by looking at the "worst-case scenario" models produced by the ACE (Figure 1), we see that the uncertainty occurs when snowmelt from Canada and northern U.S. reaches the upper Columbia River, from January to July. Unimpacted by snowmelt by September, the water levels in the river will remain predictable enough to finish any sediment work that was not completed in the spring of 2024.

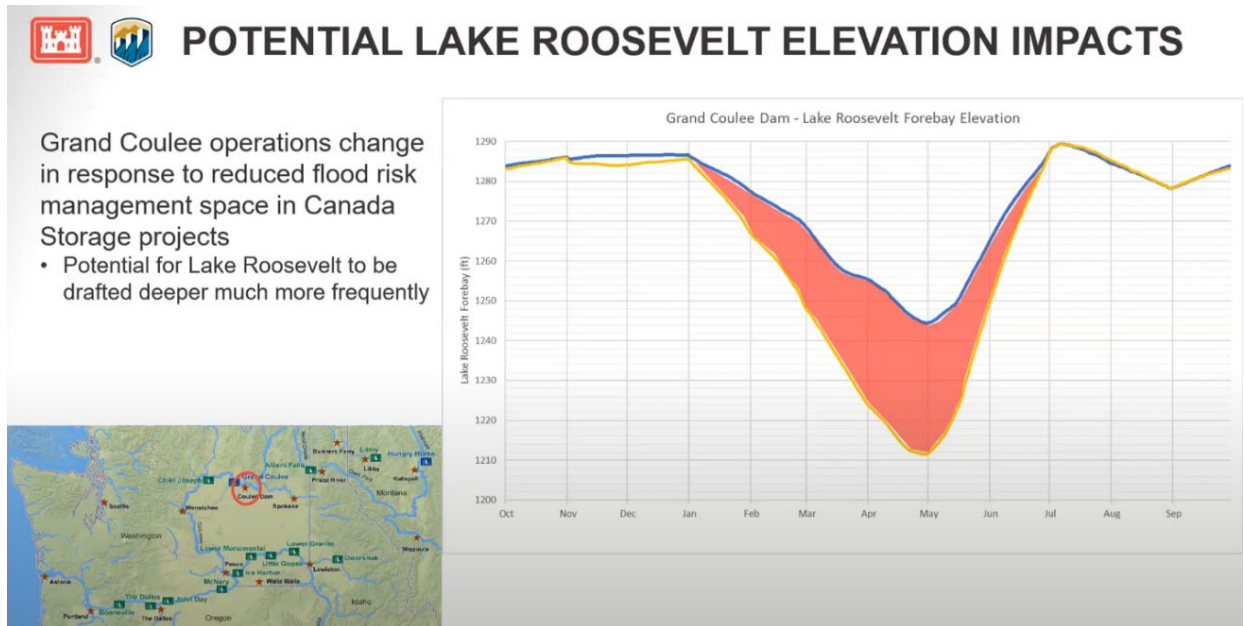


Figure 1. Potential elevations for Lake Roosevelt through time upon adoption of "real-time operations"; blue: avg. today; yellow: future worst-case scenario; red: uncertainty associated with worst-case scenario.⁷

⁷ Source: Columbia River Treaty Real Time Flood Risk Management public information session, September 28, 2023. <https://www.nwd.usace.army.mil/CRWM/Columbia-River-Treaty/>

Arsenic

This site is regulated as a soil cleanup and a sediment cleanup.

Soil cleanups are managed by MTCA, and cleanup levels are determined through varying methods based on site complexity, media impacted, and site characteristics. This site uses Method A soil cleanup levels, which are the most straightforward. The 20-ppm value used for arsenic at the site is also used across the state, including in Tacoma Smelter Plume cleanups associated with the ASARCO Smelter. These values are based on toxicity testing and modeling using the exposure pathway of human ingestion, specifically of children.

Sediment cleanups are managed by the state's Sediment Management Standards (SMS). Sediment cleanups use ecological organisms (specifically benthic invertebrates) as the receptor group to ensure the protectiveness of aquatic receptors at higher trophic levels. The SMS were updated in 2013 to include screening and cleanup criteria for freshwater cleanups; however, during the development, it was determined that state-wide chemical criteria values (developed through data from Washington, Oregon, and Idaho) did not reliably predict benthic community toxicity for sediment sites impacted by metals mining, metals milling, or metals smelting. As such, site-specific sediment cleanup values (SSCVs) were developed using localized bioassay tests on growth, mortality, and biomass at the Northport waterfront. The final SSCV for arsenic of 12.9 ppm was the most protective calculated value that passed overall reliability tests. This is more protective than the conventionally derived, state-wide sediment cleanup value of 14 ppm.

Further, national drinking water standards or maximum contaminant levels for surface water (10 micrograms per liter for arsenic) were not used in this cleanup because the work is being done when water levels are low and sediment is accessible without contacting surface water.

Ecology is not conducting this waterfront cleanup work to enhance swimming and wading. Previous comment periods have produced concerns over safety related to this potential misinterpretation. The recreational enhancements Ecology drafted in the Engineering Design Report are designed to encourage out-of-water activities, such as new viewing areas and re-grading the current trail to the waterfront. Decisions about the possibility of future institutional controls, such as "no swimming" signs, have yet to be discussed with the property owner, but could help limit potentially unsafe recreational activities.

Lead

Even though the lead concentrations EPA and Ecology identified as cleanup benchmarks may change in the future, the entire site will be remediated through excavation and backfill with a clean cap material. Metal concentrations in the cap material will be well below MTCA cleanup levels, so further remediation will not be needed.

Jack Sandberg, received via email September 8

where will contaminated soil removed from the shoreline be dumped? last time truckload after truckload was dumped about a half mile from our home on deep lake boundary rd. if it is too toxic to leave on the shore why is it safe to dump near our home. there is no fencing or signage where it is dumped. we have no idea what leaches into our groundwater and well. answers please, jack sandberg

Ecology's response

Thank you for your comment and questions. During our follow-up communications, you indicated this material was likely placed at the referenced private property at least 10 years ago. While we understand there are questions about the material's origin and composition, Ecology can confirm it did not come from any of our cleanup projects.

Ecology led the 2010 Black Sand Beach cleanup.⁸ Contaminated materials removed for disposal during any Ecology cleanup must be tracked through documentation and reporting. For this cleanup, Teck American Inc. and their contractors were responsible for preparing and managing all necessary transportation documentation, including details from every waste manifest produced. A manifest is a shipping document that tracks hazardous waste from point of origin to ultimate disposal. Weight of materials in the truck, truck identifications, truck driver, and leave and departure times are all included. The final report from the cleanup, Black Sand Beach Completion Report and Performance Monitoring Plan,⁹ includes waste tracking beginning on Page 31.

In 2004, EPA conducted the first set of residential yard cleanups. Waste material from this cleanup was consolidated at the former LeRoi Smelter site and capped with a permeable marker and a clean soil cap. Testing done by the EPA showed the lead and arsenic present in soil was not leachable and groundwater is clean, as the Town of Northport's water supply wells are on the smelter property. Regular testing is required and performed by the Washington Department of Health, which has not shown groundwater contamination, confirming the original test results.

In 2014, 2016, 2018, and 2022, EPA completed more residential yard cleanups. As with Ecology cleanups, cleanup activities at EPA-led projects follow strict waste tracking and documentation requirements. Excavated soil was removed from each property and taken via covered haul trucks to the plastic-lined laydown yard at the Northport Airfield. The contaminated soil was then loaded into lined haul trucks and sent to the Stevens County Landfill as non-hazardous waste. Reporting documents for these residential yard cleanups are available by contacting Monica Tonel with EPA at 206-553-0323.

⁸ <https://apps.ecology.wa.gov/cleanupsearch/site/2036>

⁹ <https://apps.ecology.wa.gov/cleanupsearch/document/3783>

If you still have concerns about dumping you witnessed, you can use the [Statewide Environmental Incident Report Form](#).¹⁰

Danny Stone, Grant County Commissioners, received online August 29

The information I've learned about the state of the river and the species that make the river their home shows a very clean environment in both cases. I believe it is irresponsible for this plan to move forward because it will most likely stir up contaminants that are covered and encased under sediment and will send those contaminants down river. Logic tells me that this would likely have more adverse effects on water quality and the aforementioned species than would be experienced by just leaving those contaminants where they are. The river and the people I serve will be better served if this planned endeavor is cancelled.

Ecology's response

Thank you for your comments. Ecology is deeply committed to protecting, preserving, and enhancing Washington's environment for current and future generations. In the upper Columbia River, 20+ years of environmental testing shows that the river, most notably river bottom sediment, is not clean. A range of studies conducted by state and federal agencies show that contaminants present in river sediment can pose unacceptable risk to benthic and aquatic receptors such as bottom-dwelling organisms and fish species. This includes the ongoing studies of the upper Columbia River occurring under an agreement between EPA and Teck.

A detailed surface water evaluation was conducted in 2010 and determined that the river's water quality was not being adversely affected by ongoing industrial discharges to the river or by leaching of contaminants (mainly metals) from the bottom sediments. Other sampling and testing conducted by state and federal agencies and by local tribes reaffirms, overall, this position about water quality. Ecology does not expect short-term cleanup actions, such as the proposed Northport waterfront cleanup work, to pose a measurable or sustained adverse impact to river water quality.

This work at the waterfront will be done when water is low enough to access the slag-impacted sediment without impacting surface water. Required local, state, and federal permits ensure the work does not negatively impact waters of the state. Best management practices and temporary and permanent erosion and sediment control measures will be used during cleanup. These include and are not limited to:

- Excess or waste materials will not be allowed to enter waters of the state.
- Erosion-control measures, such as temporary silt fence, will be constructed around all temporary material stockpile areas.
- When materials are transported, haul trucks or containers will be lined or otherwise sealed to prevent release of any soil or liquid during transport.

¹⁰ <https://ecology.wa.gov/footer-pages/report-an-environmental-issue/statewide-reporting-form-erts>

- Temporary stockpile areas generated during construction will be lined with a waterproof geosynthetic liner or a geotextile liner to prevent project-generated materials from mixing with soil under the stockpile.

Ecology is the lead natural resource trustee for the State of Washington. The agency's goal is to take necessary actions that will ensure the upper Columbia River is a clean and healthy environment for people and ecological receptors. We believe the proposed Northport waterfront cleanup work will reduce potential risk to people and ecological receptors in the immediate Northport area and throughout the upper Columbia River system.