

From: [Winslow, Frank \(ECY\)](#)
To: [George Iftner](#)
Cc: [Matt Fidler](#); [Michael Spillane](#); [Matt Weber](#); [Paul Lymberis](#); [Terry Wise](#)
Subject: Elk Plain County Shop - Clarification on Next Steps
Date: Tuesday, November 21, 2023 10:55:01 AM
Attachments: [Toxics Cleanup Program Procedure 440A Establishing Environmental Covenants under the Model Toxics Control Act.docx](#)

Hi George,

Please see **highlighted** responses below.

Let me know if you have any questions.

Regards, Frank

Frank P. Winslow, LHG

WA Expedited VCP Site Manager
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Frank.Winslow@ecy.wa.gov

From: George Iftner <giftner@herrerainc.com>
Sent: Monday, November 20, 2023 4:45 PM
To: Winslow, Frank (ECY) <fwin461@ECY.WA.GOV>
Cc: Terry Wise <Terry@TerryWiseRE.com>; Matt Fidler <mfidler@herrerainc.com>; Michael Spillane <mspillane@herrerainc.com>; Matt Weber <Mweber@AHBL.com>; Paul Lymberis <paul.lymberis@lgihomes.com>
Subject: RE: Ecology Comments on Feasibility Study Report

Hi Frank,

I'm writing with an update on submittal of the revised FS report and Cap Design Memo.

We are awaiting the revised Cap Design memo (I've reviewed a draft) and anticipate receiving that in December at which point we'll submit that to Ecology along with the FS.

Assuming Ecology concurs with the revised Feasibility Study (FS)/Cleanup Action Plan (CAP), we anticipate providing a No Further Action (NFA) Likely letter. The Cleanup Action Plan (Section 6 and Appendix H of the FS Report) is expected to provide the conceptual design. A complete design is not expected for Ecology's issue of a NFA Likely letter, although having more detailed design is may help with Ecology's review. We suggest resubmittal of the FS/CAP without the design document if it will not be available in the near future.

Ecology notes that the following comment from our October 3, 2023 email was intended to request design documents subsequent to resubmittal of the FS/CAP:

Please note that Ecology has a potential concern with the regrading plan provided in

Appendix H. The side slopes of this area are shown to be quite steep, and may present both a construction concern and long-term potential erosion concern. The six foot thick clean soil cap on top of a geofabric demarcation liner may be challenging to install with such steep slopes. Ecology anticipates requesting a cap design document that will clarify these concerns.

Ecology notes that another element of the cap design is the planned vegetative cover and construction schedule. Rapidly establishing vegetative cover is a critical component of an earthen cap, and the construction schedule should consider appropriate seasons for grading and establishing vegetative cover.

I have some questions regarding deliverables remaining to get the site to the NFA likely status.

As a summary, here is a list of deliverables from our previous email that was intended to follow resubmittal of the FS/CAP and Ecology's issue of a NFA Likely letter:

- Ecology concurrence on the design of the capped area following submittal of a cap design document.
- Ecology concurrence on the appropriateness of the clean fill material that will be used to construct the cap.
- Ecology concurrence on the appropriate construction of the cap following submittal of a remedial action completion (cap installation) report.
- Ecology concurrence of a cap inspection plan.
- Recording of an environmental covenant signed by Ecology.

Please comment on the following:

1. After Ecology approval of the Cap Design and FS, Herrera will submit a Cap Installation Memo to Ecology.

Following construction of the cap, a Remedial Action Completion Report (Cap Installation Report) should be submitted to Ecology, including as-built information and photo documentation. The Cap Inspection Plan can be included within this document or provided as a separate submittal.

2. Herrera will follow that with submittal of a Cap Inspection Plan. Do you have an example you could share? I've got a framework in mind but don't want to over or underdeliver. Are annual inspections enough or should it specify inspections after major storm events? Does the owner have to mail those to Ecology each year or just keep a copy on hand to provide upon Ecology request? I assume it should describe how cap repairs would be undertaken if needed and threshold triggers like x-amount of erosion?

I don't have an example plan, but it can be pretty brief. It should include a field inspection

form, discussion of inspection methods, schedule, and contingency measures if any problems are found. Examples of problems could include erosional features, lack of vegetative cover, etc. Corrections should be made within a rapid timeframe (e.g. 48 hours?). Until vegetative cover is well established, it may be appropriate to have inspections following storm events. Ecology would expect any amount of erosional rilling should be corrected quickly.

Our NFA Letter would summarize cap inspection requirements and reference the cap inspection plan. Typically, that will include annual inspections including completion of a field form and taking photographs. The NFA will indicate that any problems with the integrity of the cap should be immediately report to Ecology, but otherwise, the inspection reports can be submitted to Ecology for our 5-year periodic review within an Inspection Summary Report. Ecology's periodic review report will identify the expected schedule for continued inspections.

3. Will a Contaminated Soils Management Plan be *required* as part of the NFA, or *recommended* to guide the site civil development work?

Since soils are not to be segregated or disposed of offsite, we anticipate that a Contaminated Media Management Plan would not be needed. Our understanding is that the soils in the SE and NW berms area may be recontoured prior to capping. As such, appropriate health and safety and run off prevention measures should be included. Ecology expects that all state and local governmental requirements be met including all applicable grading, construction, and stormwater permits. Please notify Ecology immediately if any unforeseen circumstances (e.g. free product) is observed during regrading work. Based on site data, this occurrence appears to be relatively unlikely.

4. Will Ecology write/draft the Environmental Covenant for the owner/consultant to review and how long do you anticipate that process will take?

Ecology generally expects that our boilerplate (attached) be modified by the applicant in Word Track Changes and the draft environmental covenant (EC) be submitted to Ecology for our review and editing. Note that our legal counsel typically does not accept any changes to our standard EC terms and conditions language.

For this site we understand that the property boundaries may be adjusted, and the schedule for the recording of the EC may necessitate waiting for such boundary changes to be finalized.

Thanks,
George

From: Winslow, Frank (ECY) <fwin461@ECY.WA.GOV>

Sent: Wednesday, October 4, 2023 8:38 AM

To: George Iftner <giftner@herrerainc.com>
Cc: Terry Wise <Terry@TerryWiseRE.com>
Subject: RE: Ecology Comments on Feasibility Study Report

Hi George,

It is fine to leave in the TEE appendix.

Thanks, Frank

From: George Iftner <giftner@herrerainc.com>
Sent: Wednesday, October 4, 2023 7:35 AM
To: Winslow, Frank (ECY) <fwin461@ECY.WA.GOV>
Cc: Terry Wise <Terry@TerryWiseRE.com>
Subject: RE: Ecology Comments on Feasibility Study Report

Frank,
Good morning Frank.
I'm addressing comments and will delete the appendices with technical reports already submitted to Ecology.

Quick question: should we keep the TEE documentation Appendix? I don't believe that updated information has been presented to Ecology – except for some email correspondence between you and me.
-George

From: Winslow, Frank (ECY) <fwin461@ECY.WA.GOV>
Sent: Tuesday, October 3, 2023 10:23 AM
To: George Iftner <giftner@herrerainc.com>
Cc: Terry Wise <Terry@TerryWiseRE.com>
Subject: Ecology Comments on Feasibility Study Report

Hi George,

Ecology has the following preliminary comments on the FS report. We request that the report be revised based on the following comments and resubmitted to Ecology:

- Please modify the report title as follows: Feasibility Study, Former Elk Plain Roads Maintenance Facility, Area of Concern 14 – SE and NW Berms Area.
- Please add to the Introduction a statement that the Feasibility Study was prepared for AOC 14 – SE and NW Berms area and that other AOCs were discussed within previous correspondences. The discussions on other AOCs in Section 1 can stay, Ecology just notes that they are not the focus of this report.

- Please remove previous reports/technical memoranda from the appendices. Attaching reports makes it too difficult to find information within electronic (PDF) documents and makes a report too large for Ecology's data system. As a rule, Ecology requests not attaching reports to other reports but to provide them separately (we already have the referenced reports in this case).
- Please remove sheets from Appendix H that do not directly apply to AOC 14 – SE and NW Berms area.
- The regarding plan in Appendix H is labeled "Material Stockpile". This label may be a bit confusing. Ecology recommends labeling this area "Park Area" or equivalent to make long-term land use plans for this area more clear.
- Please note that Ecology has a potential concern with the regrading plan provided in Appendix H. The side slopes of this area are shown to be quite steep, and may present both a construction concern and long-term potential erosion concern. The six foot thick clean soil cap on top of a geofabric demarcation liner may be challenging to install with such steep slopes. Ecology anticipates requesting a cap design document that will clarify these concerns.
- Ecology notes that consideration of Alternative 5 by Ecology is based on the following understanding; besides the installation of the cap in the area, an environmental covenant with institutional controls will be required. Ecology anticipates that the environmental covenant will include a condition requiring land use as a park in perpetuity.
- Table 3 – please change the public acceptance score of Alternative 2 (Excavation) from 10 to 7. Ecology believes that the numerous dump trucks on the road would likely result in a lower public acceptance score.
- Table 3 – please change the public acceptance score of Alternative 5 (Capping) from 7 to 8. Ecology believes that the land use of the area as a park in perpetuity under this alternative would likely result in a higher public acceptance score.
- Table 3 – please change the title of Alternative 3 to Ex-Situ Bioremediation
- Table 3 – Please change the title of Alternative 5 to Consolidation, Capping, and Institutional Controls.
- Table 3 – Please change the long-term effectiveness score for Alternative 3 (Ex-Situ Bioremediation) from 7 to 5. Ecology believes the effectiveness of bioremediation for the CPAHs in these soils to be more uncertain.
- Please add discussion in Section 1.2 or 1.3 summarizing the AOC 14 – SE and NW berms, including the estimated area of soil contamination exceeding cleanup levels in acres, the estimate thickness and volume of the contaminated soil, and any available information on when the fill soil was placed there by the County and when the quarrying took place

immediately to the east of AOC 14.

- Please provide information regarding the contaminated soil volume/tonnage estimation. This can be provided separate from the report.
- Appendix G included 6.5 acres of grubbing. Ecology estimated roughly 2.5 acres in AOC 14. Please clarify.
- Section 2.3.3.1 states:

Asphalt Concrete Pavement

A minimum 3-inch-thick asphalt concrete pavement layer underlain by aggregate base and 1 foot of foundation fill soil would be placed, with an underlying indicator warning layer (e.g., high visibility orange construction fencing) to demarcate the limits of the cover system for any potential utility or cover system repairs.

Concrete Pavement

A minimum 3-inch-thick concrete pavement layer underlain by aggregate base and 1 foot of foundation fill soil would be placed, with an underlying indicator warning layer (e.g., high visibility orange construction fencing) to demarcate the limits of the cover system for any potential utility or cover system repairs.

Ecology is confused about these sections. A Teams call may be warranted to discuss.

- Ecology notes that the geofabric demarcating the boundary between the added clean fill and the underlying contaminated soil should not be a material that is slow to degrade – high visibility is not generally considered a requirement since geofabric is generally easily identified during excavation work.

Please let me know if you have any comments regarding the above. As a heads up, the following are the anticipated subsequent deliverables discussed within our draft opinion letter:

- Ecology concurrence on the design of the capped area following submittal of a cap design document.
- Ecology concurrence on the appropriateness of the clean fill material that will be used to construct the cap.
- Ecology concurrence on the appropriate construction of the cap following submittal of a remedial action completion (cap installation) report.
- Ecology concurrence of a cap inspection plan.

- Recording of an environmental consent signed by Ecology.

Ecology notes that other comments could be identified as we complete our review and during internal peer review of Ecology's opinion letter. We are providing Ecology's comments at this time to expedite the process to the extent possible. We will continue our review and let you know if any additional comments are identified in the near future.

Thanks, Frank

Frank P. Winslow, LHG

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