



Response to Comments

Draft Cleanup Action Plan for the Van Stone Mine

Public comment period held May 15 – June 16, 2023
Facility Site ID: 1554858, Cleanup Site ID: 461

Toxics Cleanup Program

Washington State Department of Ecology
Spokane, Washington

December 2023

Document Information

This document is available on the Washington Department of Ecology's [Van Stone Mine cleanup site page](#).¹

Related Information

- Facility site ID: 1554858
- Cleanup site ID: 461

Contact Information

Toxics Cleanup Program

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Spokane, WA 99205

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¹ <https://apps.ecology.wa.gov/cleanupsearch/site/461>

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 Act](#)⁴ (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 May 15 through June 16, 2023, for the draft [Cleanup Action Plan](#)⁵. More information is available in the [public notice](#)⁶ we mailed to the surrounding community.

We held a public meeting June 8, 2023, to explain the plan and answer questions. You may [download our presentation](#)⁷ from the meeting and a [summary of attendees' questions and our answers](#)⁸.

Ecology appreciates the comments we received from two people and three organizations. We address them in the Response to Comments section that begins on Page 4. We finalized the Cleanup Action Plan after making corrections to parcel ownership and ongoing maintenance requirements as requested by the Stevens County Commissioners. Now that the Cleanup Action Plan is finished, Ecology is moving forward with the first stage of cleanup: addressing the dam at North Pit Lake.

Site Background

The cleanup site is 24 miles northeast of Colville off Van Stone Road in the Onion Creek watershed. The Van Stone Mine operated on and off from 1938 to 1993 as an underground and then open-pit lead and zinc mine. After final shutdown, mine buildings, access roads, waste rock, process tailings, and exposed mining faces remained.

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/124538>

⁶ <https://apps.ecology.wa.gov/cleanupsearch/document/124537>

⁷ <https://apps.ecology.wa.gov/cleanupsearch/document/126049>

⁸ <https://apps.ecology.wa.gov/cleanupsearch/document/126375>

Contaminants vary by area, but in general, soil is contaminated with antimony, arsenic, cadmium, lead, mercury, and zinc. Surface water discharging into Onion Creek tributaries from tailings piles also has levels of contaminants requiring cleanup.

The goals of cleanup are to prevent people and animals from contacting remaining mining waste and to prevent dam failure at North Pit Lake. The cleanup will consolidate and cover contaminated material, decrease steep slopes, and improve the spillway at North Pit Lake.

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 organization they represent (if applicable), 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.

Images of the PDF versions of Vaagen Brothers Lumber's and the Stevens County Commissioners' letters are in Appendix A. The body of those letters are copied and responded to in the main text of this document.

Table 1. Index of comments received

Name	Organization	Date received	Page
Joel Anderson	None	June 14	4
Braden Britt	None	June 11	5
David Bruce	Vaagen Brothers Lumber	June 15	6
Mark Burrows, Wes McCart, Greg Young	Stevens County Commissioners	June 13	7
Kelsay Stanton	Washington Department of Natural Resources	June 15	8

Joel Anderson, received online June 14

As i said at the meeting at the school, I am concerned about where all this soil that is supposed to cover the combined tailings is going to come from. I would like to see a map or photo showing where Ecology has access to that much soil and if so, how will transfer of soil affect the site where it is taken from.

Ecology's response

As Ecology develops the engineering designs for the cleanup action, further details about the amount and locations of available soil for covering the combined tailings impoundment at the Lower Tailings Pile will be refined.

To provide more visual context to the public meeting discussion, an aerial photo of the Lower Tailings Pile with corresponding Stevens County parcel numbers is in Figure 1. As noted in the presentation, the Lower Tailings Pile will be regraded in the vegetated areas in parcel numbers 5038401, 5039302, and 5039320 to decrease the slopes and bring them into compliance, and to make room for consolidating the Upper Tailings Pile here. To accomplish this, parcel 5038401 will be graded, which will make soil available to create the cover system. Additional soil may be needed; however, those details will be refined in the engineering design. A draft of the Engineering Design Report will be available for public comment before becoming final.



Figure 1. Lower Tailings Pile with corresponding parcel numbers.

Braden Britt, received via email June 11

I attended the meeting the other night at the school. I live up at the end of Lotze Cr Rd and work for DNR.

Seemed to be some concern with the dust etc, I understand there is not many residents in the immediate vicinity of the road so it won't effect many, but I run my cows and horses in those nice green pastures below the lower tailings ponds. So we are down there a lot and my animals

would possibly be in close enough vicinity at times, so what ever you can do to mitigate the better.

I should state, I'm in support of what is trying to be done.

I know the locals, and many non locals use that road and it would go a long long way if you guys could reshape that road from the mine road junction down. Reshape and properly rock that road so it doesn't go to hell every spring. I would think you could try and do it via cost share with the private timber company's as well that would use it for access(since Vaagens is on that list of parties I believe). Would be a drop in the bucket for making that road better in regards to cost, it would help reduce dust to a degree, and would be something the community would appreciate and be thankful for.

I hope funding and all the ducks line up in a row for this project, I believe it will help reduce exposure risk to the public.

Thank you for the public meeting at the school, my wife grew up here, I've only been here for 3 ish years, so the background was very helpful.

Ecology's response

Thanks for attending the meeting and the kind words. We're glad the meeting was useful!

As for the dust issue, Ecology has heard about it quite often (understandably so), and we will address dust creation during cleanup. We agree the heavy users of the road (mostly lumber companies) should contribute more to road maintenance. Ecology plans on coordinating with lumber companies and Stevens County to ensure the road is maintained during cleanup construction and hopefully into the future. Ecology, unfortunately, doesn't have a lot of control over ongoing road maintenance, but we will focus on it during cleanup activities and follow best management practices.

David Bruce, Vaagen Brothers Lumber, received via email June 15

This letter is in regards to the ongoing discussion regarding the Van Stone Mine clean up status. As the current comment period has not provided Vaagen Bros. Lumber, Inc. (VBL) enough time to assess the impacts of the current considerations, we ask that the comment period be extended for 60 days. Furthermore, we have attached our previous comments dated Sept 1, 2017 for your reference [see full letter in Appendix A].

We further support the State following through on previous commitments of providing full assistance. The financial burden of the alternative being considered would not only have extreme hardship business altering effects, but would further deteriorate community economic conditions.

We would like to reiterate that VBL did not conduct any mining (we merely purchased property associated with the mine) at the site, yet unlike other PLP, we have been an active participant throughout the process and have and will continue to give our full cooperation to the DOE.

We look forward to meeting with you and your team soon to discuss the best resolution for the health of the community and feasibility of the project.

Ecology's response

Ecology appreciates Vaagen's commitment to providing full assistance as the cleanup progresses and obtaining the best resolution for the health of the community. We also appreciate Vaagen's openness about the potential financial impacts the proposed cleanup would have on your business.

As stated at the public meeting and in a follow-up meeting with Vaagen management, Ecology is committed to pursuing additional funding through the Cleanup Settlement Account (CSA). While Ecology cannot fully guarantee CSA funds will be available, ongoing communications and coordination between Ecology, Vaagen, and other impacted parties will be essential to this process.

Mark Burrows, Wes McCart, Greg Young; Stevens County Commissioners; received via email and online June 13

The following comments are for the record by the Stevens County Board of County Commissioners on behalf of the over 46,000 citizen we represent.

Page 10, Section 2.1, Paragraph 6: You list Stevens County as one of the owners in your first sentence. You list what portions of the site Stevens County owns in the fourth sentence. This is incorrect. You note later in the paragraph that Stevens County acquired this property through default on taxes. This is true. Stevens County acquired this property through default in tax payment and as such holds this property in "Trust" or "In Tax Title Lands" for the State of Washington and all taxing districts per RCW 36.35,020. As a legal subdivision of the State of Washington, Stevens County is delegated this authority. However, Stevens County is not financially responsible for this property and does not "own" it. "The title acquired by the county in property at a general tax foreclosure sale becomes vested in the county, not in its proprietary capacity, but in trust for the state and for the other taxing municipalities within which the land is situated, with power and obligation on the part of the county to sell the land and fairly apportion the proceeds to the state, municipal and other funds entitled thereto." State ex rel. City of Seattle v. King County, 4 Wash 2d 589, 597 (1940). Please correct this.

Page 33, Section 6.2, Subsection 1: This section states that "Stevens County shall maintain the cover system of the Lower Tailings Pile." Stevens County shall do no such thing! As stated above, Stevens County has no ownership of this property and is not liable for maintaining actions the Department of Ecology would wish to impose. As we are acting in our authority as a legal subdivision of the State in taking this property due to lack of tax payments on behalf of the State of Washington, any maintenance to this property and the cost thereof must be borne by the State. Further, Stevens County will not limit access to the Lower Tailings Pile by fence or any other means. If Ecology wishes to develop an O&M plan, it may do so. Ecology shall be responsible for the plan, its implementation and for limiting access. In summary, Stevens

County will NOT institute any part of this section or incur cost of cleanup and asks that it be eliminated.

General: Stevens County prefers Alternative #6 as your clean up action. This option provides the best option for protecting human and environmental health and on-going protection of both surface and ground water. It also requires no on-going costs. However, we also understand that this may be cost prohibitive. As a backup to our preference, Stevens County would accept Alternative #5 provided that the engineering, implementation, and monitoring of the site be done with the involvement and consent of Stevens County officials. Thank you for the opportunity to comment and we look forward to collaborating with you as this project moves forward. Please feel free to reach out to us if you have questions.

Ecology's response

Ecology appreciates Stevens County's commitment to the Van Stone Mine cleanup and their comments on the draft Cleanup Action Plan, including support for the chosen alternative.

Ecology has corrected the Cleanup Action Plan to reflect the parcel ownership more accurately. In addition, Ecology has also modified Section 6.2. Institutional Controls to address the Commissioners' comments.

We look forward to the Stevens County Commissioners' continued involvement in the cleanup process.

Kelsay Stanton, Washington Department of Natural Resources, received via email June 15

DNR has reviewed the draft Cleanup Action Plan of the Van Stone Mine that was recently released for public review by Ecology. It appears that the proposed cleanup plan, alternative #5, is consistent with the minimum standards for reclamation per RCW 78.44.141.

Thank you for providing us the opportunity to comment.

Ecology's response

Ecology appreciates DNR's review of the draft Cleanup Action Plan and support for the selected cleanup alternative. We look forward to working with DNR as cleanup activities progress.

Appendix A. PDF versions of Vaagen Brothers Lumber's and Stevens County Commissioners' letters



June 15, 2023

Brendan A. Dowling
Washington State Department of Ecology, Easter Region
4601 N. Monroe Street
Spokane WA 99205-3415

Re: Van Stone Mine Clean-Up Plan

Dear Mr. Dowling:

This letter is in regards to the ongoing discussion regarding the Van Stone Mine clean up status. As the current comment period has not provided Vaagen Bros. Lumber, Inc. (VBL) enough time to assess the impacts of the current considerations, we ask that the comment period be extended for 60 days. Furthermore, we have attached our previous comments dated Sept 1, 2017 for your reference.

We further support the State following through on previous commitments of providing full assistance. The financial burden of the alternative being considered would not only have extreme hardship business altering effects, but would further deteriorate community economic conditions.

We would like to reiterate that VBL did not conduct any mining (we merely purchased property associated with the mine) at the site, yet unlike other PLP, we have been an active participant throughout the process and have and will continue to give our full cooperation to the DOE.

We look forward to meeting with you and your team soon to discuss the best resolution for the health of the community and feasibility of the project.

Sincerely,

A handwritten signature in blue ink that reads "David Bruce".

David Bruce
CFO, Vaagen Bros. Lumber, Inc.

Att: VBL Comment Letter DOE 09012017

Cc: James Topliff, Evans, Craven & Lackie, P.S.

VAAGEN BROS. LUMBER, INC.

COLVILLE OPERATION
565 WEST 5TH COLVILLE, WA 99114
PHONE (509) 684-5071 FAX (509) 684-2168

USK OPERATION
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PARSONS/BURNETT
BJORDAHL/HUME
ATTORNEYS

Stacy A. Bjordahl
sbjordahl@pblaw.biz

September 1, 2017

Brendan A. Dowling
Washington State Department of Ecology, Eastern Region
4601 N. Monroe Street
Spokane WA 99205-3415

Re: Van Stone Mine Clean-Up Plan

Dear Mr. Dowling:

This letter follows our phone conversation on August 2, 2017 regarding the Van Stone Mine clean up status. As I indicated, I am working on behalf of Vaagen Bros. Lumber Co. I appreciate all the background and information you provided during our conversation. The purpose of this letter is to urge the Department of Ecology to select Alternative No. 3 outlined in the Feasibility Study as the clean up alternative.

First and foremost, Alternative No. 4 suggested by GeoEngineers is extremely expensive, especially considering the Van Stone Mine is located in a remote area and the immediate human population is sparse. Alternative No. 3 provides a more "affordable" approach while still meeting MCTA standards. In reviewing the file notes maintained by Vaagen's previous attorney, Pat Risken of Evans Craven & Lackie P.S., I noted that during a meeting at Ecology offices on June 8, 2010 attended by you, Mr. Risken, Jerry Sharosch, John Roland, Mike Hibbler and Senator Bob Morton, there was detailed discussion and commitment that the State had a goal of completing the studies and clean up with the \$3.5M received from the ASARCO settlement. It is my understanding that only \$2M remains from that settlement. Given the significant difference between the remaining funds and anticipated clean up costs, we ask DOE to seek all available funding sources to pay these expenses.

In reviewing the Feasibility Study, I noted that there was no mention of the Health Consultation Study prepared by the Washington State Department of Health ("DOH"), which it issued on September 15, 2014. As you are aware, the purpose of the DOH study was to assess the health threat posed by hazardous substances in the environment and make any recommendations to protect public health. The omission of the DOH findings in the Feasibility Study is significant from our perspective because the DOH did not reach any conclusions that there would be significant adverse impacts to public health. Therefore, the findings contained in their report support the selection of Alternative 3.

It appears GeoEngineers did not favor Alternative 3 because the contaminated soil remains on site, which increases the chance of mobility and a lower level of protectiveness. With no

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Mr. Brendan Dowling
September 1, 2017
Page 2

cover, there would still be a potential for windblown erosion or exposure to biological receptors. From a layperson perspective, the likelihood of this exposure seems pretty remote given the location of the mine and the generally contradictory findings in the Health Consultation Study where "DOH concludes that touching, breathing, or accidentally ingesting chemical contaminants in soil or sediment at Van Stone Mine is not expected to harm people's health." *DOH Report*, Pg. 3.

To summarize, we believe the selection of Alternative No. 3 is appropriate and supported for the following reasons:

- The site has not been mined since 1993 (nearly 25 years ago).
- Alternative 3 meets MCTA requirements.
- Some remedial action has already taken place at the Upper Tailings Pile.
- Water samples taken in Latze Creek and tributaries of Onion Creek were "generally clean" and met Washington's standards for surface water quality.
- There have been no impacts to groundwater thus far. None of the monitoring wells or the private domestic wells have shown contamination.
- The surrounding area is not significantly populated, with DOH reporting only 76 residents in the community.
- The Feasibility Study omitted and failed to take into account the findings of the report issued by the Department of Health.
- At the June 8, 2010 meeting with DOE, Senator Morton, Pat Risken and others, it was represented to Mr. Risken that the State had a goal of completing the project with the \$3.5 million received from the ASARCO settlement. Alternative 3 is the closest to that sum and will still require contribution of at least \$2 million from the PLP unless other funding is secured.

Finally, I want to emphasize that Vaagen did not conduct any mining (it merely purchased the property) at the site, yet unlike the other PLP, has been an active participant throughout this process and given its full cooperation to the DOE.

If we can be of further assistance or provide additional support for the selection of Alternative No. 3, please don't hesitate to contact me. Thank you for your courtesies.

Sincerely,

PARSONS/BURNETT/BJORDAHL/HUME, LLP



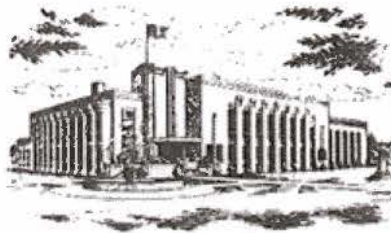
Stacy A. Bjordahl

Cc: David Bruce, Vaagen Bros. Lumber Co.
James F. Topliff, Evans, Craven & Lackie, P.S.

Wes McCart
District No. 1

Mark Burrows
District No. 2

Greg Young
District No. 3



Jonnie R. Brown
Clerk of the Board

Tammi Renfro
Assistant Clerk of the Board

Tonya Schuerman
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Email: commissioners@stevenscountywa.gov

June 13, 2023

To: Department of Ecology
Attn: Brendan Dowling, Site Manager
4601 N. Monroe St.
Spokane, WA 99205

Re: Van Stone Mine - Cleanup Action Plan April 2023

The following comments are for the record by the Stevens County Board of County Commissioners on behalf of the over 46,000 citizen we represent.

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Thank you for the opportunity to comment and we look forward to collaborating with you as this project moves forward. Please feel free to reach out to us if you have questions.

Thank you,

BOARD OF COUNTY COMMISSIONERS
STEVENS COUNTY, WASHINGTON



Mark Burrows, Chairman



Wes McCart, Vice-Chair



Greg Young, Commissioner