



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

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

February 26, 2024

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, Response to Ecology Corrective Action Notice Dated January 23, 2023: Site Security and Soil Stockpile Covers:

- **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:

January 23, 2023, the Department of Ecology (Ecology) issued a corrective action notice to Sagamore Spokane LLC (Sagamore) with the following requests to improve the construction site security:

- *Repair and strengthen the northeast fence that is supposed to prevent site entry along the riverbank. Additionally, when the water levels in Spokane River decrease: extend the west and northwest fences into the river to prevent access along the riverbank.*
- *In accordance with the PPCD Article VI Work to be Performed, Section C, Sagamore must protect all existing Site remedial structures that are not affected by the construction work in accordance with the PPCD. As part of this increased protection, the site security guard must check all site fences, including the ones blocking access along the riverbank; check for damage along the riverbank; and check for illegal camping.*
 - *The security guard must perform these checks at a minimum every seven days and report any observed damages and potential site endangerments to Sagamore promptly. Sagamore must report any observed damages to Ecology in*

writing within one business day after being informed by project security of damage and potential site endangerments.

During a Site visit on February 13, 2024, Ecology noticed that there are ongoing breaches of the temporary construction fence, the permanent fence perpendicular to the riverbank to the northeast has not been repaired, and there is still ongoing trespassing and camping along the riverbank. Additionally, the stockpile covers keep on blowing off the piles regularly. Ecology is extremely concerned about the integrity of the riverbank Site remedy installed in accordance with the 2001 Cleanup Action Plan (CAP) information. Considering the delay in the construction schedule Sagamore must take immediate actions to protect and secure the current on-Site remedies implemented in accordance with the 2001 CAP.

Therefore, Ecology requests Sagamore to take the following actions within 90 days from reception of this letter:

- Install a permanent fence with lockable entry gates.
- Improve security of Sagamore's portion of the Site with frequent checks and immediate repairs of broken fences.
- Inspect and repair any damages from trespassers along the riverbank.
- Consult with a security company to implement measures to prevent camping along the riverbank.
- Consult with a landscape architect to look into measures to prevent trees along the riverbank to be cut or otherwise damaged.
- Improve the soil stockpile covers to keep them in place or alternatively remove the stockpiles from the Site before the summer of 2024.
- We appreciate your cooperation in this matter. If you have any questions or need additional information about this response to the implemented corrective action, please contact Christer Loftenius at 509-385 8380 or e-mail me at christer.loftenius@ecy.wa.gov.

Sincerely,



Nick Acklam
Section Manager
Toxics Cleanup Program, Eastern Region

David Cook
March 26, 2024
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By certified mail: 9214 8901 9403 8300 0054 6300 61

cc: Christer Loftenius, Ecology
Charles Dubroff, Sagamore
Bryce Robbert, Avista
Scott McDonald, BNSF
Ivy Anderson, Office of the Attorney General
Ecology Site File