STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Central Region Office
1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

April 24, 2024

David Leon
Forterra Roslyn LLC
5101 14th Avenue NW, Suite 200 #307
Seattle, WA 98107

Re: Application acceptance – Voluntary Cleanup Program

- **Site name:** Roslyn 4 Mine Site
- **Site address:** 205 E. Dakota Avenue, Roslyn
- **Facility/Site ID:** 66921
- **Cleanup Site ID:** 15545
- **VCP Project No.:** CE0558

Dear David Leon:

The Department of Ecology (Ecology) accepted your application to the Standard process of the Voluntary Cleanup Program (VCP) for the Roslyn 4 Mine Site facility (Site). We applaud your initiative and welcome your interest in the VCP. This letter provides important information on how we will review your VCP cleanup project (project) at the Site.

Agreement

We completed and signed your Standard VCP agreement for the project on April 23, 2024. This date is the effective date of the agreement. A copy of your signed agreement is enclosed.

Identification numbers

We have assigned a unique name and number to your Site. This information is listed on the first page of your Standard VCP agreement (enclosed). When contacting us, please reference this information to identify your project.

Communications

Unless otherwise requested, we will communicate directly with your project manager, David Leon, as listed on your VCP application form. If you replace your project manager or their contact information changes, please submit a completed change of contact form.[1]

We have assigned the following site manager as our point of contact for your project:

Mary Monahan
Toxics Cleanup Program
Central Regional Office
Department of Ecology
1250 W Alder Street
Union Gap, WA 98903
509-571-6661
mary.monahan@ecy.wa.gov

Request for written opinion

As your cleanup progresses, you may request a written opinion on your planned or completed remedial actions by submitting to Ecology:

- A completed request for opinion[2] form
- Remedial action plans and/or reports.

Reporting requirements

When requesting written opinions, you must comply with the following reporting requirements to avoid unnecessary delays in the VCP process:

- **Licensing.** You must submit documents containing geologic and hydrogeologic work and engineering work under the seal of an appropriately licensed professional, as required in chapters 18.220[3] and 18.43[4] RCW, respectively.

[1] http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm
[2] https://apps.ecology.wa.gov/publications/SummaryPages/ecy070219.html
[3] https://apps.leg.wa.gov/RCW/default.aspx?cite=18.220
[4] https://apps.leg.wa.gov/RCW/default.aspx?cite=18.43

- **Data submittal**. You must submit environmental data to our Environmental Information Management (EIM) system.[5] The Toxics Cleanup Program Policy 840[6] describes data submittal requirements. Please visit the EIM Submit Data webpage for data submittal instructions.

Payment

We will send monthly invoices to the billing contact listed in your VCP application form. Payment is due within 30 calendar days from the date of each invoice. Our invoices include a summary of costs incurred, payments received, names of staff billing to the project, and the time spent on the project during the previous month.

If you replace your billing contact or their contact information changes, you must submit a completed change of contact form[7].

Contact information

We are committed to working with you to reach the prompt and effective Site cleanup. If you have any questions, please contact Frosti Smith at vcp-cro@ecy.wa.gov, or call at 509-406-5157.

Sincerely,

Valerie Bound for

Frosti Smith
VCP Coordinator
Toxics Cleanup Program
Central Regional Office

Enclosure: Copy of signed VCP Agreement

cc: Emily Hess, Maul Foster & Alongi, Inc.
Fiscal, VCP Fiscal Analyst
TCP, Operating Budget Analyst

[5] https://ecology.wa.gov/eim
[6] https://apps.ecology.wa.gov/publications/SummaryPages/1609050.html
[7] https://apps.ecology.wa.gov/publications/SummaryPages/ECY070218.html

Enclosure

Copy of Signed Standard VCP Agreement

DocuSign Envelope ID: 33FCB1A4-C58B-4833-9D2B-F56E9DF61986

Voluntary Cleanup Program Agreement

Washington State Department of Ecology - Toxics Cleanup Program

For completion by Ecology only

Facility/Site Name:	Roslyn 4 Mine Site
Facility/Site No.:	66921
VCP Project No.:	CE0558

Instructions

Submit this Agreement (original) to Ecology as part of your Application. Before submitting, enter the Customer's name and the Site's address on the first page, and sign the Agreement on the third page. If your Application is accepted, then Ecology will do the following: 1) identify the Site and VCP project in the box below; 2) sign the Agreement; and 3) send you a copy of the completed Agreement.

This document constitutes an Agreement between the Washington State Department of Ecology (Ecology) and Forterra Roslyn LLC (Customer) to provide informal site-specific technical consultations under the Voluntary Cleanup Program (VCP) for the Site identified below and associated with the following address: 205 E Dakota Avenue, Roslyn, WA 98941.

The purpose of this Agreement is to facilitate independent remedial action at the Site. Ecology is entering into this Agreement under the authority of the Model Toxics Control Act (MTCA), chapter 70A.305 RCW, and its implementing regulations, chapter 173-340 WAC. If a term in this Agreement is defined in MTCA or chapter 173-340 WAC, then that definition shall govern.

Services Provided by Ecology

Upon request, Ecology agrees to provide the Customer informal site-specific technical consultations on the independent remedial actions proposed for or performed at the Site consistent with WAC 173-340-515(5). Those consultations may include assistance in identifying applicable regulatory requirements and opinions on whether the remedial actions proposed for or conducted at the Site meet those requirements.

Ecology may use any appropriate resource to provide the Customer with the requested consultative services. Those resources may include, but shall not be limited to, those of Ecology and the Office of the Attorney General. However, Ecology shall not use independent contractors unless the Customer provides Ecology with prior written authorization.

In accordance with RCW 70A.305.170, any opinions provided by Ecology under this Agreement are advisory only and not binding on Ecology. Ecology, the state, and officers and employees of the state are immune from all liability. Furthermore, no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance under the VCP.

Payment for Services by Customer

The Customer agrees to pay all costs incurred by Ecology in providing the informal site-specific technical consultations requested by the Customer consistent with WAC 173-340-515(6) and 173-340-550(6). Those costs may include the costs incurred by attorneys or independent contractors used by Ecology to provide the requested consultative services. Ecology's hourly costs shall be determined based on the method in WAC 173-340-550(2).

DocuSign Envelope ID: 33FCB1A4-C58B-4833-9D2B-F56E9DF61986

Ecology shall mail the Customer a monthly itemized statement of costs (invoice) by the tenth day of each month (invoice date) that there is a balance on the account. The invoice shall include a summary of the costs incurred, payments received, identity of staff involved, and amount of time staff spent on the project.

The Customer shall pay the required amount by the due date, which shall be thirty (30) calendar days after the invoice date. If payment has not been received by the due date, then Ecology shall withhold any requested opinions and notify the Customer by certified mail that the debt is past due.

If payment has not been received within sixty (60) calendar days of the invoice date, then Ecology shall stop all work under the Agreement and may, as appropriate, assign the debt to a collection agency under chapter 19.16 RCW. The Customer agrees to pay the collection agency fee incurred by Ecology in the course of debt collection.

Reservation of Rights / No Settlement

This Agreement does not constitute a settlement of liability to the state under MTCA. This Agreement also does not protect a liable person from contribution claims by third parties for matters addressed by the Agreement. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70A.305.040(4). Ecology's signature on this Agreement in no way constitutes a covenant not to sue or a compromise of any Ecology rights or authority.

Ecology reserves all rights under MTCA, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

Effective Date, Modifications, and Severability

The effective date of this Agreement shall be the date on which this Agreement is signed by the Toxics Cleanup Program's Section Manager or delegated representative. This Agreement may be amended by mutual agreement of Ecology and the Customer. Amendments shall be in writing and shall be effective when signed by the Toxics Cleanup Program's Section Manager or delegated representative. If any provision of this Agreement proves to be void, it shall in no way invalidate any other provision of this Agreement.

Termination of Agreement

Either party may terminate this Agreement without cause by sending written notice by email or U.S. mail to the other party. The effective date of termination shall be the date Ecology sends notice to the Customer or the date Ecology receives notice from the Customer, whichever occurs first. Unless otherwise directed, issuance of a No Further Action opinion, either for the Site as a whole or for a portion of the real property located within the Site, shall constitute notice of termination by Ecology.

Under this Agreement, the Customer is only responsible for costs incurred by Ecology before the effective date of termination. However, termination of this Agreement shall not affect any right Ecology may have to recover its costs under MTCA or any other provision of law.

DocuSign Envelope ID: 33FCB1A4-C58B-4833-9D2B-F56E9DF61986

Representations and Signatures

The undersigned representative of the Customer hereby certifies that he or she is fully authorized to enter into this Agreement and to execute and legally bind the Customer to comply with the Agreement.

Washington State Department of Ecology

Valerie Bound
Signature

Valerie Bound
Printed name

Section Manager, TCP

4/23/2024
Date

Customer signatory

DocuSigned by:
Michelle Connor
B63BE6C6071A4E7...
Signature

Michelle Connor
Printed name of signatory

Chief Executive Officer
Title of signatory

4/22/2024
Date

If you need this publication in an alternative format, please call the Toxics Cleanup Program at 360-407-7170. Persons with hearing impairment can call 711 for Washington Relay Service. Persons with a speech disability may call 877-833-6341.

VCP Application
Standard and Expedited Processes

Washington State Department of Ecology
Toxics Cleanup Program

Application Form

Check the box of the process you are applying for:
- ☒ **Standard VCP**
- ☐ **Expedited VCP**

The Department of Ecology (Ecology) may provide informal, site-specific, technical consultations to persons conducting independent remedial actions at contaminated sites under the Voluntary Cleanup Program (VCP).[1] Ecology may provide the consultations under either the **Standard VCP** process or the **Expedited VCP** process.

Apply to the Standard VCP process

To apply for the **Standard VCP** process, you **must** submit to Ecology all the following:

- VCP application form, completed and signed ← this form
- VCP agreement form,[2] signed by applicant
- Agency determination checklist,[3] completed.

To request an opinion on a planned or completed remedial action, you **must** complete **Part 1.F** in this form. Submit with this application one searchable pdf file and one hard copy of each report you want us to review. See our report requirements on our Working with the Voluntary Cleanup Program webpage.[4]

Send your completed application to our regional contact listed, based on your site's county.

Northwest Region
Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom counties

Sonia Fernandez
Sonia.Fernandez@ecy.wa.gov
(425) 649-7233

Eastern Region
Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman counties

Ted Uecker
Ted.Uecker@ecy.wa.gov
(509) 329-3522



Southwest Region
Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum counties

Nicholas Acklam
Nicholas.Acklam@ecy.wa.gov
(360) 407-6347

Central Region
Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima counties

Frosti Smith
Frosti.Smith@ecy.wa.gov
(509) 454-7841

[1] https://www.ecy.wa.gov/VCP
[2] https://fortress.wa.gov/ecy/publications/SummaryPages/ecy070324.html
[3] http://ecyapfass/Biblio2/SummaryPages/ECY070620.html
[4] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/Working-with-VCP

Apply to the Expedited VCP process

You may apply for the **Expedited VCP** process only during periods specified by Ecology. To see when Ecology is accepting **Expedited VCP** applications, see the Expedited VCP process webpage[5] or subscribe to our **Expedited VCP** email list.

To apply for the **Expedited VCP** process, you **must** submit to Ecology all the following:

- VCP application form, completed and signed ← this form
- Voluntary Cleanup Program Expedited Process agreement,[6] signed by applicant
- Agency determination checklist, completed
- Remedial investigation report or equivalent, meeting the elements of our remedial investigation checklist, and other reports you want us to review (one searchable pdf file and one hard copy each)
- Electronic environmental data submitted to the Environmental Information Management (EIM) system,[7] which provides automatically generated email as confirmation
- Project schedule.

See the Voluntary Cleanup Program (VCP): Guidance for the Expedited VCP Process[8] for additional information.

To submit your **Expedited VCP** application to Ecology, upload electronic files to Box.com,[9] after creating your online account:

Sarah Wollwage, Expedited VCP Planner
Toxics Cleanup Program
Department of Ecology
PO Box 47600 Lacey, WA 98504-7600

Do not send your **Expedited VCP** application materials to an Ecology regional office.

You **must pay** the **nonrefundable application fee** within seven calendar days of receiving our invoice, or we may reject your **Expedited VCP** application. After receiving the complete application, we will send the invoice to the email listed for the project billing contact in **Part 1.C** of this form. We will not process your application until we have received payment. Contact Sarah Wollwage at Sarah.Wollwage@ecy.wa.gov or (360) 407-7141 for additional information.

Part 1 – Administration

1.A	**Applicant.** The applicant is the person or organization requesting services from Ecology, and is responsible for paying Ecology's incurred costs incurred. The agreement explains the applicant's authority and duty.
Name of applicant:	Forterra Roslyn LLC, a Washington limited liability company
What type of entity is the applicant?	
☐ Person	A **person** applicant **must** serve as the project billing contact. Identify this person and their contact information in both **Parts 1.B and 1.C**.
☒ Organization	An **organization** applicant **must** identify the project manager in **Part 1.B** and the project billing contact in **Part 1.C**. The organization **must** employ both persons.

[5] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/VCP-Expedited
[6] http://ecyapfass/Biblio2/SummaryPages/ECY070633.html
[7] https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database/EIM-submit-data
[8] https://fortress.wa.gov/ecy/publications/summarypages/2009053.html
[9] https://account.box.com/login

Part 1 – Administration

What is the applicant's involvement at the site? Check **all that apply**.

- [★] property owner
- [ ] past property owner
- [ ] future property owner
- [ ] property lessee
- [ ] other – specify: _____
- [ ] business owner (operator)
- [ ] mortgage holder
- [ ] consultant
- [ ] attorney
- [ ] agent of property owner
- [★] private person / organization
- [ ] public agency / organization

Expedited VCP note: The **Expedited VCP** applicant **must** have an ownership interest in or operate the facility or have a contractual right to purchase, redevelop, or reuse the facility. Agents for the property owner, such as a consultant, **may not apply** for the **Expedited VCP process**.

If not the current property owner, is the applicant authorized to grant property access? [ ] yes [ ] no

1.B Project manager. We will send the project manager all official correspondence. The project manager **must** be either the applicant or employed by the applicant. The project manager may not be an independent contractor hired by the applicant. Enter the required information.

Name: David Leon	Title: Vice President, Real Estate	
Mailing address: 5101 14th Ave NW, Suite 200 #307		
City: Seattle	State: WA	Zip: 98107
Phone: 206-673-1118	Email: dleon@forterra.org	Fax:

1.C Project billing contact. We will send the project billing contact monthly invoices. The project billing contact **must** be either the applicant or employed by the applicant. The project billing contact may not be an independent contractor hired by the applicant. Enter the required information.

Name: David Leon	Title: Vice President, Real Estate	
Mailing address: 5101 14th Ave NW, Suite 200 #307		
City: Seattle	State: WA	Zip: 98107
Phone: 206-673-1118	Email: dleon@forterra.org	Fax:

1.D Project consultant.

Is the applicant a consultant? [ ] yes [★] no

If "**yes**", skip to **Part 1.E**.

If **"no"**, **and** the applicant hired a consultant to conduct the independent remedial action, enter the required information.

Name: Emily Hess	Title: Senior Hydrogeologist	
Organization: Maul Foster & Alongi, Inc.		
Mailing address: 330 E Mill Plain Boulevard, Suite 405		
City: Vancouver	State: WA	Zip: 98660
Phone: 360-980-2497	Email: ehess@maulfoster.com	Fax:

Do you want us to contact the project consultant? [★] yes [ ] no

Part 1 – Administration

1.E Property owner.

Is the applicant the owner of the property where independent remedial action is being conducted?

☒ yes If **"yes"**, enter the type of entity and skip to **Part 1.F**.
☐ no If **"no",** enter below all of the required information.

Name:	Title:
Organization: Forterra Roslyn LLC, a Washington Limited Liability Company	
Mailing address: 5101 14th Ave NW, Suite 200 #307	

City: Seattle	State: WA	Zip: 98107
Phone: 206-292-5907	Email:	Fax:

What type of entity is the property owner? Check **one**.

☒ private ☐ tribal ☐ federal ☐ state
☐ county ☐ municipal ☐ public school ☐ mixed
☐ other – specify: _____

1.F Request for written opinion.

Are you requesting a written opinion at this time? ☐ yes ☒ no

If **"yes"**, list the report(s) or plan(s) below you are requesting a written opinion for. Note: Your reports **must** meet the requirements on our Working with the Voluntary Cleanup Program webpage.[10]

Attach to this application additional remedial action reports or plans you want us to review. We will base our opinion on the information in the site file, including information attached to this application.

1.G Reporting requirements. Comply with the following two reporting requirements when requesting written opinions on planned or completed remedial actions.

1.G.1 Professional licensing. Documents submitted containing geologic, hydrogeologic, or engineering work **must** be stamped by of an appropriately licensed professional, as required by Chapters 18.220 and 18.43 RCW.

[10] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/Working-with-VCP

Part 1 – Administration

1.G.2 **Data submittal to EIM**. You **must** submit all site environmental sampling and analysis data in an electronic format that meets our requirements for transfer into our EIM system. Refer to our EIM webpage for instructions on how to apply for an account and submit your data. Failure to comply with these requirements may result in unnecessary delays.

For **Expedited VCP** applications **only**, the study ID and CSV file name **must** both begin with "XVC" in the title. **Do not** use spaces or hyphens in either the study ID or CSV file name.

Have you submitted all the site's environmental data to EIM? ☒ yes ☐ no

☒ yes If **"yes"**, enter the study ID and CSV file name below.

☐ no If **"no",** and data need to be submitted, submit your data to EIM first, and then complete the required information below.

We will not accept your **Expedited VCP** application unless you have satisfied these requirements.

We will not issue a no further action (NFA) opinion, unless you have satisfied these requirements.

Study ID	CSV File name	Submitted to EIM? (y/n)
Ex: XVCNW9999	Ex: XVCnw9999_June20_results.csv	yes
Study ID: FS66921	CSV File name: EIMLocation_Roslyn Mine 4_April2023.csv	yes
Study ID: FS66921	CSV File name: EIMRESULTS_Roslyn Mine 4_April2023.csv	yes
Study ID:	CSV File name: EIMLOCATION_ROSLYN MINE 4_2004-06-07-20.CSV	yes
Study ID:	CSV File name: EIMRESULTS_ROSLYN MINE 4_2004-06-07-20.CSV	yes
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	

Part 2 – Site description

2.A **Site name.** If we have already identified the site, enter the site name we provided. Otherwise, enter a suggested name for the site. You may also include an alternative name.

Name: Roslyn 4 Mine Site

Alternative name:

Part 2 – Site description

2.B Source property. The source property is the property where hazardous substances were released into the environment. For example, for an underground storage tank (UST) release, the source property is where the underground storage tank is located that caused the release.

Do you know on which property the releases occurred? ☑ yes ☐ no

If **"yes",** refer to the source property when identifying the physical address and geographic position below.

If **"no",** refer to the property addressed by your cleanup when identifying the physical address and geographic position below.

2.B.1 Physical address. Enter the property's physical address.

Street address: 205 E Dakota Ave		
City: Roslyn	State: WA	Zip: 98941

2.B.2 Geographic position. Enter the property's geographic position.

Coordinates	Latitude: 47.221	Degrees:	Minutes:	Seconds:
	Longitude: -120.989	Degrees:	Minutes:	Seconds:
Location on property (e.g., point of release or center of parcel]	Center of parcel			
Collection method (e.g., GPS or address matching)	GPS			
Collection source (i.e., map scale)				
Horizontal datum (i.e., base reference for coordinate system)				
Accuracy level (i.e., +/- feet or meters)				
Legal descriptions	PTN SE1/4 (PARCEL B, B45/P190-194)			
TRS data	Township: 20	Range: 15	Section: 17	Quarter-quarter:
Tax parcels	456234			

2.C Affected properties. An affected property is a property affected by the hazardous substances released on the source property. For example, a leaking UST release on one property (source property) may migrate through the soil or groundwater to an adjacent property (affected property).

Do any of the releases affect any properties adjacent to the source property?

☐ yes — If **"yes"**, identify below each property you know has been affected by the releases on the source property. If you need to add more information, go to 2.C in the additional information pages at the end of this form.

☑ no — If **"no"**, skip to **Part 2.D**.

☐ unknown — If **"unknown"**, skip to **Part 2.D**.

1	Address:
	Tax parcels:
2	Address:
	Tax parcels:
3	Address:
	Tax parcels:

Part 2 – Site description

4	Address:
	Tax parcels:

2.D Public rights-of-way affected by the releases.

Do any of the releases affect a public right-of-way (e.g., roadways)? ☐ yes ☒ no ☐ unknown

If **"yes"**, specify below. Otherwise, skip to **Part 2.E**. If you need to add more information, go to 2.D in the additional information pages at the end of this form.

2.E Extent of the site.

What is the approximate areal extent of the site? Check **only one**.

☐ < 5,000 square feet ☐ > 5,000 square feet, < 1 acre
☐ > 1 acre, < 10 acres ☒ > 10 acres ☐ unknown

2.F Description of site release(s).

2.F.1 Release source(s).

What are the source(s) of the release(s) at the site? Check **all that apply**.

☐ area-wide lead and arsenic soil contamination (see "Area-wide soil contamination" below)
☒ non-point source (e.g., contaminated soil used as fill)
☒ point source (e.g., leaking tank)
☐ unknown
☐ other – specify: _____

Describe below the release source(s). If you need to add more information, go to 2.F.1 in the additional information pages at the end of this form.

vehicle maintenance activities) as well as non-point source release related to former coal mining activities that took place historically at the site.

2.F.2 Release circumstances. Describe the release circumstances. If you need to add more information, go to 2.F.2 in the additional information pages at the end of this form.

Release circumstances are related to where vehicle maintenance activities took place, where former powerhouse and transformers were located, as well as metals contamination in shallow soil related to former coal mining activities across the site that began operations in the 1880s and shut down in 1909 following a mine explosion. After the closure, a foundary and

associated slag pile that was originally built for the mine continued to process coal from other local mines until the 1970s.

2.F.3 Release discover circumstances. Describe the release discovery circumstances. If you need to add more information, go to 2.F.3 in the additional information pages at the end of this form.

Phase I/II environmental site assessment activities that have sampled soil and groundwater conditions at the site from 2004 to 2023.

2.F.4 Area-wide soil contamination. Visit the Dirt Alert Program webpage[11] or see the Management Plan for the Tacoma Smelter Plume project[12] for information about the area-wide soil contamination projects.

Is the site in an area affected by smelter emissions, such as from the Tacoma Smelter Plume area?

☐ yes ■ no ☐ unknown

See if the site is within the mapped Tacoma Smelter Plume area.

Is the site located in a former fruit orchard in operation before 1947? ☐ yes ■ no ☐ unknown

Is the site affected by area-wide arsenic or lead soil contamination? ☐ yes ☐ no ■ unknown

2.G Nature and extent of contamination. The following refers to conditions after the release but before cleanup.

Hazardous substances and affected media. Identify hazardous substances released and media (e.g., soil) affected by those substances to the extent known. Use the codes at the end of the table.

Hazardous substance	Check affected media				
	Soil	Ground-water	Surface water	Sediment	Air
Ex: benzene	C	S	N/A	N/A	B
arsenic	C				
cadmium	C				
lead	C				
mercury	C				
chromium					
oil-range total petroleum hydrocarbons	C				

[11] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Dirt-Alert-program

[12] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Toxic-cleanup-sites/Tacoma-smelter

Part 2 – Site description

C = confirmed, greater than cleanup level
B = confirmed, less than cleanup level
O = confirmed, not present
S = suspected
N/A = not suspected
U = unknown

2.G.1 Drinking water.

Does site contamination pose a threat or potential threat to an existing drinking water source (groundwater or surface water)? ☐ yes ☒ no ☐ unknown

If **"yes"**, what type of drinking water system is threatened by the contamination? Check **all that apply**.

☐ single family ☐ public

If **"public drinking water supply"** is selected, is the contamination located within or upstream of a 10-year wellhead protection area? ☐ yes ☒ no ☐ unknown

If **"yes"**, or help is needed, see the Source Water Assessment Program (SWAP) Mapping Tool[13] or call the Department of Health at (800) 521-0323 for information.

2.G.2 Indoor air.

Are contaminant odors noted in any buildings, underground utilities conduits, or other confined spaces?

☐ yes ☒ no ☐ unknown

If **"yes"**, specify below. If you need to add more information, go to 2.G.2 in the additional information pages at the end of this form.

2.H Site maps.

Attach to this application maps that identify:

- site location
- affected properties and public rights-of-way
- source(s) of release(s)
- nature and extent of contamination
- impacted human or ecological receptors (e.g., through drinking water supplies)
- site physical characteristics (e.g., property lines, building and roadway outlines, surface water bodies, water supply wells, groundwater flow direction, and utility rights-of-way)
- adjacent properties and their uses (e.g., gas station, dry cleaner, residential).

[13] https://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/SourceWater/GISMappingTool

Part 3 – Operational History

3.A Current use of source property. The following refers to only the source property and **not** other properties affected by the site contamination. Add information to the best of your ability.

3.A.1 Current property owners. Identify the current owner of the source property.

Name:	Title:	
Organization: Forterra Roslyn LLC, a Washington limited liability company		
Mailing address: 5101 14th Ave NW, Suite 200 #307		
City: Seattle	State: WA	Zip: 98107
Phone: 206-292-5907		

3.A.2 Current business owner (operator). Identify the current business owner operating on the source property.

Name: Not Applicable as No Business Now on Site	Title:	
Organization:		
Mailing address:		
City:	State:	Zip: 98107
Phone:		

3.A.3 Current business operations. Identify the current business operations on the source property.

What is the current land use of the source property? Check **all that apply**.

☐ residential ☐ commercial ☐ industrial ☐ agricultural ☐ childcare facility
☐ school ☐ park ☒ other – specify:

Does a commercial or industrial business currently operate on the source property?

☐ yes ☒ no ☐ unknown

If **"yes"**, identify in the following table the current business operations using the North American Industry Classification System (NAICS) codes and specifying the operations.

NAICS Code	Operations Description
Ex: 447110	Gasoline stations with convenience stores

Is a solid waste handling facility located on the source property?

☐ yes ☒ no ☐ unknown

If **"yes"**, identify below. If you need to add more information, go to 3.A.3 in the additional information at the end of this form.

Part 3 – Operational History

Is a dangerous waste treatment, storage, or disposal facility located on the source property?

☐ yes ☒ no ☐ unknown

If **"yes"**, identify here: .

If you need to add more information, go to 3.A.3 in the additional information pages at the end of this form.

3.A.4 Regulation of current business operations.

Does the business operate under any federal, state, or local permits (e.g., NPDES) related to the release of hazardous substances into the environment? ☐ yes ☒ no ☐ unknown

If **"yes"**, specify below the regulated operation, the name of the permit, and the date it was issued.

Regulated operation	Permit	Date issued
Ex: wastewater discharge	NPDES permit	02/02/02

Has a state or federal notice of enforcement action (e.g., notice of violation) ever been issued related to the release of hazardous substances at the business? ☐ yes ☒ no ☐ unknown

If **"yes"**, specify notice and year issued: _____

Have business operations resulted in any other spills or other unpermitted releases on the source property? ☐ yes ☒ no ☐ unknown If **"yes"**, list in the following table.

Release	Date of release	Status of release

3.A.5 Storage tank information. Identify all aboveground storage tanks (ASTs) and USTs that have been used to store hazardous substances on the source property, regardless of whether the tanks are still in service or in place. Enter "U" where unknown.

Identification				Status and Closure				Releases	
Hazardous substance	AST or UST	Size (gal.)	Tank ID	Date installed	In use (y/n)	Date closed	Closure method (*)	Past (y/n)	Current (y/n)
Ex: diesel	UST	10,000	4	02/87	N	5/98	removed	Y	N

(*) Options = removed or closed in place.

Part 3 – Operational History

3.B	**Past use of source property.** The following refers to only the source property, not other properties affected by the site.		
3.B.1	**Past property owners.** Identify the owner of the source property when the release occurred.		
Name:		Title:	
Organization:	New Suncadia, LLC, a Delaware limited liability company		
Mailing address:	770 Suncadia Trail		
City: Cle Elum	State: WA	Zip: 98922	
Phone:	Fax:	Email: rbeck@suncadia.com	
3.B.2	**Past business owners (operators).** Identify the site business owner (operator) when the release occurred.		
Name:		Title:	
Organization:	Burlington Northern Railroad / Plum Creek / Sapphire Skies (each a prior owner)		
Mailing address:			
City:	State:	Zip:	
Phone:	Fax:	Email:	

3.B.3	**Identification of past business operations.** Identify the past operations of businesses on the source property using the NAICS codes and/or specifying the operations.
NAICS Code	Operations description
Ex: 447110	Gasoline stations with convenience stores
	historic coal mining operations ending in the 1960s

3.C	**Future use of source and affected properties.** The following refers to both source and affected properties.

Will any ownership interest in the source property or affected properties be conveyed before or upon cleanup completion? ☐ yes ☐ no ☒ unknown

If **"yes"**, specify below. If you need to add more information, go to 3.C in the additional information pages at the end of this form.

Part 3 – Operational History

3.D Redevelopment plans as part of cleanup.

Will any of the source or affected properties, or portions of those properties, be redeveloped as part of the cleanup? ☑ yes ☐ no ☐ unknown

If **"yes"**, specify below the proposed land use. Check **all that apply**.

☑ residential ☐ school ☑ commercial ☐ industrial ☐ childcare facility

☐ agricultural ☑ park ☐ other – specify:

Also, specify below the activities proposed for that land use. If you need to add more information, go to 3.D in the additional information pages at the end of this form.

The reuse strategy is residential and commercial development with affordable housing, community amenities, and natural areas. Given Roslyn's history as a coal town, the site's proximity to the town center and the adjacent Coal Mine Trail, the site is an ideal location to meet the community's need for attainable housing and new commercial developments interspersed with ample green space. We seek to incorporate community priorities through the redevelopment, such as honoring Roslyn's historical character, incorporating healthy wetlands and beautiful greenspace.

Part 4 – Administrative history

Have you previously reported the release(s) of hazardous substances?

☑ yes ☐ no ☐ unknown If **"yes"**, when? 3/11/

Has cleanup of the site, or any portion of the site, ever been managed under the **Standard VCP** or **Expedited VCP**? ☐ yes ☑ no ☐ unknown

If **"yes"**, specify **Standard VCP** or **Expedited VCP** project number: _____

Has the site cleanup, or any portion, ever been managed under a federal or state order or decree?

☐ yes ☑ no ☐ unknown If **"yes"**, specify type and docket number: _____

Part 5 – Independent remedial actions

5.A Scope of remedial actions.

Do you plan to characterize and investigate all site contamination, including contamination on affected adjacent properties, as part of your cleanup project? ☐ yes ☑ no ☐ unknown

If **"no"**, describe below the scope of the cleanup project, including the contamination (properties, portions of a property, media and/or hazardous substances) that you **do not** plan on characterizing or investigation as part of the **Standard VCP** or **Expedited VCP** project. If you need to add more information, go to 5.A in the additional information pages at the end of this form.

See attached

Part 5 – Independent remedial actions

5.B Status of remedial actions.

What is the current status of remedial actions at the site? Check **all that apply** in table.

Remedial action	Planned	Ongoing	Completed	Not applicable
Initial response (UST only)				X
Interim action				X
Remedial investigation		X		
Feasibility study		X		
Cleanup action	X			

5.C Documentation of remedial actions.

List all known remedial action plans or reports produced for the site, including:

- title
- preparer
- date produced
- whether submitted to us
- date submitted to us

If you need to add more information, go to 5.C in the additional information pages at the end of this form.

	Title	Preparer	Date	Submitted to Ecology	
				yes/no	date
Ex:	Jane Doe site: Remedial Investigation Work Plan	Freedom Consulting	02/20/19	no	n/a
1	Preliminary Phase I and Limited Phase II Environmental Site Assessment, Section 17, Roslyn, Washington	Hart Crowser, Inc.	6/30/04	yes	3/10/22
2	Additional Environmental Assessment, Section 17, Roslyn, Washington	Hart Crowser, Inc.	9/18/06	yes	3/10/22
3	Phase II Environmental Site Assessment, Section 17/No. 4 Mine Area, Roslyn, Washington	Hart Crowser, Inc.	10/2/07	yes	3/10/22
4	Environmental Consultation Review of Environmental Assessment and Additional Testing, Forterra Roslyn Property, Kittita	Icicle Creek Engineers, Inc.	8/4/20	yes	3/10/22
5	Phase I Environmental Site Assessment, Kittitas County Parcel 456234, Roslyn, Washington 98941	Maul Foster & Alongi, Inc.	10/7/20	yes	3/10/22
6	Data Gaps Investigation Report, Roslyn No. 4 Mine	Maul Foster & Alongi, Inc.	6/14/23	yes	6/14/23
7					
8					
9					
10					

Part 6 – Statement and signature

6.A	**Statement and signature.** The undersigned **affirms** that the information provided in this application is true and accurate to the best of the applicant's knowledge. Someone other than the **applicant** may sign this application form.		
Name: Dan Grausz		Title: Sr. Director, Strategic Projects	
Signature: Daniel Grausz			Date: April 17, 2024
Organization: Forterra NW			
Mailing address: 5101 14th Ave NW, Suite 200 #307			
City: Seattle	State: WA	Zip: 98107	
Phone: 206-669-3899	Email: dgrausz@forterra.org	Fax:	

6.B Affiliation.

What is the signatory's involvement at the site? Check **all that apply**.

☐ applicant ■ property owner ☐ consultant ☐ attorney

☐ other - specify:

Expedited VCP note: While anyone may sign the **application form**, only certain types of applicants are eligible to join **Expedited VCP process** and sign the **Expedited VCP agreement**. To sign the agreement, the applicant **must** have an ownership interest in or operate the facility or have a contractual right to purchase, redevelop, or reuse the facility. If the applicant is a corporation, a representative authorized to bind the corporation **must** sign the **Expedited VCP** agreement.

If you need this publication in an alternative format, please call the Toxics Cleanup Program at 360-407-7170 or visit our Toxics Cleanup Program webpage.[14] Persons with hearing impairment can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

[14] https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup

Additional Information Pages

Insert information here that does not fit into the application format above.

2.C Affected properties (continued)	
5	Address:
	Tax parcels:
6	Address:
	Tax parcels:
7	Address:
	Tax parcels:
8	Address:
	Tax parcels:
9	Address:
	Tax parcels:
10	Address:
	Tax parcels:

2.D Public rights-of-way affected by the releases (continued)

2.F.1 Release source(s) (continued)

2.F.2 Release circumstances (continued)

2.F.3 Release discovery circumstances (continued)

2.G.2 Indoor air (continued)

3.A.3 Current business operations (continued)
No business currently operates on the site.

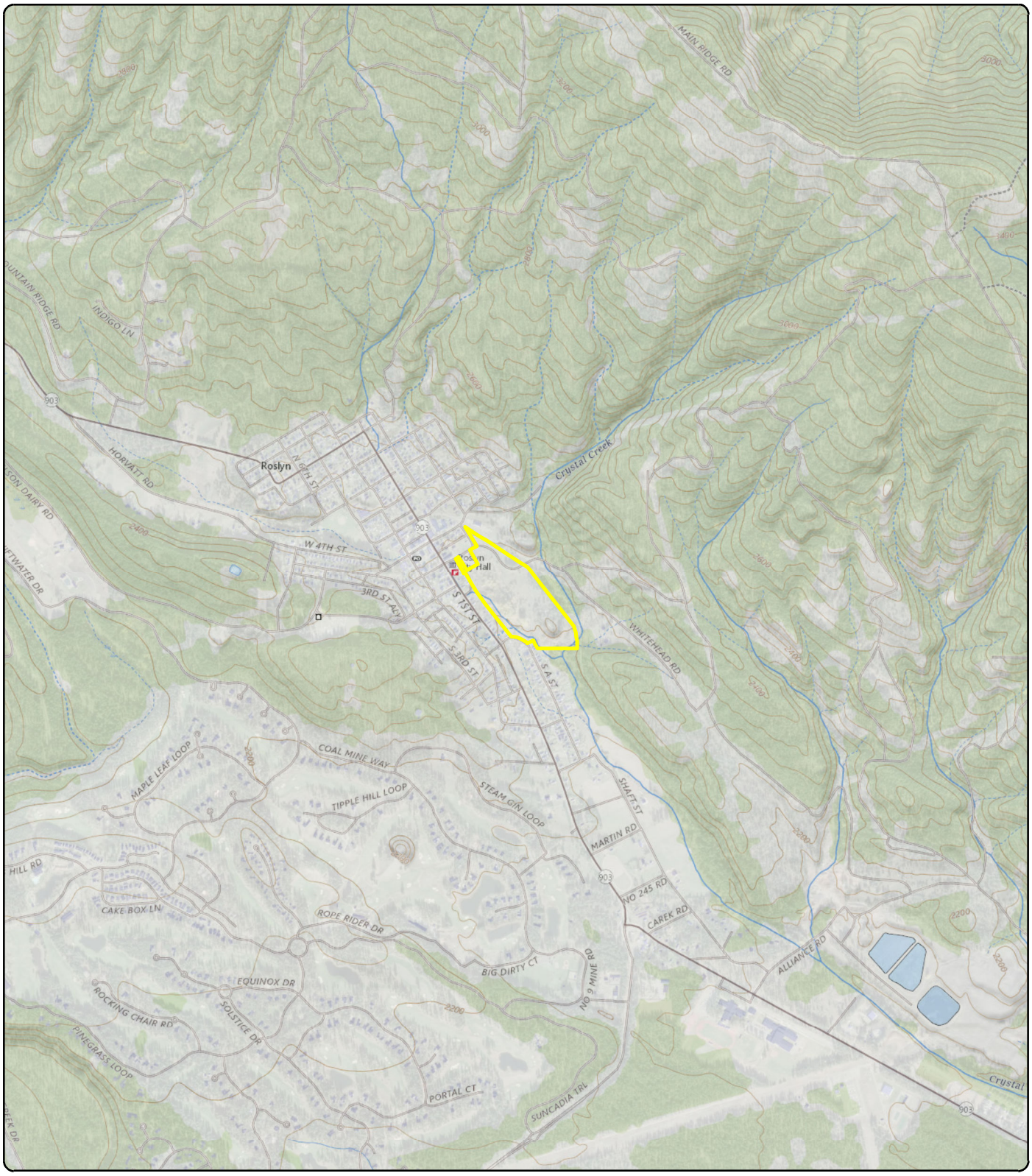
3.C Future use of source and affected properties (continued)

3.C Future use of source and affected properties (continued)

3.D Redevelopment plans (continued)

5.A Scope of remedial actions (continued)
Contamination on the site has been characterized and investigated during the period 2004-2023. Limited additional
investigation work will be done as specified in the recommendations found in Part 7 of the Data Gaps Investigation
Report, dated June 14, 2023, submitted to the Department of Ecology, Project No. M1122.05.003.
Once that is completed, the scope of the cleanup project will be finalized in conjunction with the Department of Ecology.

5.C Documentation of remedial actions (continued)



Data Sources
US Geological Survey (2020) 7.5-minute topographic quadrangle: Cle Elum; township 20 north, range 15 east, section 17; property boundary obtained from Kittitas County.

Legend

Property Boundary

Figure 1-1
Property Location

Roslyn No. 4 Mine
205 E Dakota Avenue
Roslyn, Washington

0 1,000 2,000
Feet

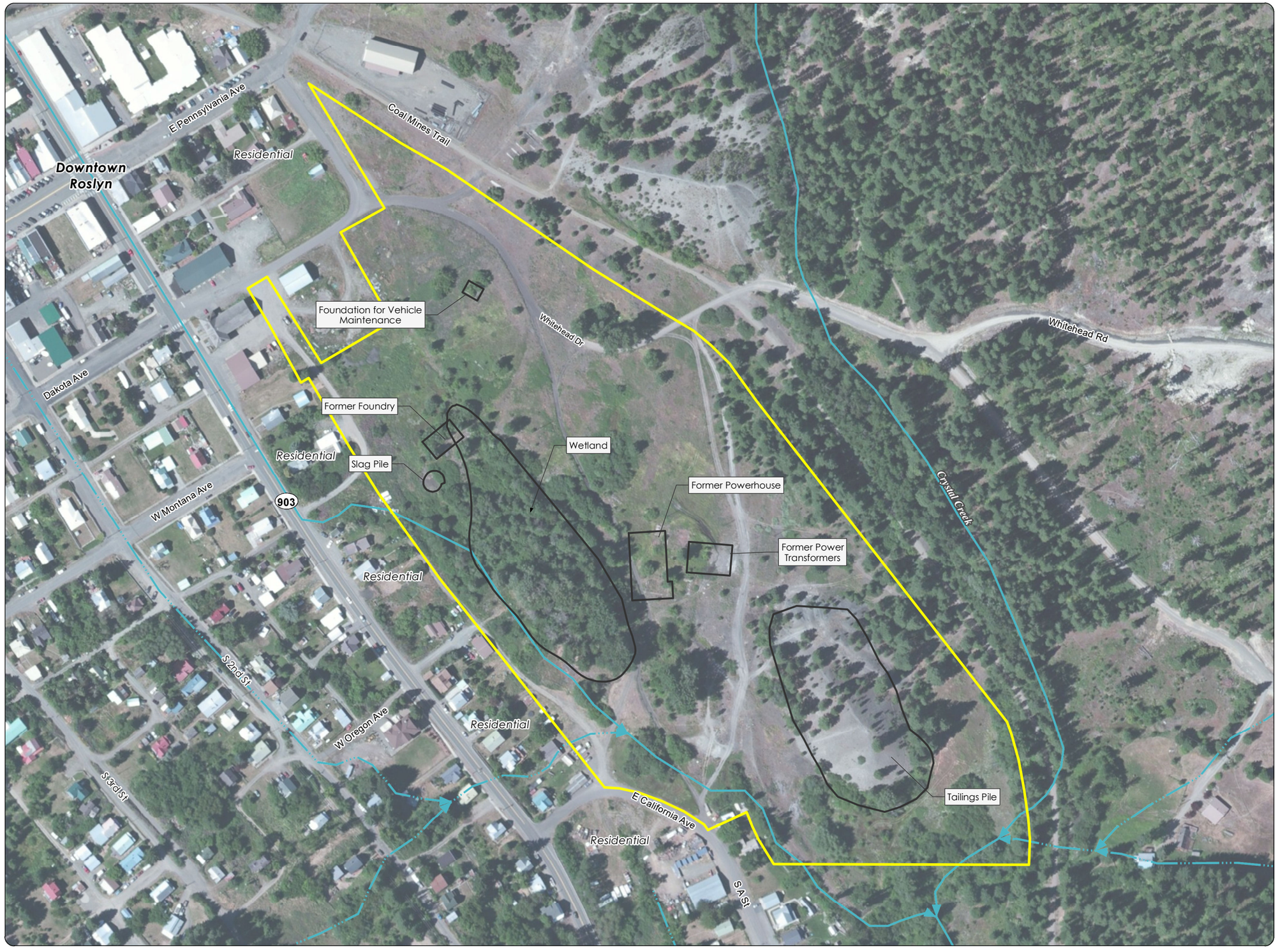
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Path: X:\1122.05\003\Fig1_1_Property_Location.mxd
Print Date: 5/15/2023
Approved By: ehess
Produced By: abixby
Project: M1122.05.003

Figure 2-1
Property Features of Interest

Roslyn No. 4 Mine
205 E Dakota Avenue
Roslyn, Washington



Legend

- Features of Interest
- Property Boundary
- Perennial Stream
- Intermittent Stream

Note
Features are approximate.

0 100 200
Feet

Data Sources
Aerial photograph obtained from Mapbox;
Tax lot data obtained from Kittitas County GIS;
Site features obtained from Hart Crowser Phase I environmental site assessment (2004), Icicle Creek Engineers assessment (2020), and from MFA site reconnaissance (9/17/2020);
Hydrography data obtained from the U.S. Geological Survey National Hydrography Dataset.

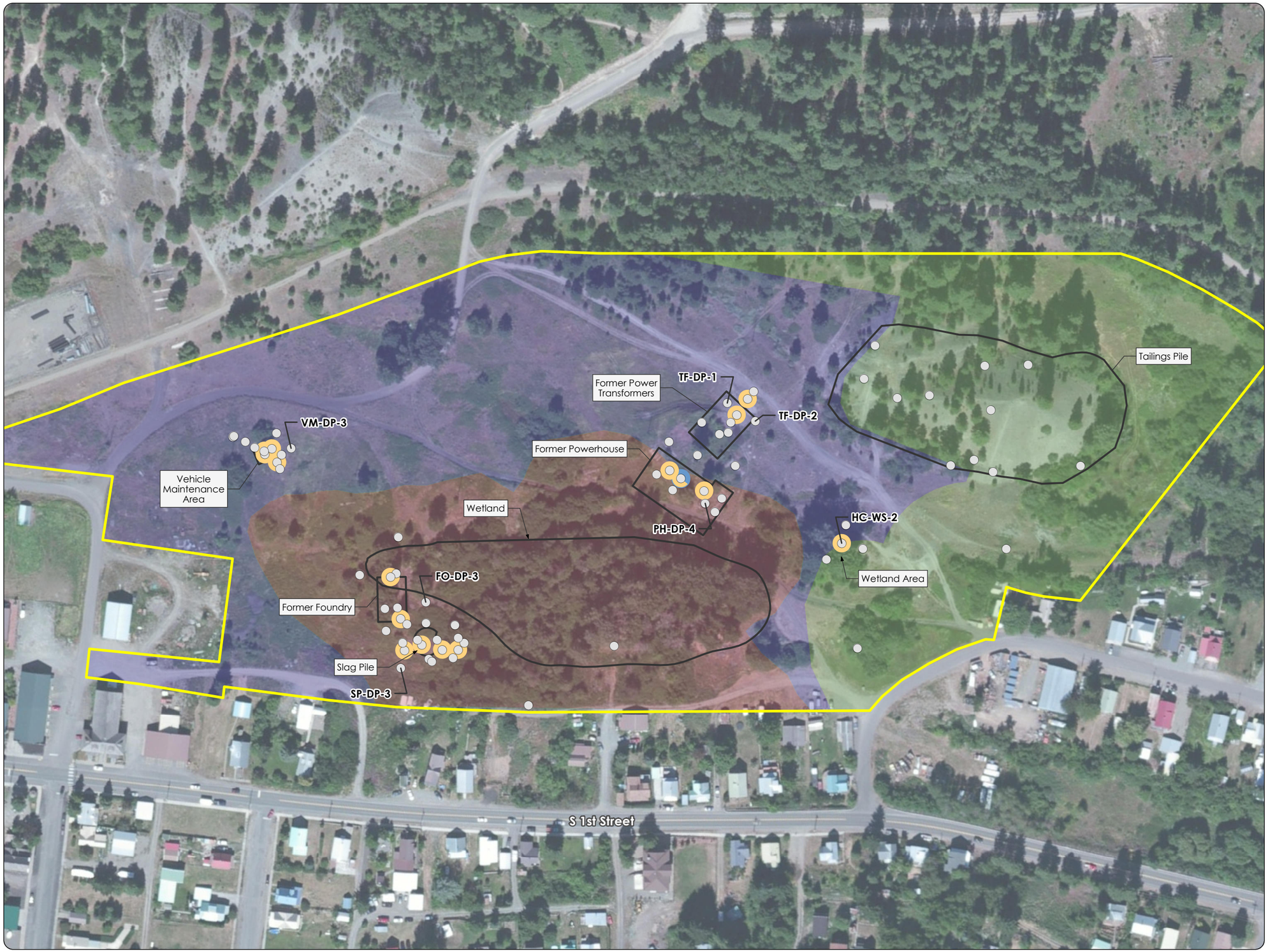
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Path: X:\1122.05003\Fig2_1_Property_Features.mxd
Print Date: 5/15/2023
Approved By: ehess
Produced By: abixby
Project: M1122.05.003

Figure 2-2
Soil Sample Locations and MTCA Exceedances

Roslyn No. 4 Mine
205 E Dakota Avenue
Roslyn, Washington



Legend

- Soil Sample Location
- Features of Interest
- Property Boundary
- Natural Space with Wetland Improvements
- Open Space with Community Amenity
- Residential and Mixed-Use Development

Exceedance Type

- MTCA A: Metals and TPH
- MTCA A: Metals

Notes

Features of interest and sample locations are obtained by others, and are approximate.
Select sample location IDs provided for nature and extent of impacts.
MTCA = Model Toxics Control Act.
MTCA A = MTCA Method A, unrestricted land use.
TPH = diesel- and heavy-oil total petroleum hydrocarbons.

0 100 200
Feet

Data Sources

Aerial photograph obtained from Esri;
tax lot data obtained from Kittitas County.

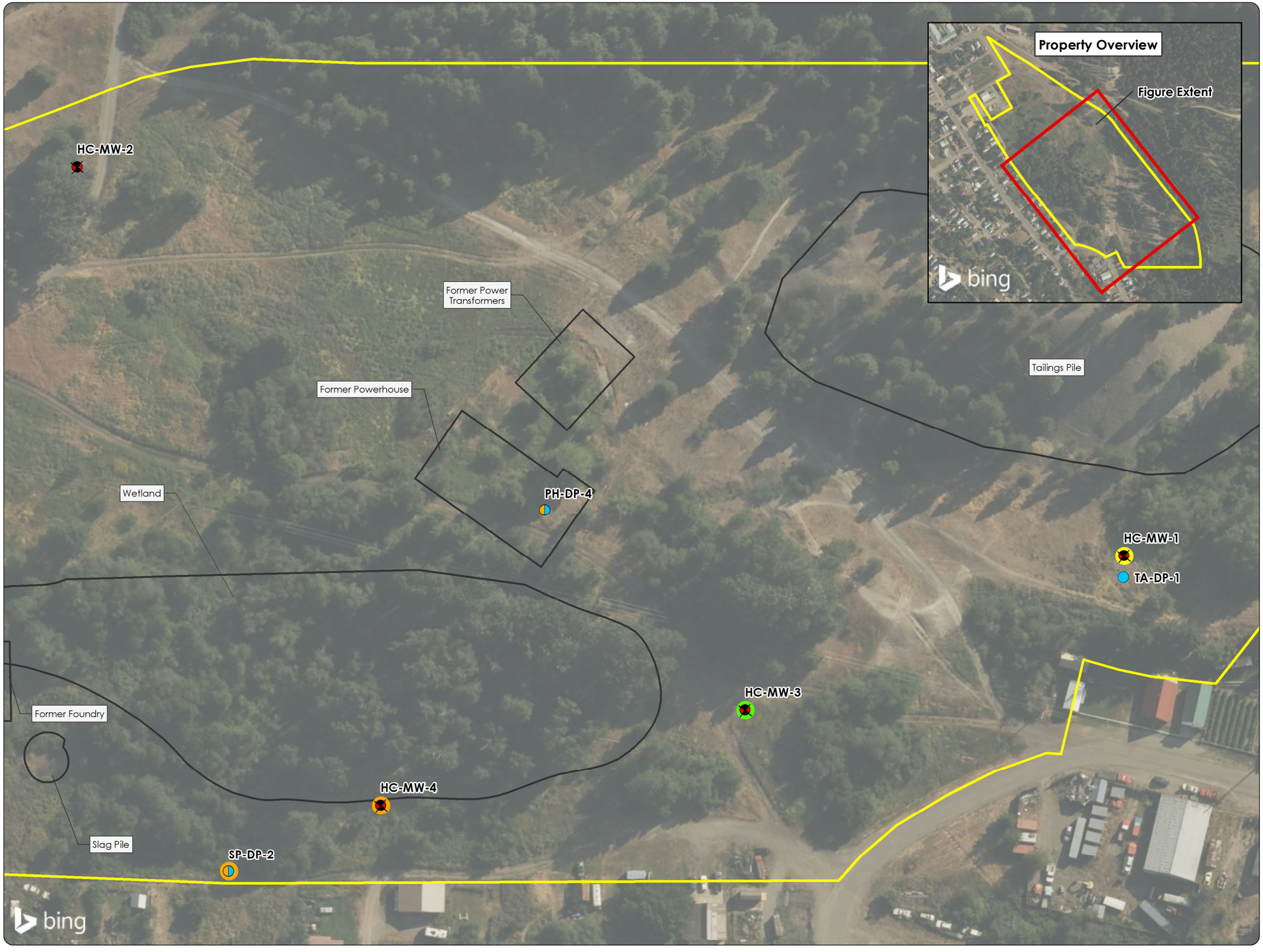
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Path: X:\1122.05\003\Fig2_2_Soil_Sample_Locations_MTCA_Exceed.mxd
Print Date: 10/24/2023
Reviewed By: ehess
Produced By: jroberts
Project: M1122.05.005

Figure 5-3
Groundwater Sample Locations and MTCA Exceedances

Roslyn No. 4 Mine
205 E Dakota Avenue
Roslyn, Washington



Legend

- Groundwater Boring (2023)
- Soil and Groundwater Boring (2023)
- Miniwell Location (HC 2007)
- Features of Interest
- Property Boundary

Exceedance Type

- MTCA A: Arsenic
- MTCA A: Lead
- MTCA A: Lead, Chromium, Arsenic

Notes

Boring locations were recorded with a handheld GPS with sub-meter accuracy.
Exceedance halos are shown for groundwater results only. Where both total and dissolved metals were analyzed, dissolved results are shown.
Property features were obtained by others, and are approximate.
Miniwell locations were obtained from HC (2007) and are approximate.
HC = Hart Crowser, Inc.
MTCA = Model Toxics Control Act.
MTCA A = MTCA Method A total metals for groundwater.

0 50 100
Feet

Data Sources

Aerial photograph obtained from Bing;
tax lot data obtained from Kittitas County.

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Path: X:\1122.05\003\Fig5_3_Previous_and_Proposed_GW_Samples_v2.mxd
Print Date: 5/22/2023
Reviewed By: ehess
Produced By: dbixby
Project: M1122.05.003

Voluntary Cleanup Program Eligibility Form

Washington State Department of Ecology – Toxics Cleanup Program

Use this form to determine which Washington state agency and program to apply for when seeking technical assistance for your independent cleanup of a contaminated site.

Both the Department of Ecology (Ecology) and the Pollution Liability Insurance Agency (PLIA),[1] which are **separate state agencies**, offer such assistance under the following programs.

Ecology

Voluntary Cleanup Program (VCP)[2]

PLIA

Petroleum Technical Assistance Program (PTAP)[3]

Heating Oil Technical Assistance Program (HOTAP)[4]

Eligibility verification
(for Ecology use only)

[X] correct

[ ] incorrect

Each program provides technical assistance for only certain types of sites. Ecology provides technical assistance under its VCP for sites that are not eligible for technical assistance under PLIA's PTAP or HOTAP. When applying to enroll in Ecology's VCP, you must submit this form with your application. Use of this form does not guarantee acceptance into the VCP. Ecology may decide to supervise remedial action at your site under an order or decree, based on site-specific conditions.

Part 1 – Applicant information

Applicant name: Forterra Roslyn LLC, a Washington limited liability company

Application submission date: April 22, 2024

Part 2 – Identify release source

PLIA provides technical assistance for independent cleanups of sites only where there has been a release from a tank storing heating oil or another type of petroleum. PLIA provides technical assistance for those releases under HOTAP and PTAP, respectively. See Chapter 374-80 WAC.[5]

Check only one of the following boxes.

[ ] The site involves a release from a heating oil storage tank. If you checked this box, skip to Part 3.

- Heating oil includes petroleum products used for space heating in oil-fired furnaces, heaters, and boilers, and includes stove oil, diesel fuel, and kerosene.
- Heating oil does not include petroleum products used as fuels in motor vehicles, marine vessels, trains, buses, aircraft, or off-highway equipment not used for space heating, industrial processing, or generating electrical energy.

[1] https://plia.wa.gov
[2] https://ecology.wa.gov/VCP
[3] https://plia.wa.gov/ptap/
[4] https://plia.wa.gov/heating-oil-technical-assistance-program/
[5] https://apps.leg.wa.gov/wac/default.aspx?cite=374-80

☐ The site involves a release from a non-heating oil petroleum storage tank. If you checked this box, skip to Part 4.

- Non-heating oil petroleum includes, but is not limited to, petroleum and petroleum-based substances made of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and waste oils.
- Non-heating oil petroleum does not include propane, asphalt, or any other petroleum product that is not liquid at standard conditions of temperature and pressure (60°F and 14.7 pounds per square inch absolute).

☒ The site does not involve a release from any kind of heating oil or petroleum storage tank. If you checked this box, skip to Part 5, and check "Ecology's VCP".

Part 3 – Identify HOTAP eligibility

A heating oil tank release site may be eligible for technical assistance under PLIA's HOTAP, unless the site meets one of the exclusionary factors in this Part 3.

Check each of the following boxes that applies to your site.

Site type factors

☐ The heating oil tank release is commingled with a non-petroleum release.

Agency management factors

☐ Ecology is currently conducting remedial action at the site.

☐ Ecology is currently supervising remedial action at the site, under an order or decree, or is currently negotiating an order or decree for the site.

☐ Ecology and PLIA jointly determine the site should be managed by Ecology. If you check this box, include supporting documentation.

If you checked any of the boxes in this Part 3, go to Part 5 and check "Ecology's VCP". If you did not check any of the boxes, go to Part 5 and check "PLIA's HOTAP".

Part 4 – Identify PTAP eligibility

Ecology and PLIA have jointly developed inclusionary and exclusionary factors for non-heating oil petroleum tank release sites. Such sites may be eligible for technical assistance under PLIA's PTAP if:

1) the site meets any of the inclusionary factors in Part 4A; and

2) the site either does not meet any of the exclusionary factors in Part 4B, or Ecology and PLIA jointly override the exclusionary factors under Part 4C.

4A Inclusionary factors

Check each of the following boxes that applies to your site.

Hazard ranking factors – Ecology ranks sites using the Washington Ranking Method (WARM).[6]

☐ The site is WARM-ranked a 3, 4, or 5.

☐ The site is WARM-ranked a 1 or 2, but does not impact surface water or sediment.

Site type factors

☐ The site does not impact surface water or sediment.

Funding factors

☐ The site is covered by PLIA insurance.

☐ The site is a recipient of a PLIA grant or loan.

If you checked any of the boxes in this Part 4A, go to Part 4B. If you did not check any of the boxes in this Part 4A, skip to Part 5 and check "Ecology's VCP".

4B Exclusionary factors

Check each of the following boxes that applies to your site.

Agency regulation factors – The release is within the bounds of or is impacting:

☐ an industrial facility regulated by Ecology's Solid Waste Program[7]

☐ a dangerous waste facility regulated by Ecology's Hazardous Waste and Toxics Reduction Program[8]

☐ a nuclear waste facility regulated by Ecology's Nuclear Waste Program.[9]

Agency management factors

☐ Ecology is currently conducting remedial action at the site.

☐ Ecology is currently supervising remedial action at the site under an order or decree, or is currently negotiating an order or decree for the site.

☐ The U.S. Environmental Protection Agency (EPA) is conducting remedial action at the site, under the federal cleanup law.

☐ EPA is supervising remedial action at the site, under an order or decree under the federal cleanup law, or is negotiating an order or decree for the site.

☐ The release otherwise occurred within or impacts a contaminated site managed by EPA, under the federal cleanup law.

[6] https://fortress.wa.gov/ecy/publications/SummaryPages/90014.html
[7] https://ecology.wa.gov/Waste-Toxics/Solid-waste-litter/Solid-waste
[8] https://ecology.wa.gov/Waste-Toxics/Reducing-recycling-waste/Waste-reduction-programs
[9] https://ecology.wa.gov/Waste-Toxics/Nuclear-waste

Other legal factors

☐ The site is subject to ongoing litigation or court supervision.

☐ Liability for remedial action at the site is in dispute.

Funding factors

☐ Site remediation is funded by Ecology as the sole or lead funding agency.

☐ You are a local government planning to apply for an Ecology Independent Remedial Action Grant.[10] These grants are subject to cultural resource consultation requirements.

Site type factors

☐ The site impacts surface water or sediment.

☐ The petroleum storage tank release is commingled with a non-petroleum release that is not related to the petroleum release or facility operations.

If you checked any of the boxes in this Part 4B, go to Part 4C. If you did not check any of the boxes in this Part 4B, go to Part 5 and check "PLIA's PTAP".

4C Joint agency determination

Check the following box, and include supporting documentation, if Ecology and PLIA have jointly determined to override the exclusionary factors in Part 4B, based on the results of a site characterization conducted under Chapter 173-340 WAC.[11]

☐ If you check this box, go to Part 5, and check "PLIA's PTAP". If you do not check this box, go to Part 5, and check "Ecology's VCP".

Part 5 – Select appropriate technical assistance program

Based on your responses in Parts 2 through 4, select the technical assistance program your site is eligible to apply for by checking the applicable box (check only one):

☒ Ecology's VCP[12]

☐ PLIA's HOTAP[13]

☐ PLIA's PTAP[14]

Accommodation Requests

If you need this publication in an alternative format, please call the Toxics Cleanup Program at (360) 407-7170 or visit the Toxics Cleanup Program webpage.[15] People with hearing impairment can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341.

[10] https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Independent-remedial-action-grants
[11] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340
[12] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/Applying
[13] https://plia.wa.gov/heating-oil-technical-assistance-program/
[14] https://plia.wa.gov/ptap/
[15] https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup