



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

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October 24, 2024

Bryce Robbert
Avista Corporation
1411 East Mission Avenue
PO Box 3727 MSC-21
Spokane, WA 99220

Charles Dubroff
Sagamore Capital LLC
9616 East A.W. Tillinghast Road
Scottsdale, AZ 85262

Re: Site Status – Groundwater Monitoring and Site Control:

- **Site Name:** Hamilton Street Bridge Site (Site)
- **Site Address:** 111 North Erie Street, Spokane, WA 99202
- **Cleanup Site ID:** 3509
- **Facility/Site ID:** 84461527

Dear Bryce Robbert and Charles Dubroff:

The Department of Ecology (Ecology) has reviewed Landau's May 1, 2024, letter regarding Ecology's third periodic review. This letter represents Ecology's final determination and next steps regarding groundwater monitoring and site access control.

Periodic Review

Scientific information has been made available that necessitates re-evaluation of the hydrogeologic site conceptual model presented in the 2001 Cleanup Action Plan (CAP). The 2001 Cleanup Action Plan utilized the conceptual model developed in the 1999 remedial investigation and feasibility study (RIFS). The protectiveness of the remedy is predicated on a full and ongoing understanding of the interaction between shallow groundwater at the Site and interflow with the Spokane River. According to the Spokane Valley-Rathdrum Prairie (SVRP) Joint Aquifer Board groundwater atlas (SVRP, 2023; see references in the final third periodic review report) the river adjacent to the Hamilton Street Bridge Site (Site) is recharging the aquifer. This information builds on a 2003 paper published by the United States Geological Survey (USGS, 2003; see references in the final third periodic review report) discussing the complex interaction between a portion of Spokane River and the SVRP aquifer where the river is recharging the aquifer (losing stream). In this study, the USGS conducted groundwater level

measurements in 25 monitoring wells ranging from a biweekly frequency to an hourly frequency.

After reviewing the latest response from Landau, the above referenced information provided by the USGS and SVRP, and consulting with the USGS, Ecology determined that increased frequency of groundwater level measurements is needed at the Site. In a letter addressed to Avista dated January 25, 2024, Ecology requested that the Potentially Liable Persons (PLPs) increase the frequency of groundwater level measurements of all groundwater monitoring wells at the Site to be able to adequately account for seasonal variations in groundwater flow. Ecology has authority to re-evaluate monitoring requirements under the agreed terms of the Compliance Monitoring Plan, and as a function of the Five-Year Review (Section XXIII of the Consent Decree). Based on the response received, Ecology has decided to conduct its own investigation of groundwater conditions at the Site.

Ecology will measure groundwater levels in all available wells for a period of at least one year to better understand the seasonal interaction between the Spokane River and the SVRP aquifer. Before the work commences, Ecology will prepare a workplan for this investigation that will be provided to the Site PLPs and current Site owners, including Sagamore Spokane LLC (Sagamore) for review.

Site Control

Due to ongoing trespassing and camping along the riverbank, there has been ongoing and persistent damage to the engineered riverbank and trees that are an integral part of the prescribed Site remedy. Ecology has notified Sagamore about the ongoing trespassing, camping, and resulting damage to the riverbank vegetation and the riverbank itself in corrective action notices dated January 23, 2023, and February 26, 2024. As the property owner, Sagamore is responsible for security and access control on its portion of the Site.

The PLPs are still responsible for the monitoring and maintenance of Site remedial structures installed in accordance with the 2001 CAP and in accordance with Article XIII of the 2002 Consent Decree. There is no clause or statement in the 2021 Prospective Purchaser Consent Decree (PPCD), the 2021 CAP Amendment, or the Engineering Design Report accompanying the CAP Amendment that absolves the PLPs from this responsibility.

Ecology appreciates the efforts Sagamore has taken to secure the Site, including regular security patrols, fencing, and fence repair; however, increased institutional controls, are necessary to protect public health and the integrity of the engineered controls at this site. Signage is a measure available under WAC 173-340-440, that might help limit trespass activity that interferes with the integrity of an interim or cleanup action. Based on repeated observations of trespass and camping, Ecology believes that signage would serve protection of public health. The authority to post these signs arises from the Model Toxics Control Act and its implementing regulations, as opposed to local ordinances on transient camping.

Bryce Robbert and Charles Dubroff

October 24, 2024

Page 3

We appreciate your cooperation in this matter. If you have any questions or need additional information about this letter, please contact the Ecology Site Manager, Christer Loftenius at (509) 385-8380 or e-mail at christer.loftenius@ecy.wa.gov.

Sincerely,



Nicholas Acklam, Section Manager
Toxics Cleanup Program, Eastern Region

By certified mail: 9214 8901 9403 8384 3794 42 (Robbert)
 9214 8901 9403 8384 3805 30 (Dubroff)

cc: Christer Loftenius, Ecology
 Brook Beeler, Ecology
 Scott McDonald, BNSF
 Dave Cook, Aspect
 Kara Tebeau, Office of the Attorney General
 Ecology Site File