

November 8, 2024

Christer Loftenius  
Washington State Department of Ecology  
PO Box 47600  
Olympia, Washington 98604

**Re: Progress Report No. 39, District on the River Redevelopment  
October 2024**

Sagamore Spokane, LLC; PPCD No. 21200059-32  
Facility/Site ID #1523145 and Cleanup Site ID #3509  
Aspect Project No. 190210

Dear Christer:

This Progress Report has been prepared by Geosyntec Consultants, Inc dba Aspect Consulting (Aspect) for the District on the River Redevelopment at the Hamilton Street Bridge site (Site) as a requirement of Prospective Purchaser Consent Decree (PPCD) No. 21200059-32 between Sagamore Spokane, LLC (Sagamore) and the Washington State Department of Ecology (Ecology). The PPCD was signed and executed on January 15, 2021. Section XII of the PPCD requires Sagamore to submit to Ecology a written monthly Progress Report that describes the PPCD-required actions completed during the reporting period. This Progress Report No. 39 covers the reporting period of October 1 through October 31, 2024.

## **1) Progress During Reporting Period**

Progress and actions taken at the Site during this period include:

- Monthly Progress Report No. 38 (September 2024) was transmitted to Ecology on October 11, 2024.
- Security Team Site Visits occurred weekly to evaluate downed fencing and trespassing/camping along the Spokane River.
  - Sagamore continues to coordinate with their Security Team who makes weekly visits and Spokane Police Department who is making visits to the Site and asking trespassers to leave. The Security Team made a couple calls to the Spokane homeless outreach team during October to report trespassing. In fact there was an arrest made on site per the October 31 security report (which was forwarded to Ecology on October 31). As stated previously, a discussion is warranted to reestablish cleanup goals and objectives regarding the trespassing situation along the riverbank. In the interim, Aspect prepared a plan to change access around the site and add signage. This plan was provided in a Memo to Ecology dated August 26, 2024 and attached to the August monthly report dated September 16, 2024. We received an email from Ecology dated October 30 posing some question about the plan and Aspect responded on October 31. Implementation has not occurred yet pending feedback on the plan from Ecology.
- We received an email from Ecology related to an update from WSDOT indicating that their funding had been secured to complete the Hamilton Street bridge stormwater fix (to prevent

water that collects on the bridge from falling on and ponding on the Subject Property). The email stated that a fix would occur in late July. We have not seen evidence of a fix.

- Sagamore and Aspect received an email from Ecology dated August 24 where Christer Loftenius visited the site on October 22, 2024 and indicated that there was increased camping at the site. Sagamore's security patrol contacted Spokane's 311 community service and the police department.
- Sagamore received a letter from Ecology entitled, "Site Status – Groundwater Monitoring and Site Control" dated October 24, 2024. Aspect, on behalf of Sagamore responded with an acknowledgement email on October 29, 2024 and offered to discuss with Ecology the modifications to site access and management (including signage) and is awaiting feedback from Ecology on the language it wants to see on the signs.
- The one remaining stockpile remains appropriately covered and secured.

## **2) Sampling and/or Testing Reports Received**

- No soil or groundwater samples were obtained for testing during this reporting period.

## **3) Summary of Deviations**

- No deviations occurred during this reporting period.

## **4) Schedule**

- As reported previously, Sagamore has been working on the logistics around a building design change, by eliminating one of the two buildings along MLK. Sagamore indicates that they are awaiting some minor plan approvals from the City, is in the process of selecting a general contractor, forming a joint venture with a development partner to oversee development, and plan to start construction in Q1 2025. A revised construction schedule will be included in the EDR Amendment transmitted to Ecology once Aspect is provided the approved updated design plans.

## **5) Contact with Other Parties**

- None

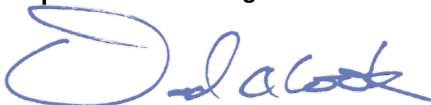
## **6) List of Deliverables and Key Activities Planned for Next Month**

- Sagamore, Aspect, and Sagamore legal counsel are working on a PPCD Schedule extension request letter that will be submitted to Ecology and the Attorney General's office in November.

Please let us know if you have any questions.

Sincerely,

**Aspect consulting**



**Dave Cook, LG, CPG**

Senior Principal Geologist

[dave.cook@aspectconsulting.com](mailto:dave.cook@aspectconsulting.com)

Attachment: Ecology's "Site Status – Groundwater Monitoirng and Site Control" letter dated  
October 24, 2024

cc: Chuck Dubroff and Bob Hayes, Sagamore Spokane LLC (email only), Mike Ingram  
(email only)

S:\Sagamore Spokane, LLC\District on the River aka Riverbend, 190210\Project Management\Progress Reports\Monthly Progress Report No 39\_110824.docx



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Eastern Region Office

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

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**

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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**

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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

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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](mailto: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