



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**

**Central Region Office**  
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March 13, 2025

**Sent via email**

Molly Hanson, Holden Remedial Project Manager  
US Forest Service, Pacific Northwest Region (R6)  
215 Melody Lane  
Wenatchee, WA 98801

**RE: Ecology Comments on Draft Holden Mine Site, Performance Standards Verification,  
2024 Annual Compliance Assessment Report, December 2024**

- **Site Name:** Holden Mine
- **Site Address:** Chelan County
- **Ecology Facility Site ID No.:** 338
- **Ecology Cleanup Site ID No.:** 4414
- **UAO, EPA Docket No:** CERCLA-10-2012-0127

Dear Molly Hanson:

Thank you for providing the State of Washington (State) (represented by the Department of Ecology (Ecology)) an opportunity to review and comment on the above-referenced document in accordance with part XIII of the Unilateral Administrative Order. Below are Ecology's comments on the Draft Performance Standards Verification, 2024 Annual Compliance Assessment Report (ACAR), December 2024, received on December 9, 2024. Ecology approached our review of this ACAR differently than how we have responded to past ACARs. You will find some of our typical comments, but you will also find comments at a higher level than and not as detailed then in previous responses. Ecology believes these higher-level comments are necessary to aid Ecology in better understanding how the PSVP/ACAR process meshes with the ROD and to aid us in providing more comprehensive reviews in the future.

In regard to our comments, Ecology is providing an opinion of the presented activities in the draft ACAR in meeting state laws. Our opinions expressed in this letter are consistent with our authority under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.<sup>1</sup>

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<sup>1</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305>

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In addition to MTCA, our opinions expressed are consistent with our authority under Chapter 90.48 RCW,<sup>2</sup> the Water Pollution Control, and Chapter 90.70 RCW,<sup>3</sup> the Puget Sound Water Quality Authority Act.

Ecology is available to review our comments with the US Forest Service as needed. Please distribute our comments to the Respondent as well as to the other members of the Government Team. Please advise Ecology on the USFS schedule for finalizing the Performance Standards Verification, 2024 Annual Compliance Assessment Report.

**Ecology Comments/Discussion/Resolution:** Below are Ecology's comments, and as appropriate associated discussion and expectations about the resolution:

Comment 1: List of Abbreviations, Define Agencies

Discussion: Ecology believes it is beneficial to add the definition of "Agencies" in accordance with the UAO to avoid confusion with the definition of "Agencies" in the ROD. The documents have a different definition regarding Ecology's role. Since the ACAR is part of the UAO submittals, the UAO definition is appropriate here.

Resolution: Add agencies to the List of abbreviations.

Comment 2: Reference: Page 1-1. 1.0 Introduction, ¶13. Regarding the text "the three main PSVP objectives identify if there are other objectives besides these three main objectives. Also, identify where these objectives are established (PSVP 2020).

Discussion: It is unclear where these objectives originate and if there are other objectives. I see the reference to the ROD following objective 3. Does this reference apply to the other two objectives? It would also be beneficial to detail where in the ROD these objectives can be found or their link to specific ROD language.

Resolution: Provide clarification on these "main" objectives and if there are other objectives. Develop an appendix-type document that walks one through the objectives from the ROD to the current submittals.

Comment 3: Reference: Page 1-1. 1.0 Introduction, ¶13, item 1. Regarding the objective to establish the basis for final points of compliance (POCs), Ecology would like to get a better understanding of how the 2024 effort worked towards establishing the final POCs, and the process in general.

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<sup>2</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>

<sup>3</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=90.70>

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Discussion: The progress and impact of the 2024 effort toward establishing the basis for final POCs is unclear.

Resolution: PRP to provide discussion on this subject.

Comment 4: §1.0, p. 1-1, ¶1. Consistency w/UAO, “the Agencies”

Discussion: Though the ROD identifies the State as one of “the Agencies”, the UAO does not. As stated in the March 2020 Draft Final PSVP, §1.0, p. 1-1, ¶1, the PSVP “is associated with work elements being performed under the Unilateral Administrative Order...”.

Consistent with the UAO, to which Ecology is not a signatory, Ecology is not an agency for work performed under the 2012 UAO. Thus, per the UAO Ecology has the same role as the Yakama Nation where they are provided.

Reference(s): UAO, §III. Definitions, 3.1 ““Agencies” shall mean the Forest Service and the EPA.”

Resolution: Make references to the agency’s consistent with the UAO.

Comment 5: §1.0, p. 1-1, ¶3. Consistency w/UAO Determination from the “lead agency

Discussion: Regarding “the agency group’s determination that the Phase 1 Remedial Action was substantially complete...”, since Ecology does not have approval authority to make determinations under the UAO, note that the approval did not come from Ecology.

Reference(s): UAO, §III. Definitions, 3.1 ““Agencies”. UAO, §XIII. Agencies’ Review of Submissions (especially subsection 13.1).

Resolution: Clarify the text in the document to align with our defined role per the UAO.

Comment 6: §1.0, p. 1-2, 2nd full¶. Add a reference document to support the statement: “the agency group has communicated support for Rio Tinto’s Phase 2 Preferred Alternative...”

Discussion: Ecology is requesting that this important statement is supported with a referenced document.

Resolution: Add reference to the support document(s).

Comment 7: §1.3.2, p. 1-5, ¶3. Issue not using updated State WQ standards.

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Discussion: Though we appreciate the effort for consistency here, Ecology sees benefit for including the WA State “new criteria” for reference and comparison in meeting state regulations and to provide a thorough picture of performance at the site.

Resolution: List “new criteria” and compare.

Comment 8: §2.0, p. 2-1, ¶2. Clarification regarding EAP work.

Discussion: Ecology feels it is important to recognize that EAP is answering different questions than the questions asked in the performance document. EAP’s work is not based on the RAOs, nor the objectives established in the PSVP (thus not regulatory or compliance), but rather scientific and looking at how the stream environment responds over time to mining remedial activities. The statement “Although biomonitoring was not conducted in 2024...” raises questions for Ecology, if there is reliance on the EAP work, and if biomonitoring should have been conducted as part of the PSVP. Did EAPs effort influence the recommendations presented in Section 7.1.2?

Resolution: Provide clarification regarding the EAP work in terms of reliance on their sampling and their influence on your recommendations.

Comment 9: §4.2.3, ¶2, p. 4-5. Ecology desires to better understand the extents of seep survey and what triggers a modification to seep surveys.

Discussion: Ecology is trying to gain an understanding of what would trigger a modification to the PSVP that would result in adjustments to the seeps survey. For example, how would you address a new seep that Ecology identifies during its field activities in your updated PSVP?

Resolution: Please provide a section to identify triggers to modify the PSVP and how you would address new seeps that are identified. For example, if a new seep was identified during fieldwork, would you make field adjustments to sample that seep?

Comment 10: §4.4, ¶1, 3<sup>rd</sup> bullet, 2<sup>nd</sup> sub-bullet, p. 4-13. Addressing seeps not adjacent to the barrier wall nor along Tailings Piles 2 and 3.

Discussion: Ecology is trying to gain an understanding of how mine-influenced water (MIW) seeps that are downstream of the area covered by the DQO 2D are addressed in the remedy. Please help us out here on how to view MIW seeps not covered under the PSVP or current remedial actions.

Resolution: Similar to the resolution in the above comment.

Comment 11: §4.4.3.3, p. 4-17. Connection of seeps to performance of Phase 1 Barrier Wall.

Discussion: Ecology is trying to gain a better understanding of the relationships between post-remedy monitoring activities. Can you please confirm if there are adjustments to maintenance and monitoring activities in the Phase 1 O&M Plan related to these seeps referred to in this section? It seems appropriate to make a connection to the Phase 1 O&M, especially if the Phase 1 O&M work has a connection to the proposed modification listed in Appendix A to not conduct additional seep surveying/sampling.

Reference: 2020 PSPV, §1.3, ¶1, p 1-6.

“This PSVP is one of three documents that cover post-remedy construction monitoring activities at the Site. The other two documents are the Operating and Maintenance Manual, Mine Water Treatment Plant (MWTP; MWH 2017b), and the Phase 1 O&M Plan (Stantec 2017a). The MWTP Operating & Maintenance Manual establishes the procedures and criteria for the operation of the MWTP and the water quality criteria for effluent discharged from the MWTP to Railroad Creek. The Phase 1 O&M Plan specifies the periodic maintenance and monitoring activities required to support and maintain the effectiveness of the implemented Remedial Action.”

Resolution: Respond to the comment or propose interaction with Ecology to discuss this matter.

Comment 12: General, and Appendix A. Identify short-term and long-term monitoring.

Discussion: Ecology seeks to gain a better understanding of how short- and long-term monitoring are viewed in the PSVP/ACAR process. Can you please distinguish in the ACAR (such as in Appendix A and other appropriate locations) what monitoring efforts are short-term and what efforts are long-term? And can you please develop a general time frame to remove some of the ambiguity on these terms?

Reference 1: The UAO SOW on page A-26, Under 4.7 Task 7 – Performance Monitoring for Phase 1, states: “The purpose of the Performance Standards Verification Plan is to provide a mechanism to ensure that both short-term and long-term Performance Standards for the Remedial Action are met.”

Reference 2: 2020 PSVP, 4.4.2, 1st ¶ (page 4-10). “The current PSVP monitoring program is generally expected to correspond with future data collection for assessing the performance of the completed Remedial Action over the long-term, although the monitoring program will likely be updated following the Phase 2 Remedial Action.”

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Resolution: Respond to the comment or propose interaction with Ecology to discuss this matter.

Comment 13: Multiple locations. Ecology requests an Updated CSM graphic

Discussion: There are multiple locations in the ACAR that refer to refining the CSM. To help Ecology better understand the refinements to the CSM, we are requesting an updated CSM graphic covering all media and pathways. The last CSM graphic Ecology can find is in the ROD (Figure 5).

Reference: 2020 PSVP, Section 1.1, top of page 1-2. "The first objective is to assess the current site conditions and update the conceptual site model (CSM) following the implementation of the Phase 1 Remedial Action, which will establish the basis for final points of compliance (POCs)".

Resolution: Provide an updated graphical (and narrative) CSM.

Please contact me at (509) 225-0304 or [john.zinza@ecy.wa.gov](mailto:john.zinza@ecy.wa.gov) if you require any clarification of these comments or have further questions.

Sincerely,



John Zinza  
Cleanup Project Manager  
Toxics Cleanup Program  
Central Regional Office