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

July 31, 2025

David Leon
Forterra Roslyn LLC
5101 14th Avenue NW, Suite 200, #307
Seattle, WA 98107-5116

Re: Opinion on DRAFT Cleanup Action Plan for the following Contaminated Site:

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

Dear David Leon:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the Roslyn 4 Mine Site (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.[1]

Issues Presented and Opinion

1. Upon completion of the proposed cleanup, will further remedial action likely be necessary at the Site?

   NO. If the remedial action is completed as proposed, with the addition of Institutional Control requirements addressed below, no further remedial action will likely be necessary at the Property to clean up contamination associated with the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70A.305 RCW, and its implementing regulations, Chapter 173-340 WAC[2] (collectively "substantive requirements of MTCA"). The analysis is provided below.

[1] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305
[2] https://app.leg.wa.gov/wac/default.aspx?cite=173-340

Description of the Site

This opinion applies only to the Site described below. This opinion does not apply to any other sites that may affect the Site. Any such sites, if known, are identified separately below.

1. **Description of the Site.**

   The Site includes the following tax parcels in Kittitas County, which were affected by the Site and will be addressed by your cleanup:

   - 456234

2. The Site is defined by the nature and extent of contamination associated with the following releases:

   - Arsenic, cadmium, lead, mercury, and oil-range petroleum hydrocarbons into the soil
   - Arsenic into the groundwater.

Enclosure A includes a legal description of the Site. **Enclosure B** includes a diagram of the Site.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. Data Gaps Investigation Report, Roslyn 4 Mine, Roslyn, WA, Maul Foster & Alongi, Inc., June 14, 2023[3]
2. Supplemental Investigation Report, Roslyn 4 Mine, Roslyn, WA, Maul Foster & Alongi, Inc., April 28, 2025[4]
3. Draft Cleanup Action Plan, Roslyn No. 4 Mine, Roslyn, WA, Maul Foster & Alongi, May 5, 2025[5]

These documents are located at the Roslyn 4 Mine cleanup site website.[6]

This opinion is void if any of the information contained in those documents is materially false or misleading.

[3] https://apps.ecology.wa.gov/cleanupsearch/document/131910
[4] https://apps.ecology.wa.gov/cleanupsearch/document/159847
[5] https://apps.ecology.wa.gov/cleanupsearch/document/159845
[6] https://apps.ecology.wa.gov/cleanupsearch/site/15545

Analysis of the Cleanup

1. Cleanup of the Site.

Ecology has concluded that, upon completion of your proposed cleanup, **no further remedial action** will likely be necessary to clean up contamination associated with the Site. That conclusion is based on the following analysis:

a. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup for the Site. The Site is described in the referenced documents and in **Enclosure B**.

b. Establishment of cleanup standards for the Site.

Ecology has determined that MTCA cleanup levels both protective of human health and protective of ecological health in combination are appropriate for the Site. These cleanup levels are stringent and protective of properties with the intended uses including residential, commercial, and natural resource habitat preservation.

The following cleanup levels are appropriate for the Site:

Contaminant of Concern	Media of Concern	MTCA Cleanup Level	Basis for Cleanup Level
Arsenic	Soil	20 mg/Kg	Human and Ecological Health
Cadmium	Soil	2 mg/Kg	Human and Ecological Health
Lead	Soil	250 mg/Kg	Human and Ecological Health
Mercury	Soil	2 mg/Kg	Human and Ecological Health
Oil-Range Petroleum Hydrocarbons	Soil	2,000 mg/Kg	Human and Ecological Health
Zinc	Soil	360 mg/Kg	Ecological Health
Arsenic	Groundwater	6 ug/L	Human and Ecological Health

c. Selection of cleanup for the Property.

Ecology has determined that excavation and disposal in addition to capping with clean soil or other materials in selective areas, will prevent exposure to contamination.

Institutional controls in the form of an environmental covenant will be necessary as part of the final cleanup action. The remedial actions of this proposed remedy, if implemented as described (including the institutional controls as described below), are appropriate to result in a **No Further Action** determination for the Site.

The Remedial Action Plan describes proposed institutional controls as:

An Environmental Covenant for the subject parcel, pursuant to the Model Toxics Control Act (MTCA) Chapter 70A.305 RCW and the Uniform Environmental Covenants Act (UECA) Chapter 64.70 RCW.[7] The Covenant will demonstrate to Ecology that there will be no interference with the remedial action, that human health and the environment will remain protected, that the site will remain in a state of continued compliance, and that future property owners will be made aware of the remedial action and this Covenant.

Please note that preparation of the Environmental Covenant will require a recent (no greater than 6 months old) title search.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Change the boundaries of the Site.
- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70A.305.040(4).[8]

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you proposed will be substantially equivalent. Courts make that determination. *See* RCW 70A.305.080[9] and WAC 173-340-545.[10]

[7] https://app.leg.wa.gov/rcw/default.aspx?cite=64.70
[8] https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.030
[9] https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.080
[10] https://app.leg.wa.gov/wac/default.aspx?cite=173-340-545

3. Opinion is limited to proposed cleanup.

This letter does not provide an opinion on whether further remedial action will actually be necessary at the Property upon completion of your proposed cleanup. To obtain such an opinion, you must submit a report to Ecology upon completion of your cleanup and request an opinion under the VCP.

4. State is immune from liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70A.305.030(1)(i).[11]

Contact Information

Thank you for choosing to clean up your Property under the Voluntary Cleanup Program (VCP). As you conduct your cleanup, please do not hesitate to request additional services. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our website.[12] If you have any questions about this opinion, please contact me by phone at 509-571-6661 or by e-mail at Mary.Monahan@ecy.wa.gov.

Sincerely,



Mary Monahan
Toxics Cleanup Program
Central Regional Office

Enclosures (2): A – Legal Description of the Property
B –Diagrams of the Site (including the Property)

cc: Emily Hess, Maul Foster & Alongi, Inc.

[11] https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.030
[12] www. ecy.wa.gov/programs/tcp/vcp/vcpmain.htm

Enclosure A

Legal Description of the Property

Kittitas County Parcel Number 456234

ACRES 30.54; PTN SE1/4 (PARCEL B, B45/P190-194); SEC 17, TWP 20, RGE 15

(from Kittitas County Assessor's Webpage, accessesd July 15, 2025; TerraScan TaxSifter - KITTITAS County Washington)[13]

[13] https://taxsifter.co.kittitas.wa.us/Assessor.aspx?keyId=1500566&parcelNumber=456234&typeID=1

Enclosure B

Diagram of the Site

SECTION 7: MAP / Area of Potential Effect

