WAC 197-11-970 Determination of nonsignificance (DNS).

WASHINGTON STATE DEPARTMENT OF ECOLOGY

DETERMINATION OF NONSIGNIFICANCE

Description of proposal: The project will close Tailings Facilities Nos. 1 &2 at the Pend Oreille Mine in Metaline Falls, Washington. The closure will include placing a cover system over the tailings facilities, controlling stormwater, and reshaping the slopes.

Proponent: Teck Washington Incorporated

Location of proposal, including street address, if any: Approximately 2 miles north of Metaline Falls, Washington in Sections 10 and 15, Township 39 North, Range 43 East, Willamette Meridian (WM).

Lead agency: Washington State Department of Ecology

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☐ There is no comment period for this DNS.

☐ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

☑ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by March 16, 2011.

Responsible official: Michael A. Hibbler
Position/title: Eastern Regional Office Toxics Cleanup Program, Section Manager **Phone**. 509/329-3568
Address: 4601 North Monroe Street; Spokane, WA 99205
Date: February 14, 2011 **Signature** _____

Contact: Terri Costello 509/329-3550

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: Pend Oreille Mine Tailings Facilities Nos. 1 & 2 closure in Metaline Falls, Washington. The closure will include placing a cover system over the tailings facilities, controlling stormwater, and reshaping the slopes.

2. Name of applicant: Washington Department of Ecology

3. Address and phone number of applicant and contact person:
   4601 North Monroe, Spokane, WA 99205;
   509/329-3589

4. Date checklist prepared: December 22, 2010

5. Agency requesting checklist: Washington Department of Ecology

6. Proposed timing or schedule (including phasing, if applicable): The project is intended to begin by July 18 and will continue until the end of construction season (October 21). If the project is not completed it will begin again the following year at the start of the construction season (June 13, 2012).

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. No plans not at this time. Future activity may include general operations and maintenance typically associated with closed tailings facilities.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. •

Dames & Moore, 1997. Seep Water Analysis from Tailings Pond No.1. Letter Report to Cominco American, Spokane, Washington. Spokane, Washington.

- Dames & Moore, 1999. Focused Groundwater Assessment Tailings Storage Facility No. 3. Pend Oreille Mine Metaline Falls, Washington. Spokane, Washington.
- ENSR, 1999a. Analysis of Data of the Pend Oreille Tailings Impoundment #3 February 1999 Sampling Study. Letter to Mr. Keith Stoffel, Washington Department of Ecology. Fort Collins, Colorado.
- ENSR, 1999e. Geochemical Evaluation of Pend Oreille Mine Monitoring Wells. Report prepared for Cominco American Inc., Spokane, Washington. Redmond, Washington.
- ENSR, 2000. Final Environmental Impact Statement Pend Oreille Mine Project. Report prepared for Washington Department of Ecology, Spokane, Washington. Redmond, Washington.
- Golder Associates Inc., 2007. Final Remedial Investigation/Feasibility Study Report for the Pend Oreille Mine Tailing Disposal Facilities TDF-1 and TDF-2. Redmond, Washington.
- Maxim Technologies, Inc 1998. MTCA/Dangerous Waste Characterization Preliminary Results No. 3 Tailings Impoundment. Letter to Dave Godlewski, Environmental Manager, Cominco American, Inc. Spokane, Washington. Spokane, Washington.
- URS Corporation, 2008. Pend Oreille Mine TDF-1 and TDF-2 Hydrogeology Date Review. Memorandum prepared for Teck Cominco American Incorporated.
- URS Corporation, 2009. Supplemental Monitoring Well Installation and Groundwater Monitoring Pend Oreille Mine TDF-1 and TDF-2. Report prepared for Teck American Incorporated.
- URS Corporation, 2010, Supplemental Remedial Investigation/Feasibility Study Pend Oreille Mine TDF-1 and TDF-2, Metaline Falls, WA.
- United States Environmental Protection Agency, Region 10, 2000, Pend Oreille Mine Preliminary Assessment, Metaline Falls, WA. Prepared by Ecology and Environment, Inc. for U.S. EPA Superfund Technical Assessment and Response Team (START).

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. No

10. List any government approvals or permits that will be needed for your proposal, if known.
The cleanup action is being conducted under the Model Toxics Control Act (MTCA – 173-340 WAC) authority which exempts the action from state and local permits. The substantive requirements of each permit, where applicable will be met by the cleanup action. No federal permits are required.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The project will provide closure of Tailings Facilities Nos. 1 & 2 at the Pend Oreille Mine in Metaline Falls, Washington. The Tailings Facilities are about 27 total acres. The tailings material will be re-graded and compacted. A granular drainage layer will be placed over the compacted tailings. A geotextile will be placed over the drainage layer and a vegetation layer will overlie the geotextile.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of

area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The Pend Oreille Mine Tailings Facilities Nos. 1 & 2 is located in the southeast quarter of Section 21, Township 39 North, Range 43 East, Willamette Meridian (WM) in Pend Oreille County, Washington.

B. ENVIRONMENTAL ELEMENTS

1. **Earth**

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other . . . . . .
The Tailings Facilities are relatively flat with relatively steep slopes along the perimeter.

b. What is the steepest slope on the site (approximate percent slope)?

67 percent slope

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The soil in the Tailings Facilities area has been mapped as part of the Bonner-Orwig-Kaniksu or the Cusick-Martella-Anglen general map units. The soil types in these map units are described as deep, moderately to well-drained soils formed in glacial outwash or glacial lake sediments and consist of silt or sandy loams.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

A historic slope failure occurred on the north side of Tailings Facility No. 2. As part of the project, safe slope configurations will be developed for both Tailings Facilities.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

The Tailings Facilities will be graded to provide for a safe slope configuration and to accommodate stormwater drainage. Fill material will be used to provide a drainage layer as well as a vegetation layer.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Yes. The potential for erosion exists during grading and filling activities. Measures will be implanted to reduce the opportunity for erosion.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Zero percent.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

An erosion control plan will be developed as part of the engineering design report. Best management practices in accordance with the Ecology Stormwater Control Manual will be identified to minimize and control erosion.

2. **Air**

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

There is potential for dust emissions during construction. Heavy equipment and vehicle exhaust emissions will also occur during this time frame.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

A dust control plan will be developed and implemented to minimize and control dust emissions. During excavation and construction, exposed areas would be sprinkled with water as necessary to control dust. Truck loads will be covered and haul routes will be selected and monitored to minimize dust. Sprinkled water will be used to reduce dust on haul roads and efforts will be made to minimize vehicle idling.

3. **Water**

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Two creeks have been identified in the site area and are identified as Creek #1 and Creek #2. The creeks drain to the Pend Oreille River.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

Groundwater will be withdrawn for monitoring purposes only.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Stormwater may be generated during construction activities and following Tailings Facilities closure. Stormwater collection will be addressed in the engineering design report.

2) Could waste materials enter ground or surface waters? If so, generally describe.

During construction activities, the potential for tailings erosion into surface water may occur. Plans will be developed and implemented to minimize erosion.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

The proposed measures to address potential surface, ground, or runoff water impacts will be included in the engineering design report. The report may include plans such as a stormwater pollution prevention plan, a list of applicable best management practices, and an erosion control plan.

4. **Plants**

a. Check or circle types of vegetation found on the site:

x_____ deciduous tree: alder, maple, aspen, other

x_____ evergreen tree: fir, cedar, pine, other

x_____ shrubs

x_____ grass

_____ pasture

_____ crop or grain

x_____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

x_____ water plants: water lily, eelgrass, milfoil, other

_____ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Some limited small tree and shrub removal will be necessary to re-grade and slope the tailings.

c. List threatened or endangered species known to be on or near the site.

None

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

The Tailings Facilities will be vegetated with a grass seed mix.

5. **Animals**

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other
Mammals: deer, bear, elk, beaver, other
Fish: bass, salmon, trout, herring, shellfish, other

b. List any threatened or endangered species known to be on or near the site.

The Environmental Impact Statement (EIS) for the Pend Oreille Mine Project identified three fish that are considered threatened or sensitive by the federal and state governments. The fish are bull trout, interior redband trout, and pygmy whitefish. The fish are found in the Pend Oreille River. The EIS also identified several mammal, bird and amphibian species in the area that are considered threatened or endangered. The list includes the northern leopard frog, bald eagle, peregrine falcon, grey wolf, grizzly bear, North American lynx, Pacific fisher, and woodland caribou. Of the mammals, birds and amphibians listed, only the bald eagle has been observed near the site.

c. Is the site part of a migration route? If so, explain.

The Site is located within the Pacific Flyway.

d. Proposed measures to preserve or enhance wildlife, if any:

As discussed previously, the engineering design report will include mitigative measures to control erosion and minimize disturbance to the area.

6. **Energy and natural resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Diesel and gasoline will be used to power equipment involved in the construction activities.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None

7. **Environmental health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

The tailings material contains heavy metals. Workers that have the appropriate level of training and protective clothing will be the only people allowed on the site during construction activities. No other hazards have been identified.

1) Describe special emergency services that might be required.

Emergency services required will be similar to those typically found at construction sites.

2) Proposed measures to reduce or control environmental health hazards, if any:

A health and safety plan will be developed and implemented during site activities. Engineering and institutional controls that will be protective of human health and the environment will be part of the final site plan.

b. **Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Heavy equipment will be used to complete the project.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Noise from the site would be during normal working hours until the construction is completed.

3) Proposed measures to reduce or control noise impacts, if any:

No measures are planned at this time.

8. **Land and shoreline use**

a. What is the current use of the site and adjacent properties?

The site is an inactive tailings storage facility. The adjacent properties consist of an inactive mine, national forest land, and the Pend Oreille River.

b. Has the site been used for agriculture? If so, describe.

No

c. Describe any structures on the site.

No structures on the site.

d. Will any structures be demolished? If so, what?

No

e. What is the current zoning classification of the site?

The site is not zoned.

f. What is the current comprehensive plan designation of the site?

None

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

No

i. Approximately how many people would reside or work in the completed project?

None

j. Approximately how many people would the completed project displace?

None

k. Proposed measures to avoid or reduce displacement impacts, if any:

None

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

None

9. **Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None

c. Proposed measures to reduce or control housing impacts, if any:

None

10. **Aesthetics**

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable

b. What views in the immediate vicinity would be altered or obstructed?

None

c. Proposed measures to reduce or control aesthetic impacts, if any:

None

11. **Light and glare**

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None

b. Could light or glare from the finished project be a safety hazard or interfere with views?

None

c. What existing off-site sources of light or glare may affect your proposal?

None

d. Proposed measures to reduce or control light and glare impacts, if any:

None

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity?

The Pend Oreille Golf Course and the Pend Oreille River

b. Would the proposed project displace any existing recreational uses? If so, describe.

No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None

13. **Historic and cultural preservation**

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None

c. Proposed measures to reduce or control impacts, if any:

None

14. **Transportation**

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

The site is accessed from State Route 31 via the Pend Oreille Mine Road.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

No

c. How many parking spaces would the completed project have? How many would the project eliminate?

None

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

The mine roads may require improvement to accommodate equipment for the cleanup action.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

None

g. Proposed measures to reduce or control transportation impacts, if any:

None

15. **Public services**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No

b. Proposed measures to reduce or control direct impacts on public services, if any.

None

16. **Utilities**

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

The mine has electricity, water, telephone, refuse service, and other services. The Tailings Facilities do not have utilities.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: William J Fee

Date Submitted: 1/31/08