



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

SUBSTANTIVE PERMIT REQUIREMENTS

**ISLAND COMPLEX SITE
MURRAY ROAD SITE
SPOKANE, WASHINGTON**

**EASTERN REGIONAL OFFICE
TOXICS CLEANUP PROGRAM
MAY 2007**

I. Introduction

The Island Complex and Murray Road Sites are undergoing remediation under the authority of the Model Toxics Control Act (MTCA) and the federal Comprehensive Environmental Response Compensation & Liability Act (CERCLA – Superfund). The State of Washington, Department of Ecology is conducting a remedial action under a Record of Decision that was developed by the U.S. Environmental Protection Agency (EPA) during September 2002¹. The two sites undergoing remediation in 2007 are both located along the shoreline of the Spokane River near in Washington near the Idaho state line. Shoreline soils at both locations are contaminated with heavy metals including lead, arsenic, zinc and cadmium.

At Island Complex, the primary goals of the project are bank stabilization and isolation of the contaminants. The selected remedy for the project consists of two main areas, termed the “chevron” and the “back channel”. The section of bank composing the chevron is approximately 300 feet in length, and will be stabilized using a multi-layered soil cover. The materials used will include 4-6 inch quarry spalls and 3-inch minus rounded river gravels in addition to a coir-wrap bioengineered approach. The transition from the soil cover on the lower portions of the bank to the bioengineered upper bank will occur approximately at the ordinary high water line. At the back channel, the project is composed entirely of biological stabilization approaches, specifically the planting of trees and shrubs. Rooted cuttings of drought tolerant tree species (i.e. coyote willow) will be planted along the bank, some below the ordinary high water line. Native shrub species such as douglas hawthorn will be planted near the top of the bank, generally above the ordinary high water line. The project will also include construction of a crushed gravel foot-trail through the upland portions of the Island and installation of trail signage and markers etc.

At Murray Road, the primary goal of the project is isolation of the contaminants. The selected remedy for the site will consist of a 1-foot thick sand and gravel cover that will be constructed over approximately 1.5 acres of the backwater area. Additionally, a small (<0.25 acre) beach location at the site will also be covered. Although the Murray Road site is not currently used for trout spawning (according to WDFW biologists), the primary material used to construct the cover will be a mix of native riverine sands and gravels designed to encourage spawning in appropriate portions of the site. The soil cover will be placed around substantial existing woody vegetation in order to preserve vegetation where possible. In the upland portions of the site, an additional layer of fine sand and topsoil mix of approximately 6-inch thickness will overlie the sand and gravel cover and be seeded with native grasses as part of the project. The only work occurring below the ordinary high water line will be construction of the cover composed of spawning mix developed in cooperation with WDFW staff. The project will also include construction of a crushed gravel foot-trail from a nearby vehicle pullout to direct recreational users to the project area.

¹ Record of Decision – The Bunker Hill Mining and Metallurgical Complex, Operable Unit 3, United States Environmental Protection Agency, September 2002

A SEPA Determination of Non-Significance (DNS) for the proposed cleanup actions is expected to be issued by Ecology as the lead agency during May 2007.

Under RCW 70.105D.090, remedial actions conducted by the Department of Ecology are exempt from the procedural requirements of chapters 70.94 [Air], 70.95 [Solid Waste], 70.105 [Hazardous Waste], 75.20 [Hydraulic Permit], 90.48 [Water Quality], and 90.58 [Shorelands] RCW, and the procedural requirements of any laws requiring or authorizing local government permits or approvals for the remedial action. Enclosed is a copy of Ecology's Policy on implementing these permit exemptions, which states that Ecology shall establish procedures for ensuring that such remedial actions comply with the substantive requirements adopted pursuant to such laws, and shall consult with the state agencies and local governments charged with implementing these laws. The procedures shall provide an opportunity for comment by the public and by the state agencies and local governments that would otherwise implement these laws. This law does not prohibit state and local agencies from charging a fee to the persons conducting the remedial action to defray the costs of services rendered relating to the substantive requirements for the remedial action.

II. Required Permits

The following is a list of the environmental permits that would have been required for the cleanup actions had they not been done under the MTCA substantive requirements permit exemption:

Federal

Corps of Engineers Section 404 [under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act]

State

Washington Department of Fish & Wildlife Hydraulic Project Approval [under Chapter 75.20 RCW and Chapter 220.1110 WAC]

Local

Spokane County Shorelands Permit
Spokane County Floodplain Development Permit

Since the MTCA exemption does not apply to Federal permits, the Corps of Engineers Section 404 permit will still be required. As the project proponent, Ecology has made application to the Corps for this permit.

The project is exempt from the procedural requirements of the state and local permits listed above. Documentation of Ecology's correspondence regarding the substantive requirements of these permits is attached.



STATE OF WASHINGTON
DEPARTMENT OF FISH AND WILDLIFE

2315 N Discovery Place • Spokane Valley, Washington 99216-1566 • (509) 892-1001 FAX (509) 921-2440

May 24, 2007

Department of Ecology
Attn: Mr. Zach Hedgepeth
4601 N Monroe Street
Spokane, WA 99205-1295

Dear Mr. Hedgepeth:

The Washington Department of Fish and Wildlife (WDFW) received Ecology's request for substantive requirements for the Spokane River Metals cleanup sites of Murray Road and the Island Complex. The following is a list of applicable provisions for habitat protection:

TIMING:

1. Work below the ordinary high water line shall only occur June 15, 2007 and August 31, 2007.

BANK PROTECTION

2. Bank protection work shall be restricted to work necessary to protect the eroding bank.
3. Placement of bank protection material waterward of the ordinary high water line shall be restricted to the minimum amount necessary to protect the toe of the bank.
4. The toe shall be installed to protect the integrity of bank protection material.
5. Bank sloping shall be accomplished in a manner that avoids release of overburden material into the water. Overburden material resulting from the project shall be deposited so it will not re-enter the water.
6. Bank protection material shall be a combination of clean, angular rock, rounded river rock, and at the OWHL and above, bioengineered coir wrap with vegetation.

7. Bank protection material shall not constrict the flow and cause any appreciable increase (not to exceed 0.2 feet) in backwater elevation (calculated at the 100-year flood) or channel-wide scour, and shall be aligned to cause the least effect on the hydraulics of the stream.

8. Geotextile cloth or filter blanket material shall be placed prior to placement of bank protection material.

9. Bank protection material shall be placed in a manner to avoid damage to existing vegetation.

CAPPING

10. A 1 foot layer of sand and spawning gravels (mix to be finalized prior to project start) will be placed over 1.5 acres of backwater area at the Murray Road site.

EQUIPMENT

11. Equipment used for this project may operate below the ordinary high water line, provided the drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate below the ordinary high water line.

12. Equipment used for this project shall be free of external petroleum-based products while working around the stream. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to its working below the ordinary high water line. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the stream.

13. Equipment crossings of the stream are not authorized by this HPA.

VEGETATION AND RE-VEGETATION

14. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. Within one year of project completion, the banks, including riprap areas, shall be revegetated with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center) and maintained as necessary for three years to ensure 80 percent survival.

15. Existing shoreline vegetation shall not be removed or disturbed.

16. Re-vegetated areas shall be irrigated and monitored as per the project plans.

WATER QUALITY:

17. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Department of Ecology at 1-800-258-5990, and to the Area Habitat Biologist listed below.

18. Erosion control methods shall be used to prevent silt-laden water from entering the stream. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas.

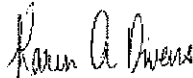
19. All waste material such as construction debris, silt, excess dirt or overburden resulting from this project shall be deposited above the limits of flood water in an approved upland disposal site.

20. If high flow conditions that may cause siltation are encountered during this project, work shall stop until the flow subsides.

21. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the river.

Thank you for the opportunity to provide this information. If you have any questions, please feel free to call me at (509) 892-1001 ext 323.

Sincerely,



Karin A. Divens
Area Habitat Biologist

KAD:kad

Cc: Mark Wachtel, RHPM
Officer Mosman, W74

Hedgpeth, Zachary (ECY)

Subject: RE: Spokane River Projects

From: Moser, Bill [mailto:BMoser@spokanecounty.org]

Sent: Friday, May 11, 2007 2:58 PM

To: Hedgpeth, Zachary (ECY)

Cc: Maher, Michael W. (ECY)

Subject: RE: Spokane River Projects

Zach,

The Spokane County Department of Building and Planning has reviewed your proposal and is satisfied that Mike Maher of your office can provide comment with regards to the Spokane County Shoreline Program and the Shoreline Management Act. Spokane County normally provides notice for Substantial Development/Conditional Use Permits to land owners within 400 feet of the project.

Thank you for the opportunity to comment.

Sincerely,

Bill Moser

Senior Planner

Spokane County Dept of Building and Planning

(509) 477-7154

5/15/2007

Hedgpeth, Zachary (ECY)

From: Maher, Michael W. (ECY)
Sent: Wednesday, May 23, 2007 1:01 PM
To: Hedgpeth, Zachary (ECY)
Cc: 'Moser, Bill'
Subject: Island Complex/Murray Road Spokane River Metals Remediation Projects

Hey Zach,

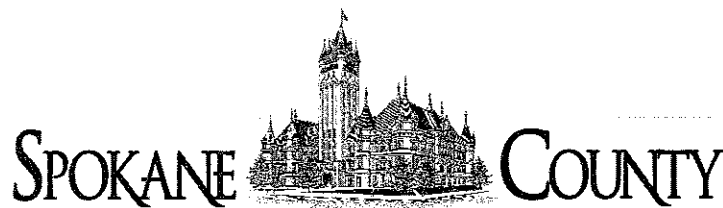
Thank you for providing the Spokane River Island Complex and Murray Road Remediation Project information and the opportunity to visit the sites with you. I reviewed the project for consistency with all applicable substantive requirements of the Spokane County Shoreline Master Program (SMP). Based on that review I find that these cleanup projects, as presented, are consistent with the goals, policies and use regulations of the SMP and RCW 90.58, the Shoreline Management Act.

It is apparent both from the information provided and our conversation during the site visits that the mitigation process of avoidance, minimization and restoration has been paramount in the planning for these projects. Visits to similar remediation sites on the Spokane River, cleaned up in the past, have verified that construction at those sites has mirrored design and I see no reason why that won't be the case here.

I also want to follow up on the discussion we had on site about using these cleanup projects as a "poster child" for appropriate and successful bank stabilization projects. With that in mind I would request that you begin, if you haven't already, to develop a photo log for the project containing pre-construction, construction and post-construction shots. In addition, photos should be taken on a yearly basis for up to 10 years after completion (pretty tough environment to restore) to establish and document a timetable for complete restoration of the site. These photos should be taken from an established point at a specific time of the year (probably mid to late summer) at the same time each year and included in the log with captions.

Thanks again, and I look forward to updates on this project. Let me know if there is anything else I can do to get it done.

Michael W. Maher
Permit Review/Compliance Coordinator
Department of Ecology Shorelands Program
Eastern Regional Office
(509) 329-3584
(509) 329-3529 FAX
mmah461@ecy.wa.gov



RECEIVED

MAY 14 2007

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

DIVISION OF ENGINEERING AND ROADS
A DIVISION OF THE PUBLIC WORKS DEPARTMENT

May 10, 2007

Zachary Hedgpeth, P.E.
Toxics Cleanup Program
Washington Department of Ecology
4601 N. Monroe Street
Spokane WA 99205-1295

Dear Mr. Hedgpeth:

Thank you for allowing us the opportunity to comment on floodplain issues for your projects concerning the Spokane River Metal sites.

Both the Island Complex and the Murray Road project are located within a regulated floodplain. However, both sites lay in back water areas outside of the main river channel and have limited impact to flow, therefore, we feel there would be minimal if any rise in the Base Flood Elevation.

Also, because you will be improving/adding fish spawning area by incorporating fish spawning friendly materials in your projects, regulations in the FEMA Region 10 policy as noted in "The Summary of NFIP Policy for Local Officials" and under the heading of "Floodways and fish" would apply. This policy addresses fish enhancement projects and acknowledges that requiring the no-rise standard could be more expensive than the projects themselves. It also allows the community to defer to the judgment of a qualified professional to certify that projects (such as these) are designed to keep any rise in the 100-year flood levels as close to zero as practically possible, and that no structures (buildings) are impacted by a potential rise.

We feel that both of these projects will be of great benefit to Spokane County and look forward to their completion.

If you have any questions, please don't hesitate to contact me at 477-3600.

Sincerely,

Kelly Curalli
Environmental Permit Coordinator