



Responsiveness Summary

Holcim Inc. Site

July 21 - August 19, 2011 Public Comment Period

**Agreed Order for the Remedial
Investigation and Feasibility Study**

**Prepared by
Washington State Department of Ecology
Eastern Regional Office
Toxics Cleanup Program
Spokane, WA**

August 22, 2011

The Washington Department of Ecology (Ecology) held a 30-day public comment period from July 21 through August 19, 2011 for the proposed Agreed Order that would require the completion of a Remedial Investigation/Feasibility Study (RI/FS) at the Holcim Inc. Site (Site). The Site is owned by Holcim (US) Inc. and the City of Spokane Valley. The purpose of the Remedial Investigation is to conduct additional soil and groundwater investigations to determine the extent of contamination at the Site. Remedial action technologies will be identified and evaluated in the Feasibility Study.

The purpose of this Responsiveness Summary is to document Ecology's responses to comments submitted to Ecology during the public comment period.

Based on the one comment letter received, no changes will be required to the draft Agreed Order, including its exhibits. Ecology would like to thank all those who provided comments.

The Responsiveness Summary is organized as follows:

- Responses to comments.
- Comment letter from Mr. Bart Mihailovich and Mr. Mike Petersen.
- Attachments to comment letter.

Responses to comments:

Response to Comment 1:

According to WAC 173-340-200, the definition of a site (aka facility) includes “any site or area where a hazardous substance....has been deposited, stored, disposed of, or placed, or otherwise come to be located.” In addition, in Exhibit B, Scope of Work, Task II, Remedial Investigation, Part A, Site Characterization, the PLPs are directed to “Collect analytical data on groundwater and soils contamination in the vicinity of the Site. Considering information on historical operations and hydrogeology, the data must be sufficient to delineate the depth, areal extent, velocity and direction of contaminant movement, type, and concentration of contaminants.” Ecology believes that this language will ensure a complete delineation of contamination related to the Holcim Inc. Site. Ecology understands that Exhibit A depicts CKD Fill only on property owned by the City of Spokane Valley and Holcim (US) Inc. Exhibit A represents current knowledge of the site. The Remedial Investigation will, as explained in the aforementioned text, determine the full extent of contamination at the Site, which will likely include some investigation of adjacent properties.

Response to Comment 2:

See response to Comment 1.

Response to Comment 3:

Ecology will not definitively assume that CKD from the Holcim (US) Inc. operation was deposited on any property without clear and defensible evidence. The Remedial Investigation will determine the extent of contamination at the Site related to historical operations at the Holcim (US) Inc. property.

Response to Comment 4:

See Response to Comment 1.



A program of the Center for Justice.

August 19, 2011

Jeremy Schmidt, P.E.
Toxics Cleanup Program
Washington Department of Ecology
4601 N. Monroe
Spokane, Washington 99205-1295

SENT VIA EMAIL (jeremey.schmidt@ecy.wa.gov)

RE: Comments on RI/FS for Holcim

Dear Mr. Schmidt:

These comments are submitted on behalf of the Spokane Riverkeeper and The Lands Council on the proposed Agreed Order between the Washington State Department of Ecology and Holcim (US) / the City of Spokane Valley of a Remedial Investigation and Feasibility Study (RI/FS) at the site known as Holcim, Inc.

The Spokane Riverkeeper is a member organization affiliated with the Center for Justice, a cadre of advocates and attorneys engaged and inspired by the belief that justice truly is for all. The Spokane Riverkeeper is dedicated to restoring and protecting the health of the Spokane River and its tributaries. We represent users of the Spokane River who raft, kayak, canoe, swim, and fish the river, including areas near the area of Holcim Inc.

The Lands Council has 1500 members and is based in Spokane, Washington. One of our primary goals is protecting and restoring the Spokane River and the shorelines adjacent to the river

In 2009, Ecology conducted an assessment of the Holcim Inc. site and ranked it a 1, which is the worst ranking a site can have due to the greatest threat to human health and the environment. According to Ecology's Toxics Cleanup Program, the site's close proximity to the river and aquifer contributed to the high site ranking. Due to this recognition, we encourage Ecology to expand the scope of the RI/FS to ensure that the best knowledge and understanding of the scope of the contamination is known so the most effective clean-up efforts can be executed.

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The current proposed sites for RI/FS include the 10-acre lot where the old cement manufacturing plant sat and a 1-acre area located north of that. Because of wind distribution and eroding soils in the area, we specifically request that Ecology expand the scope of the RI/FS to include areas downwind and downstream from the proposed sites, as well as the large Coyote Rock development area to the west.



During the Shoreline Substantial Development Permit period for Coyote Rock, the Principle Biologist from Biology Soil & Water, Inc. noted in a letter (attached, page 3) that huge quantities of concrete and asphalt waste materials were dumped on the site that is now Coyote Rock. There was never a formal investigation and/or cleanup plan for this site. Due to the proximity to the cement manufacturing site and the proposal to utilize this area for residential purposes, we urge Ecology to expand the scope of this proposal to include that adjacent property.

The toxics of concern for this area are a result of cement kiln dust (CKD) that was generated and deposited on site. Because of the relative ease at which CKD was deposited to the adjacent 1-acre property that is included in this proposed Study, it's safe to assume that CKD was deposited to other adjacent properties. Given that Ecology is willing to look more closely at this area, it would be in the best interest of the environment and the health and safety of those who live and play in this area for Ecology to expand the scope of the RI/FS to include all areas within a certain wind distribution radius. This includes a full study of effects on ground and surface water.

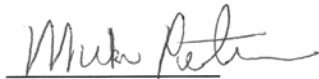
While we appreciate the efforts to further investigate and eventually clean up this area, the Spokane Riverkeeper and The Lands Council believe that the proposed scope of the RI/FS is not sufficient. Accordingly, we recommend that the proposal be reconsidered to include adjacent properties that were likely impacted by the cement manufacturing plant and the deposition of cement kiln dust.

Sincerely,

Bart Mihailovich
Spokane Riverkeeper



Mike Petersen
The Lands Council






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May 1, 2009

Neighborhood, Inc.
3201 N Huetter Rd
Coeur d' Alene, ID 83814

RE: SDP-01-06

The following items are highlighted conditions of approval from the Shoreline Substantial Development Permit and the Spokane Valley Hearing Examiner decision for Coyote Rock (see attached). All conditions must be addressed prior to the issuance of any building permits.

- 
- 1) A riparian buffer enhancement plan must be submitted for review and acceptance by the Planning Division, to enhance the portion of the 250-foot riparian buffer in which riparian vegetation was removed for the grading project.
 - 2) A reasonable use exception must be obtained for each individual home site.
 - 3) The applicant shall contact and consult with the Washington State Department of Archaeology and Historic Preservation and the Spokane Tribe of Indians to determine the likelihood of any archaeological resources.
 - 4) A title notice shall be recorded that attaches the 75-foot buffer to the deed for each lot that is sold.
 - 5) Recording fees for each title notice shall be paid by the applicant. The Planning Division will notify when the total recording fee is determined.
 - 6) The approximate 75-foot wide shoreline setback from the OHWM of the Spokane River and established by the Washington State Department of Ecology shall be memorialized on the ground with permanent low-profile concrete or metal monuments.

I look forward to hearing from you and please don't hesitate to contact me at (509) 688-0048 if you have any questions or concerns.

Sincerely,



Micki Harnois
Associate Planner
Community Development Department

BIOLOGY SOIL & WATER, INC.

3102 N. Girard Road, Spokane Valley, WA 99212-1529

Micki Harnois
City of Spokane Valley
11707 E. Sprague, Suite 106
Spokane Valley, WA 99206

June 12, 2009

Re: Site Monitoring at Coyote Rock

Greetings Micki Harnois:

Biology Soil & Water, Inc. was retained by Neighborhood, Inc. to complete a Habitat Management Plan (HMP) for the Coyote Rock development site located in Section 4, T25N, R44E of the City of Spokane Valley, WA. After 99% of site grading was complete, the City implemented a stop work order until the applicant submitted a HMP. BSW submitted the HMP and later visited the site with DOE to resolve remaining issues about the location of the grading limits. Those issues were finally resolved by the Hearing Examiner, the City, and DOE so the project was permitted to proceed.

Neighborhood, Inc. planted the native grass seed mix specified by BSW to restore historically disturbed shoreline areas. Neighborhood, Inc. also planted trees and shrubs along the south edge of the development and incorporated into that revegetation plan native species recommended by DOE and BSW. Neighborhood, Inc. has successfully implemented an aggressive weed control program on the site. Please find enclosed a detailed assessment of current site conditions based on monitoring by BSW.

If you have questions or require additional information, please contact the undersigned or Neighborhood, Inc. at your convenience.

Respectfully submitted,

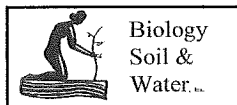


Larry Dawes, Principal Biologist
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Micki Harnois
City of Spokane Valley
11707 E. Sprague, Suite 106
Spokane Valley, WA 99206

June 12, 2009

Re: Monitoring Report for the Coyote Rock Development site located in Section 4, T25N, R44E of the City of Spokane Valley, WA

Greetings Micki Harnois:

Biology Soil and Water, Inc. (BSW) was retained by Neighborhood, Inc. in the fall of 2006 to monitor on-going grading and waste material removal at the Coyote Rock Development site. BSW developed mitigation elements for a Habitat Management Plan (HMP) to satisfy the MDNS requirement for site grading. WDF&W and DOE reviewed the HMP and submitted comments to the City. BSW worked with the developer and the City to insure that all of their concerns were addressed. When these concerns were addressed to the satisfaction of both the City and the Hearing Examiner, development was permitted to continue and elements of the HMP were implemented. Based on monitoring of the site, BSW respectfully submits the following assessment of site conditions.

Background

Historical human disturbance at the site created a series of terraces along the south bank of the Spokane River. The lowest terrace, located only a few feet from the river, was created for a spur railroad line. A second terrace occurs farther up the riverbank where a paper plant was located. That terrace also served as a disposal site for huge quantities of woody waste material from the paper plant. Other terraces were created by historical mining activities that both removed and stockpiled rock and gravel. Huge quantities of concrete and asphalt waste materials were dumped on the site. The extensive dump areas also contained a large volume of steel, rebar, glass, mattresses, 50-gallon drums, tires, trees, plus other miscellaneous construction, demolition, and waste materials. Concrete was separated out of the waste, crushed, and reused where possible. Woody materials were separated, blended with native materials and reused where possible. All other waste materials were hauled away from the site. These extensive remediation processes occurred in conjunction with site grading.

The area of waste disposal was defined by the topographic edge of the second terrace. The second terrace edge is located between 50 feet and slightly more than 100 feet from the Ordinary High Water Mark (OHWM) of the Spokane River. As a result of

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discussions between DOE, the City, and Neighborhood Inc. it was agreed that the grading limits would average 75 feet in width. In fact, the average was far greater than 75 feet because grading only came closer than 75 feet in two very small areas as was verified in the field by DOE.

There was initially some confusion on the part of BSW and some jurisdictions that thought the grading limits were supposed to be defined as a fixed distance of 75 feet from the OHWM. That interpretation was incorrect. The area of waste material defined the area of waste material removal, grading, and remediation, not an arbitrary line. The grading limits were established in the field to define an approximate (average) 75-foot wide buffer extending landward from the OHWM of the Spokane River. The City and the Hearing Examiner agreed that the grading limits were to average 75 feet in width so work was allowed to proceed. A silt fence installed along the north edge of the second terrace contained grading and remediation work and insured that no sediments traveled outside the grading limits defined by the silt fence. Straw logs, straw bundles, and small seeded mats were also used where appropriate to prevent erosion.

Neighborhood, Inc. placed survey monuments in a meandering line agreed to by DOE and the City to define the average 75-foot buffer that varies between 50 feet and 100 feet in width from the OHWM. The survey monument caps have restrictive language requested by DOE to warn each property owner that no development activity is allowed closer to the water than that meandering line. The same restrictive language also appears in the covenants, conditions, and restrictions (CCR's) and is recorded as a deed restriction for each lot.

In the fall of 2006, BSW visited the site with Cliff Mort (Neighborhood, Inc.) Dan Clark (Adams & Clark, Inc.) and Mike Maher (DOE). Mike Maher determined that the OHWM delineation was accurate and that no grading had occurred within the 50-foot shoreline area over which DOE has jurisdiction. It was determined that along the north edge of the second terrace, grading and remediation work came to within slightly less than 75 feet of the shoreline in only two very small areas. BSW, DOE, and Neighborhood Inc. discussed replanting those areas as part of a far larger vegetative enhancement plan proposed by Neighborhood, Inc. to reseed native grasses in all historically disturbed areas located between the OHWM and the top of the second terrace. That included areas inside the 50-foot DOE shoreline jurisdiction and extending landward to the grading limits. BSW provided a native grass seed mix and submitted it to jurisdictions for approval.

After the City of Spokane Valley approved these measures Neighborhood Inc. applied the native grass seed from the top of the second terrace toward the river in historically disturbed areas. The seeded reclamation areas exceed performance standards designed to insure 80% areal cover with native grasses after five years (year 1=20%, year 2-30%, year 3=50%, year 4=70%, year 5=80%).

During the 2006 onsite meeting, Mike Maher (DOE) and Larry Dawes (BSW) supplied Neighborhood, Inc. with a list of native trees and shrubs observed during our site investigation that should be included in the non-compensatory vegetative enhancement plan for the remainder of the Coyote Rock development site. Neighborhood Inc. seeded the hillside that defines the south side of the property and made extensive plantings of trees and shrubs (including native species suggested by BSW and DOE) that far exceed an 80% survival rate.

In the spring of 2007, as specified in the HMP elements, Neighborhood, Inc. initiated an aggressive weed control plan to control the extensive knapweed infestation and all noxious weeds as determined in the field by BSW. BSW discussed the weed control program with Neighborhood, Inc. and has been monitoring the on-going weed control program. Chemical control combined with mechanical control techniques have proven highly successful due to the persistence with which that program has been monitored and implemented by Neighborhood, Inc. The weed control program covers the entire property owned by Neighborhood, Inc. The site is in full compliance with the management prescriptions of the HMP and local ordinances regarding noxious weed control. BSW will continue to consult with Neighborhood Inc. and monitor the site to address any problem areas should they occur.

In an attempt to limit human impact along the Spokane River corridor, Neighborhood Inc. is promoting the development of a controlled trail head to give Spokane residents access to the Centennial Trail and adjacent park lands owned by the City of Spokane Valley. Individuals from the Parks Department, Neighborhood, Inc. and BSW have met on site to discuss design and mitigation options. BSW will continue to be involved with those development plans, consult on Critical Areas issues, and prescribe mitigation for trailhead impacts.

If you have questions or require additional information, please contact the undersigned or Neighborhood, Inc. at your convenience.

Respectfully submitted,



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