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

DETERMINATION OF NONSIGNIFICANCE

Description of proposal: Remedial activities at the BNSF Parkwater Railyard Site involve the excavation of contaminated soil, and its disposal at a permitted facility, replacement with clean backfill, and installation of gravel or asphalt surfaces over contaminated soil not designated for removal. These activities will be conducted to remediate soil contaminated with metals, polycyclic aromatic hydrocarbons, and petroleum hydrocarbons.

Proponent: Washington State Department of Ecology

Location of proposal, including street address, if any:
5302 E Trent Avenue
Spokane, WA 99212

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 October 31, 2011.

Responsible official: Michael Hibbler

Position/title: Section Manager, Toxics Cleanup Program, Eastern Regional Office Phone: 509/329-3568

Address: 4601 N Monroe, Spokane, WA 99205

Date: September 30, 2011 Signature 

**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:
*BNSF Parkwater Railyard Remedial Action*

2. Name of applicant:
*BNSF Railway Corporation*

3. Address and phone number of applicant and contact person:
*Sandra Treccani*
*509/329-3412*

4. Date checklist prepared:
*September 12, 2011*

5. Agency requesting checklist:
*Washington State Department of Ecology*

6. Proposed timing or schedule (including phasing, if applicable):
*Spring/summer of 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.*

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
*The document related to this proposal is the Draft Cleanup Action Plan, prepared by Ecology, which specifies the selected remedial action to address soil and groundwater contamination at the BNSF Parkwater Railyard. Other information can be found in the Remedial Investigation and Feasibility Study documents prepared by GeoEngineers. Both documents can be found at the Department of Ecology's Eastern Regional Office. The Remedial Investigation and Feasibility Study have already undergone public comment, and the Draft Cleanup Action Plan will undergo public comment concurrently with this SEPA Checklist.*

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.
*The Cleanup Action Plan, when finalized, will represent local, state, and federal governmental approval of the proposal. Local, state, and federal agencies will have the opportunity to comment on both the Cleanup Action Plan and the SEPA checklist.*

10. List any government approvals or permits that will be needed for your proposal, if known.
*State and local approval for institutional controls, required under the Uniform Environmental Covenants Act.*

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.)
*An estimated 1820 cubic yards of soil will be removed from four areas of the site, disposed of at a facility permitted to accept it, and backfilled with clean soil. This soil is contaminated with lead, arsenic, and cadmium above cleanup levels. Three other areas of the site will be capped with asphalt or a minimum of 6" of clean gravel. These areas represent approximately 122,000 square feet and are contaminated with diesel, metals, and polycyclic aromatic hydrocarbons. Deeper soil contamination and groundwater contamination in one area of the site will be treated with the injection of ozone-amended air and the extraction and carbon treatment of contaminated subsurface vapors.*

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 site is located at 5302 E Trent Avenue in Spokane, WA and covers approximately 130 acres. It is bounded by Trent Avenue to the north, Havana Street to the west, Fancher Road to the east, and the BNSF mainline tracks to the south. The area is primarily commercial and industrial use.*

B. ENVIRONMENTAL ELEMENTS

1. **Earth**

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other . . . . .
*Flat.*

b. What is the steepest slope on the site (approximate percent slope)?
*Less than 1%.*

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.
*Soils are generally glacial flood-channel deposits, composed of a mixture of boulders, cobbles, gravel, and sand with localized beds and lenses of sand and silt. The agricultural classification is GgA (Garrison Gravelly Loam).*

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
*No.*

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
*Fill is proposed to replace excavated contaminated soil. The quantity is estimated at 1820 cubic yards. Additionally, a minimum 6" gravel surface will be installed over approximately 122,000 square feet of the site. Some grading will occur to level out emplaced fill and gravel caps. Fill will be sourced locally and will be tested prior to use to ensure that it is uncontaminated.*

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
*Not likely. Site surfaces are very flat due to the nature of the site use.*

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
*Less than 1%. One narrow area between two buildings will be capped with asphalt, both to serve as a cap over contaminants and to provide continuity between nearby surfaces.*

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
*None are proposed due the low likelihood of erosion. Silt fence will be made available in case large precipitation events threaten to transport soil away from areas of work.*

**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.
*Dust is likely due to earthmoving activities and gravel placement. Water will be used to control dust during these activities. Large diesel trucks for gravel and soil moving and excavators for soil excavation will be used. Diesel odors will be present. However, due to the current use of the site as an active railyard with diesel trains and trucks consistently present, these impacts are expected to be minimal.*

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:
*Water will be used to control dust during any earthmoving or gravel placement. Large diesel equipment use will be limited to daylight hours.*

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.
*The Site is approximately ½ mile south of the Spokane River. However, the location of the proposed project is separated from the river by a commercial district and a neighborhood. Contaminants are not expected to be able to reach the 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.
*No.*

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.
*Water use for dust control is planned to be minimal; by its nature, the quantity will be small enough to not generate erosion or runoff. Applied water is expected to evaporate or infiltrate into the ground.*

2) Could waste materials enter ground or surface waters? If so, generally describe.
*No. Contaminants are of minimal leachability and are not expected to be transported into groundwater, hence the selection of containment as an appropriate remedy.*

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:
*None.*

4. **Plants**

a. Check or circle types of vegetation found on the site:
_____deciduous tree: alder, maple, aspen, other
_____evergreen tree: fir, cedar, pine, other
_____shrubs
_____grass
_____pasture
_____crop or grain
_____wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
_____water plants: water lily, eelgrass, milfoil, other
__X__other types of vegetation *weeds, scrub brush*

b. What kind and amount of vegetation will be removed or altered?
*None. Vegetation is generally not present in the areas where work will be performed.*

c. List threatened or endangered species known to be on or near the site.
*None known.*

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
*None.*

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: *minimal due to lack of habitat, mainly transient*
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.
*None known.*

c. Is the site part of a migration route? If so, explain.
*No.*

d. Proposed measures to preserve or enhance wildlife, if any:
*None. The project site does not represent quality habitat.*

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 will be used to power earthmoving vehicles. On-site electricity will be used to power the groundwater treatment system.*

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.
*Exposure to diesel for vehicle fueling. There is a risk of diesel spill, but spill control measures and plans are already in place at the facility. Potential exposure to contaminants present in soil. A health and safety plan will be developed for work related to the project; all project workers will be subject to this plan, and will be provided personal protective equipment should it be needed. Risks related to site work are not expected to leave the site.*

1) Describe special emergency services that might be required.
*None are expected, but fire or ambulance services would be sufficient. The facility also has crews trained in managing spills due to the existing use of the property.*

2) Proposed measures to reduce or control environmental health hazards, if any:
*Preparation of a health and safety plan, the availability of personal protective equipment, and availability of a spills kit.*

b. **Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
*Traffic noise due to the operation of diesel earthmoving equipment, including but not limited to dump trucks and excavators.*

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.
*Traffic noise would be short-term, likely for no longer than one month. Operations will only occur during daylight hours, expected to be between 7am and 6pm.*

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

*Limiting work to daylight hours is expected to minimize noise impacts.*

8. **Land and shoreline use**

a. What is the current use of the site and adjacent properties?
*The site is currently used as a railyard; routine activities include fueling, maintenance and repair, intermodal operations, and switching. It is zoned heavy industrial. Surrounding property uses include heavy industrial to the east, west, and south; general commercial immediately to the north and single family residential further to the north.*

b. Has the site been used for agriculture? If so, describe.
*No.*

c. Describe any structures on the site.
*Numerous buildings are present on site serving as operational support, including offices, storage, warehouses, and maintenance shops.*

d. Will any structures be demolished? If so, what?
*No.*

e. What is the current zoning classification of the site?
*Heavy industrial.*

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

g. If applicable, what is the current shoreline master program designation of the site?
*Not applicable – further than 200 feet of the shoreline.*

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?
*No change from current levels.*

j. Approximately how many people would the completed project displace?
*None.*

k. Proposed measures to avoid or reduce displacement impacts, if any:
*Does not apply.*

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
*Does not apply.*

9. **Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
*None, Does not apply.*

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
*None, Does not apply.*

c. Proposed measures to reduce or control housing impacts, if any:
*None, Does not apply.*

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?
*No new structures are proposed.*

b. What views in the immediate vicinity would be altered or obstructed?
*None.*

c. Proposed measures to reduce or control aesthetic impacts, if any:
*Does not apply.*

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?
*Does not apply.*

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:
*Does not apply.*

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity?
*None. The site is primarily industrial and commercial.*

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:
*Does not apply.*

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.
*Many buildings on the site are brick and of an historic nature. However, none will be impacted by the project.*

c. Proposed measures to reduce or control impacts, if any:
*Does not apply.*

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 by Trent Avenue, which is a major arterial road and can accommodate large vehicles for soil transport. Connection to the nearest highway is via Trent Avenue east and Fancher Road south to Interstate 90. Numerous undeveloped roads are available on the site to provide access to Trent. Some are limited by the presence of rail traffic, but accommodations will be made for that.*

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
*Yes, bus routes are present on Trent Avenue. Due to the significant site frontage to Trent Avenue, distance to the nearest stop would be quite short (less than 200 feet).*

c. How many parking spaces would the completed project have? How many would the project eliminate?
*No changes to site parking are planned.*

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).
*No. All roads are expected to easily handle the temporary truck traffic generated by the project.*

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
*Yes, the project will be immediately adjacent to rail transportation. Main and spur line train traffic are regularly present and moving through the site.*

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
*Trucks will be used to transport contaminated material designated as dangerous waste; approximately 6-10 trips per day will be used. Trucks will also be used to import clean fill material; approximately 25 trips per day will be used, but over a much shorter time period (3-4 days).*

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.
*Not likely. If so, only on a temporary basis in case of an emergency.*

b. Proposed measures to reduce or control direct impacts on public services, if any.
*Use of best management and working practices to minimize the chance for accidents or emergencies.*

16. **Utilities**

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

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.
*No utility modifications are proposed.*

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: Tamara Tuccami

Date Submitted: 9.22.11

TO BE COMPLETED BY APPLICANT EVALUATION FOR
AGENCY USE ONLY

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

TO BE COMPLETED BY APPLICANT EVALUATION FOR
AGENCY USE ONLY

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.