



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
4601 N Monroe Street • Spokane, WA 99205-1295 • 509-329-3400

June 7, 2018

Barry Ellison
Program Manager
808 W Spokane Falls Blvd
Parks and Recreation Division, Fifth Floor City Hall
Spokane, WA 99201

Re: Opinion on Proposed Cleanup of the following Site:

- **Site Name:** Riverfront Park Spokane
- **Site Address:** 507 N Howard St, Spokane WA
- **Facility/Site No.:** 11445
- **VCP Project No.:** EA0318

Dear Mr. Ellison:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the Riverfront Park Spokane facility (Site), specifically the Pavilion Area. This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Upon completion of the proposed cleanup, will further remedial action likely be necessary to clean up contamination at the Site?

NO. Ecology has determined that, upon completion of your proposed cleanup, no further remedial action will likely be necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively “substantive requirements of MTCA”). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following release:

- Petroleum hydrocarbons, PAHs, and metals into the Soil.



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Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

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

1. GeoEngineers, "*Riverfront Park Revitalization – Pavilion Construction and Soil Reuse*" memorandum dated 5/3/18 to Ecology.
2. GeoEngineers, "*Riverfront Park Soil Management – Soil Placement on North Bank Property*" memorandum dated 2/7/17 to Ecology.
3. GeoEngineers, *Geotechnical Engineering Evaluation and Environmental Site Assessment – Riverfront Park Ice Ribbon and Skyride Facility*, 6/7/16
4. GeoEngineers, *Geotechnical Engineering Evaluation and Environmental Site Assessment – Riverfront Park Looff Carousel*, 6/24/16
5. GeoEngineers, *Phase II Site Assessment Report – Riverfront Park*, 11/28/16
6. GeoEngineers, *Soil Management Plan – Riverfront Park Redevelopment*, 5/25/16

Those documents are kept in the Central Files of the Eastern Regional Office of Ecology (ERO) for review by appointment only. You can make an appointment by calling the ERO resource contact at 509/329-3415.

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

Analysis of the Cleanup

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

1. **Characterization of the Site.**

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

Sufficient sample numbers, depths, locations, and lab analyses were completed for the Pavilion Area. Work was consistent with the previously-approved Soil Management Plan. Additional soil proposed for reuse in the current memorandum dated 5/3/18 is based on characterizations previously performed and approved by Ecology.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

No changes were proposed to these standards in the current memorandum dated 5/3/18. Previously, cleanup levels for soil were established using MTCA Method A and are based on direct contact and protection of groundwater. The land use is classified as unrestricted. The cleanup levels are as follows:

- Arsenic: 20 mg/kg
- Cadmium: 2 mg/kg
- Lead: 250 mg/kg
- cPAHs (based on benzo(a)pyrene): 100 ug/kg
- TPH – diesel: 2000 mg/kg
- TPH – heavy oil: 2000 mg/kg

The point of compliance for soil is throughout the soils at the Site. This is the standard point of compliance.

3. Selection of cleanup action.

Ecology has determined the cleanup action you proposed for the Site meets the substantive requirements of MTCA. The proposed cleanup, as presented in the Memorandum, includes the following:

- Contaminated soil from the Howard Street Promenade and Central Green will be placed into the Pavilion area, along with previously-characterized and stockpiled soil from the Ice Ribbon and Loeff Carrousel areas of the park (approximately 12,000 to 16,000 cubic yards).
- Contaminated soil placed into the Pavilion area will be used to create a terraced embankment for future recreational use (public seating).

- Placement of contaminated soil will occur such that it will have maximum separation from finished grades with recreational use. Plans specify a minimum of 1 foot of clean soil cover, but expectations are that 2 to 8 feet of clean soil will be placed over the contaminated soil.
- Orange safety fencing will be placed between contaminated soil and clean soil cover to provide a visual marker.

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**:

- 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 70.105D.040(4).

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 70.105D.080 and WAC 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 Site 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 70.105D.030(1)(i).

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Contact Information

Thank you for choosing to clean up the Site 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 web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion, please contact me by phone at 509/329-3412 or e-mail at satr461@ecy.wa.gov.

Sincerely,



Sandra Treccani
ERO Toxics Cleanup Program

st:mk

Enclosures (1): A – Diagrams of the Site

cc: Bruce Williams, GeoEngineers
Beth McKee (without enclosures)

Enclosure A

Diagrams of the Site



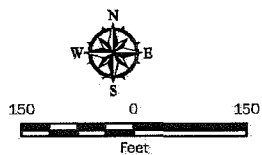
Legend

- Contaminated – Concentration greater than MTCA Method A Cleanup Level for one or more COC analyzed
- Contaminated – COCs were not detected, however laboratory reporting limits were greater than the MTCA Method A Cleanup levels
- Impacted – Concentration less than MTCA Method A Cleanup Levels and greater than laboratory reporting limits or twice the available background metals concentration for each COC analyzed
- Clean – Concentration less than laboratory reporting limits or near available background metals concentrations for each COC analyzed
- TPH
- Metals
- △ PAH
- East Bank Promenade

Notes:

1. The locations of all features shown are approximate.
2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this commission.
3. Locations identified on TP-1 through TP-14 completed by CH2M Hill in 2006.

Data Source: Current Imagery flown by Spokane Regional Orthophoto Consortium.
 Projection: NAD 1983 StatePlane Washington North FIPS 4601 Feet



**Exploration Locations and Analytical Results:
Howard Street Promenade**

Riverfront Park, US Pavilion Event Center
Spokane, Washington



Figure 5