



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
4601 N. Monroe, Spokane, Washington 99205-1295 • (509) 329-3400

January 16, 2020

Berry 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 a Property associated with a Site:**

- Site Name: Riverfront Park Spokane
- Property Address: Portion of 507 N Howard St bounded by Cataldo Ave, Mallon Ave/Howard St, and Washington St
- 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 a Property associated with the Riverfront Park Spokane facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

**Issues Presented and Opinion**

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

**NO. Ecology has determined that no further remedial action will likely be necessary at the Property to clean up contamination associated with the Site.**

2. Upon completion of the proposed cleanup, will further remedial action likely still be necessary elsewhere at the Site?

**YES. Ecology has determined that further remedial action will likely still be necessary elsewhere at the Site.**

This opinion is based on an analysis of whether the remedial action meets the substantive require-

ments 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 Property and the Site**

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This opinion applies only to the Property and the Site described below. This opinion does not apply to any other sites that may affect the Property. Any such sites, if known, are identified separately below.

### **1. Description of the Property.**

The Property includes the following tax parcels in Spokane County, which were affected by the Site and will be addressed by your cleanup:

- 35185.0077
- 35181.0032
- 35181.4206

**Enclosure A** includes a diagram of the Site that illustrates the location of the Property within the Site.

### **2. Description of the Site.**

The Site is defined by the nature and extent of contamination associated with the following release:

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

That release has affected more than one parcel of real property, including the parcels identified above.

### **3. Identification of Other Sites that may affect the Property.**

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the Property is affected by other sites.

## **Basis for the Opinion**

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

1. GeoEngineers, Inc. *Riverfront Park Revitalization – North Bank* memorandum dated 1/14/20 to Ecology

2. GeoEngineers, Inc. *Riverfront Park Revitalization -- North Bank* memorandum dated 9/10/19 to Ecology
3. GeoEngineers, Inc. *Riverfront Park Soil Management – Soil Placement on North Bank Property* memorandum dated 2/7/17 to Ecology
4. GeoEngineers, Inc. *Geotechnical Engineering Evaluation and Environmental Site Assessment, Riverfront Park Looff Carousel* 6/24/16
5. GeoEngineers, Inc. *Geotechnical Engineering Evaluation and Environmental Site Assessment, Riverfront Park Ice Ribbon and Skyride Facility* 6/7/16
6. GeoEngineers, Inc. *Phase II Assessment Report, Riverfront Park* 11/28/16
7. GeoEngineers, Inc. *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**

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#### **1. Cleanup of the Property located within the Site.**

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

##### **a. Characterization of the Site.**

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

Sufficient sample numbers, depths, locations, and lab analyses were completed for the North Bank Area. Work was consistent with the previously-approved Soil Management Plan. Soil proposed for reuse in the current memorandum dated 1/14/20 is based on characterizations previously performed and approved by Ecology.

##### **b. Establishment of cleanup standards for the Site.**

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

1/14/20. 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.

**c. Selection of cleanup for the Property.**

Ecology has determined the cleanup you proposed for the Property meets the substantive requirements of MTCA. Your proposed cleanup meets minimum cleanup requirements and will not exacerbate conditions or preclude reasonable cleanup alternatives elsewhere at the Site. Your proposed cleanup for the Property, as presented in the memorandum, includes the following:

- Contaminated soil stockpiled from other areas of the Site, in combination with contaminated soil from the North Bank property, will be managed on the North Bank property to the extent possible. These soils are proposed to be used for site preparation, grading, and other activities consistent with the requirements of the approved Soil Management Plan.
- Excess contaminated soil that can't be managed on the North Bank property will be used on a neighboring parcel (otherwise referred to as the SportsPlex property located on the north part of the North Bank property and immediately north of Cataldo Ave, parcel number 35181.4206) for site preparation, grading, and other activities consistent with the requirements of the approved Soil Management Plan.
- Excess contaminated soil that can't be managed on either of the above properties will be disposed off-site at the Graham Road Facility.
- Contaminated soils will not be used for stormwater infiltration infrastructure.

**2. Cleanup of the Site as a whole.**

Ecology has concluded that **further remedial action** will still be necessary elsewhere at the Site upon completion of your proposed cleanup. In other words, while your proposed cleanup may constitute the final action for the Property, it will constitute only an **“interim action”** for the Site as a whole.

## **Limitations of the Opinion**

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### **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**:

- Change the boundaries of the Site.
- 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 Property 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).

## **Contact Information**

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Thank you for choosing to clean up your Property 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.

Mr. Berry Ellison  
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For more information about the VCP and the cleanup process, please visit our web site: [www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm](http://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 by e-mail at [satr461461@ecy.wa.gov](mailto:satr461461@ecy.wa.gov).

Sincerely,



Sandra Treccani  
ERO Toxics Cleanup Program

ST: lk

Enclosures (1): A – Description and Diagrams of the Site (including the Property)

cc: J.R. Sugalski, GeoEngineers

## **Enclosure A**

### **Description and Diagrams of the Site (including the Property)**



Not to Scale

**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 communication.

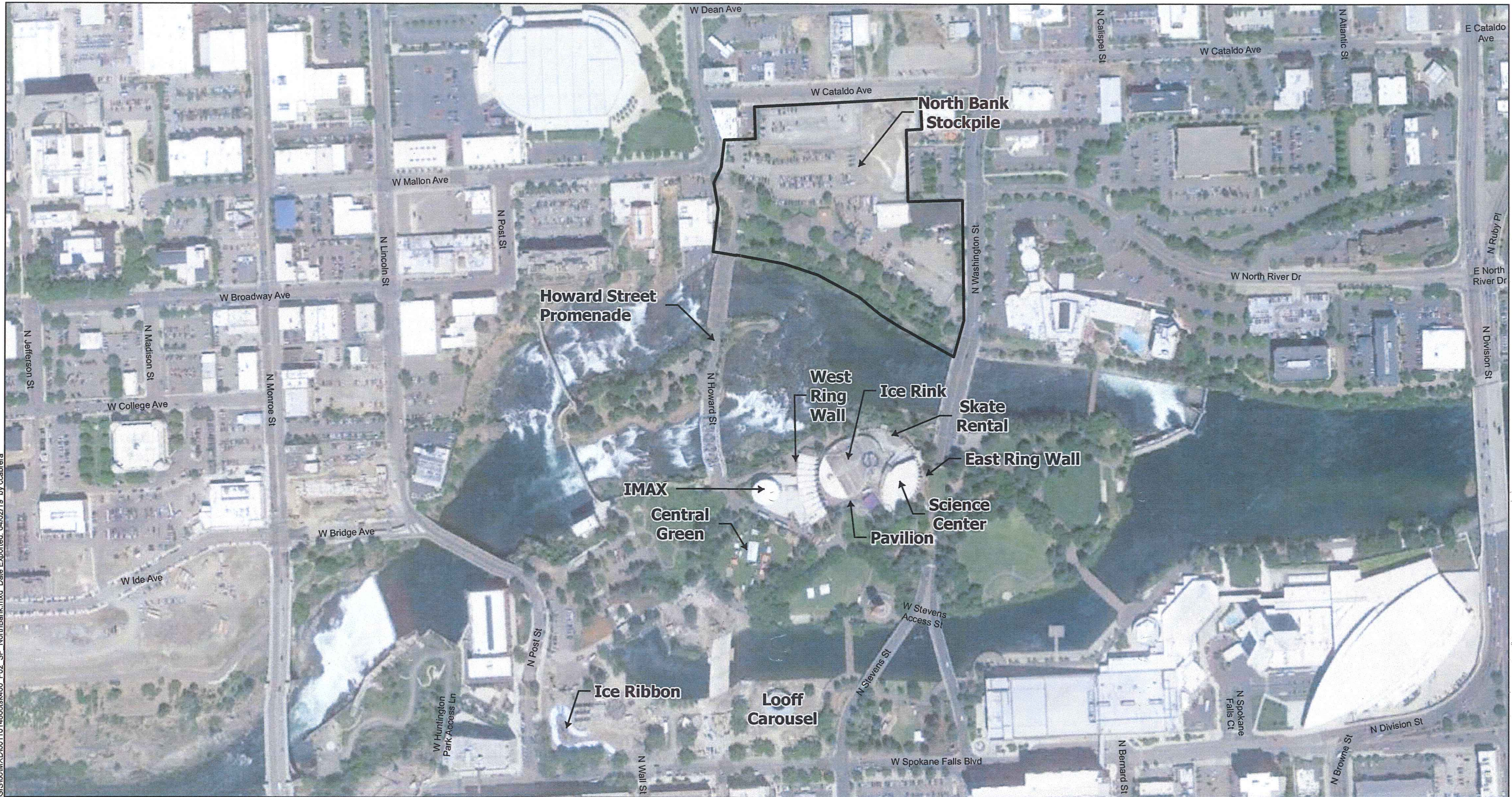
**Conceptual Design: North Bank**

Riverfront Park  
Spokane, Washington



**Figure 3**





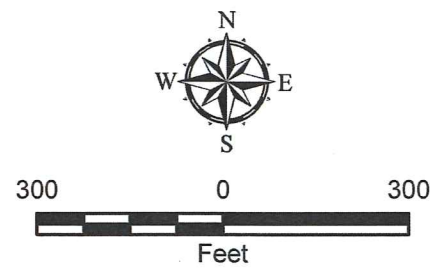
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**Notes:**

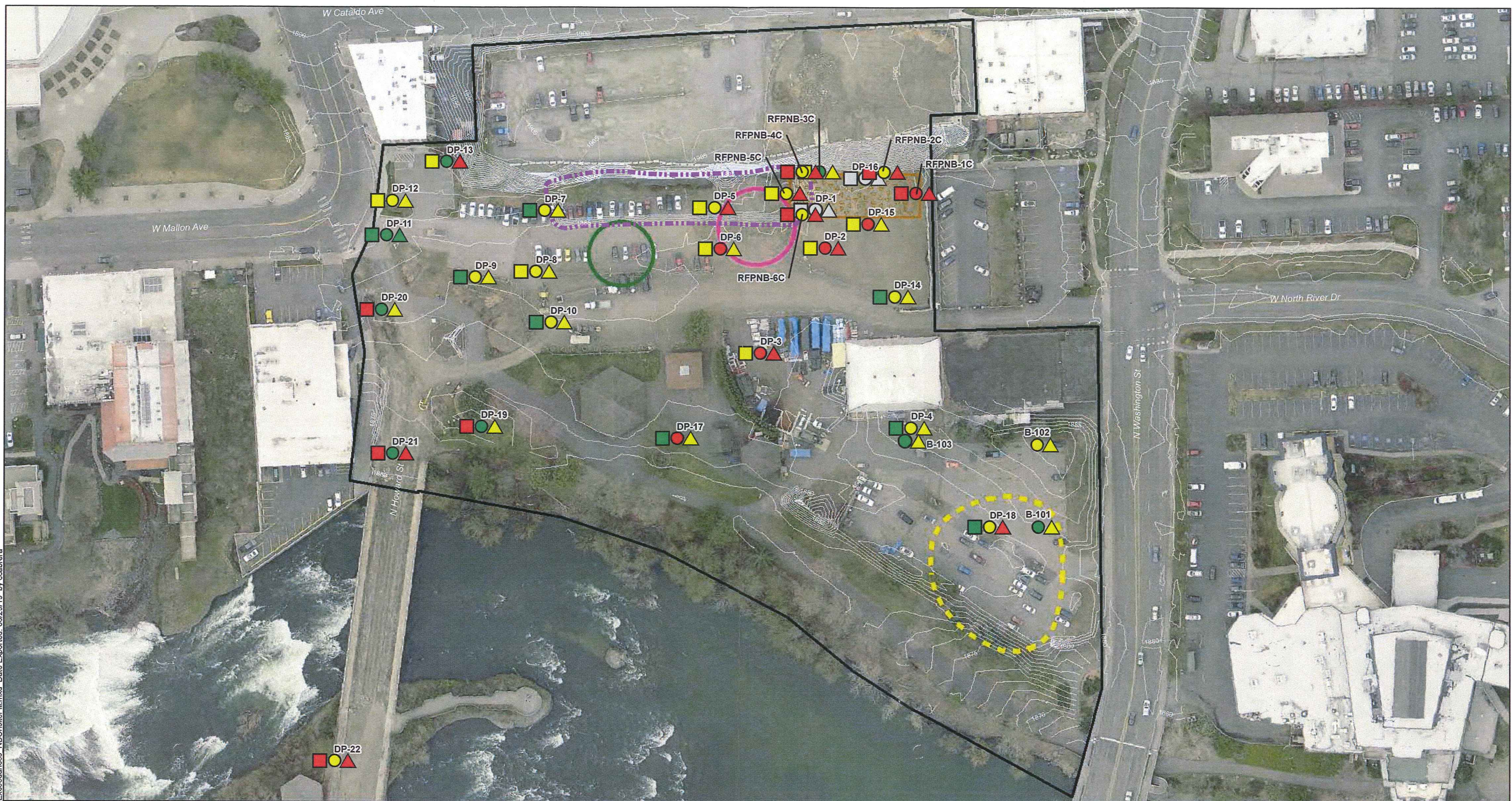
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Data Source: June 2017 image from Google Earth Pro.  
 Projection: NAD 1983 StatePlane Washington North FIPS 4601 Feet

**Legend**  
 North Bank Approximate Limits of Improvement



<b>Site Plan</b>	
Riverfront Park Spokane, Washington	
	<b>Figure 2</b>



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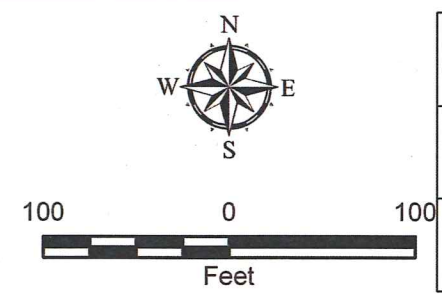
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3. Locations identified as TP-1 through TP-14 completed by CH2M Hill in 2000.

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

**Legend**

<span style="color: red;">●</span> Contaminated – Concentration greater than MTCA Method A Cleanup Level for one or more COC analyzed	<span style="border: 1px solid blue; padding: 2px;"> </span> TPH
<span style="border: 1px solid orange; border-radius: 50%; padding: 2px;"> </span> Contaminated – COCs were not detected, however laboratory reporting limits were greater than the MTCA Method A Cleanup levels	<span style="border: 1px solid blue; border-radius: 50%; padding: 2px;"> </span> Metals
<span style="border: 1px solid yellow; border-radius: 50%; padding: 2px;"> </span> 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	<span style="border: 1px solid blue; padding: 2px;"> </span> PAH
<span style="border: 1px solid green; border-radius: 50%; padding: 2px;"> </span> Clean – Concentration less than laboratory reporting limits or near available background metals concentrations for each COC analyzed	<span style="border: 1px dashed purple; padding: 2px;"> </span> Stockpile Approximate Extent
<span style="border: 1px solid orange; padding: 2px;"> </span> Approximate Limits of Remedial Excavation	<span style="border: 1px solid purple; padding: 2px;"> </span> Approximate Location of Proposed Skate Bowl
<span style="border: 1px solid black; padding: 2px;"> </span> North Bank Approximate Limits of Improvement	<span style="border: 1px dashed yellow; padding: 2px;"> </span> Approximate Area Recommended for Stormwater Infiltration
	<span style="border: 1px dashed green; padding: 2px;"> </span> Approximate Location of Proposed Vertical Play Structure



**Exploration Locations and Analytical Results:  
GeoEngineers 2016, 2017 and 2019**

Riverfront Park  
Spokane, Washington

**GEOENGINEERS**

Figure 5