



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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September 5, 2013

Mr. William Kombol  
Project Coordinator  
Landsburg Mine Site PLP Group  
Palmer Coking Coal Company  
31407 Highway 169 / PO Box 10  
Black Diamond, WA 98010

**Re: Completion of Agreed Order #983TC-N273, Landsburg Mine Phase I RI/FS**

Dear Mr. Kombol:

Thank you for working with the Washington State Department of Ecology (Ecology) on Agreed Order #983TC-N273 (Agreed Order or Order). This letter summarizes the completion and satisfaction of the terms of the Agreed Order at the Landsburg Mine site (Site) located at Ravensdale, WA.

**1. Overview of the Agreed Order and Ecology's Decision**

Under the Agreed Order, Ecology required the Potentially Liable Persons (PLPs) to conduct Phase I of a Remedial Investigation/Feasibility Study (RI/FS) of the Site in accordance with WAC 173-340-350. This work is set out in Section IV of the Order.

A 1997 Amendment to the Agreed Order recognized that, based upon the information collected as part of the Phase I RI, a Phase II RI/FS was not necessary and a detailed remedial evaluation in the form of a Phase II FS can be completed as an additional task of the Phase I RI/FS under this Order. The Amendment incorporated by reference a letter from Golder Associates dated April 4, 1995, which modified the Work to Be Performed in the Order. Among the provisions in the letter is the development of a Draft Cleanup Action Plan (DCAP) and Draft Consent Decree.

The RI/FS report (which included the Phase I RI/FS and Phase II FS) was completed in February 1996. A public comment period on the RI/FS was held from March 13 to April 12, 1996. It included a public meeting on March 27, 1996. No changes were made to the RI/FS based on comments received and the document was made final after the comment period.

The Final Draft Consent Decree and Exhibits including the DCAP were finalized in September 2013.

Pursuant to Section VI of the Order, Ecology has determined that the PLPs have completed the work required under the Order and have satisfied the Order, as explained in more detail below.



## **2. Completion and Satisfaction of Terms of the Agreed Order and Amendments**

The work required by the Agreed Order and Amendments and the PLP's completion of this work are briefly summarized as follows:

Section IV. 1. Conduct Phase I of a Remedial Investigation/Feasibility Study (RI/FS) in accordance with WAC 173-340-350 as more specifically set forth in Exhibit A of this Order, "Landsburg Phase I Remedial Investigation/Feasibility Study (RI/FS) Work Plan" (the Phase I RI/FS Work Plan"). The Phase I RI/FS Work Plan is attached hereto and is incorporated herein by reference as an integral and enforceable part of the Order. The work to be performed under this Agreed Order is limited to Phase I.

If Phase II of the RI/FS is necessary, Ecology and the PLP's agree to negotiate in good faith a Phase II RI/FS work plan. Negotiations regarding the development of the Phase II RI/FS work plan shall commence at the end of a 30-day public comment period on the Phase I Interim RI/FS Report or as otherwise mutually agreed upon by Ecology and the PLP's. Negotiations on the development of the Phase II RI/FS Work Plan shall not exceed sixty (60) days unless Ecology determines that continued negotiations are in the public interest. Any work to be performed under Phase II is not covered by this Agreed Order and this Agreed Order does not obligate the PLP's to perform such work. Phase II, if necessary, will be implemented through a new order, Agreed Order, or Consent Decree, or an amendment to this Agreed Order mutually agreed upon by Ecology and the PLP's.

*The PLPs have completed the work required under this section of the Order. The Amendment to the Agreed Order (effective March 31, 1997) and associated letter from Golder Associates dated April 4, 1995, document that, based on information collected in the Phase I RI, a Phase II RI/FS was not necessary and that a detailed remedial evaluation in the form of a Phase II FS can be completed as an additional task of the Phase I RI/FS under the original Order. The revised RI/FS scope of work and deliverables included a Final Draft RI/FS and PLP assistance to develop the Draft Cleanup Action Plan (DCAP).*

*The RI/FS report was completed in February 1996. A public comment period on the RI/FS was held that included a public meeting on March 27, 1996. No changes were made to the Remedial Investigation or Feasibility Study based on comments received and the document was made final after the comment period.*

*The Final Draft Consent Decree and Exhibits including the DCAP were finalized in September 2013. A public comment will be held. Afterwards, Ecology will evaluate the comments received and if new information necessitates changes to the documents, Ecology will work with the PLPs to make the appropriate changes in order to execute the cleanup.*

Section IV. 2. Execution of the Phase I RI/FS work plan shall commence no later than 30 days following the date of signature of this Agreed Order by Ecology and shall be conducted according to the schedule presented in Chapter 4 of Exhibit A.

*The PLPs have completed the work required under this section of the Order. See Ecology statement to IV.1.*

Section IV. 3. Monthly progress reports shall be submitted to Ecology by the 15th of the month following the reporting month. The first report shall be due on the 15th of the month following the first full reporting month period, and shall include any partial month time between project commencement and the beginning of the first full reporting month.

The monthly report will list work plan activities for which data were collected during the previous month. Data packages for which Quality Assurance/Quality Control validation were completed during the previous month shall be submitted with the monthly report. Data shall be submitted on computer disk where applicable. Data submitted on computer disk shall be compatible with Ecology data requirements as discussed in Attachment C of Exhibit A. A hard copy of data submitted on computer disk shall be submitted upon Ecology request.

Pursuant to WAC 173-340-800(5), Ecology shall have the right to inspect all documents, including raw data records, relating to the technical investigation at the location where they are archived. Copies of these documents shall be furnished to Ecology upon request.

*The PLPs have completed the work required under this section of the Order. The results of the work are documented in archival material in the Central Records office at Ecology's Northwest Regional Office (See Landsburg Mine Site File Schema SIT1.2 Non-Exempt Correspondence).*

Section IV. 4. Monthly meetings shall be held between Ecology and the Potentially Liable Parties to discuss progress and direction of the investigation. The frequency of these meetings may be changed by mutual consent of Ecology and the Potentially Liable Parties.

*The PLPs have completed the work required under this section of the Order. The results of the work are documented in archival material in the Central Records office at Ecology's Northwest Regional Office (See Landsburg Mine Site File Schema SIT1.2 Non-Exempt Correspondence).*

Section IV. 5. Submittals shall be made in accordance with WAC 173-340-840(5). One copy of the monthly report shall be submitted; however, Ecology may request more. Three Draft Interim Phase I RI/FS reports (two bound and one unbound) shall be submitted to Ecology for review. The number of Draft Interim Reports to Public will be set by Ecology.

*The PLPs have completed the work required under this section of the Order. The results are found in archival material in Ecology's Central Records office in the Northwest Regional Office, under Landsburg Mine Site Files.*

#### AMENDMENT OF AGREED ORDER (1997).

1. The requirements of Section IV.1 (Work to Be Performed") are hereby modified to include the provisions of Golder Associates' letter of April 4, 1995, to the approved Scope of Work and schedule (Exhibit A to the existing order). Golder Associates letter of April 4, 1995, is incorporated into the Agreed Order by reference as an integral and enforceable part of the Order.

The Golder Associates letter of April 4, 1995, provided revised submittal dates for the Draft Final RI/FS report. Preliminary review documents were to be provided to Ecology for review and comment.

*The PLPs have completed the work required under this section of the Amendment. The revised draft RI/FS reports were submitted and reviewed by Ecology in accordance with the revised timetable. Correspondences on the interim Draft RI/FS reports are found in archival material in the Central Records office at Ecology's Northwest Regional Office (See Landsburg Mine Site File Schema SIT1.2 Non-Exempt Correspondence).*

The Golder Associates letter of April 4, 1995, outlined the final FS work. A Draft Final FS will be submitted to Ecology and the public will recommend and support a preferred remedial alternative. Copies of the Draft RI/FS will be distributed to Ecology for review. The Ecology Draft RI/FS will then be revised as necessary based on Ecology's comments to produce the Final Draft RI/FS to the public.

*The PLPs have completed the work required under this section of the Order. The RI/FS report was completed in February 1996. A public comment period on the RI/FS was held from March 13, 1996, to April 12, 1996, that included a public meeting on March 27, 1996. A Responsiveness Summary on the RI/FS report was completed on November 18, 1996. No changes were made to the Remedial Investigation or Feasibility Study based on comments received and the document was made final after the comment period.*

The Golder Associates letter of April 4, 1995, stated that the PLP Group proposes to assist Ecology in the development of the Draft Cleanup Action Plan (DCAP). The letter states Golder's technical support for the preparation of the DCAP and final Cleanup Action Plan following the public comment process under MTCA.

*The PLPs have completed the work required under this section of the Order. The first draft of the DCAP was submitted to Ecology on November 6, 1997. Copies of subsequent drafts and correspondences between Ecology and the PLPs are available in Ecology's Central Records office in the Northwest Regional Office, under Landsburg Mine Site Files. The Final Draft Consent Decree and Exhibits including the DCAP were finalized in September 2013.*

*A public comment period for the Final Draft Consent Decree and Exhibits is anticipated for October or November 2013. Afterwards, Ecology will evaluate the comments received and if new information necessitates changes to the documents, Ecology will work with the PLPs to make the appropriate changes in order to execute the cleanup.*

## SECOND AMENDMENT OF AGREED ORDER (2005).

A. Section IV (Work to be Performed) is modified to require the PLPs to perform the work described in the proposal from Golder Associates dated June 24, 2005. Ecology hereby finds that the work described in the Golder Associates proposal is necessary for public health and safety. The Golder Associates proposal is Attachment 1 to this Second Amendment, and by this reference is incorporated into the Agreed Order as an integral and enforceable part thereof.

Golder Associates' letter of June 24, 2005, proposed the scope of work for Phases 2 and 3 needed to design and install infrastructure components for the Contingent Groundwater Treatment System and its preferred discharge alternative. The preferred discharge alternative consists of treatment facilities at the north area of the site and discharge of effluent to a Publicly Owned Treatment Works or POTW. Phase 2 is the detailed design of infrastructure components, and includes obtaining permits or identifying substantive requirements of MTCA-exempted permits. Phase 3 is the construction of the infrastructure components.

*The PLPs have completed the work required under this section of the Amendment. After a public comment period was held for this Amendment and the State Environmental Policy Act (SEPA) Environmental Checklist for this proposal in the amendment, Ecology issued a Determination of Non-Significance on March 20, 2006. In a letter dated May 30, 2006, Ecology finalized the Second Amendment to the Agreed Order and provided notice to proceed with implementing the proposal for installing infrastructure for the Contingent Groundwater Treatment System.*

*The PLPs carried out Phases 2 and 3 of the infrastructure for the Contingent Groundwater Treatment System. With assistance from King County Department of Development and Environmental Services (DDES), the substantive requirements to demonstrate compliance with King County regulations were met. Golder Associates Inc. submitted to the PLP Group the technical memorandum, "Design of Infrastructure Components for the Contingent Groundwater Treatment System", dated November 14, 2006. This document was reviewed by King County DDES, and in an email communication on December 21, 2006, DDES stated that the Phase 2 design had satisfactorily addressed all of the zoning, drainage, grading, and other issues raised, and that the substantive permit requirements in the design have been met. Additionally, King County Executive Office sent a letter to Ecology dated February 15, 2006, that states (among other things) that King County "agrees in concept to allow the dry sewer pipe from the mine site to be placed in the ground, and left unconnected and unused, until monitoring determines that contaminants threaten public health and safety."*

*On January 19, 2007, Ecology issued a letter to Golder Associates documenting the December 21, 2006, communication from King County that the Phase 2 design was satisfactory. The letter also gave notice to proceed with final planning and implementation of the project.*

*Following the work needed to obtain the appropriate permits and/or substantial requirements, the PLPs installed the infrastructure components in the summer of 2008.*

### **3. Need for Continued Interim Groundwater Monitoring**

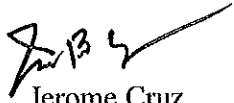
Ecology is sending this notice that the terms of the Agreed Order No. DE 983TC-N273 and its Amendments have been met, but contingent to the continued performance of interim groundwater monitoring requirements. Golder Associates Inc. outlined the scope of work and schedule for interim groundwater monitoring in a letter to Ecology dated March 22, 2004.

Continued interim groundwater monitoring is needed in order to maintain protectiveness until the Consent Decree and Final Cleanup Action Plan have been finalized. Also, until MTCA cleanup levels are achieved, the Site will remain on the ISIS list for tracking purposes.

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Thank you for working with Ecology for the past years on this Agreed Order. Should you have any questions, please do not hesitate to contact me. My telephone number is (425) 649-7094. My email address is [jcru461@ecy.wa.gov](mailto:jcru461@ecy.wa.gov).

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jerome Cruz", with a long horizontal stroke extending to the right.

Jerome Cruz  
Site Manager

Enclosure: Ecology Integrated Site Information System site data summary for Landsburg Mine Site, February 2013

cc: Douglas Morell, Golder Associates Inc.  
Dori Jaffe, AAG, Ecology Division  
Robert Warren, Ecology

## Bibliography

- Golder Associates Inc., April 4, 1995. RE: Modification to Landsburg Mine Site RI/FS Activities and Schedule for Preparation of Final Feasibility Study (FS) Document. Letter addressed to David South, Washington Department of Ecology, Northwest Regional Office.
- Golder Associates Inc., February 1, 1996. Final Remedial Investigation and Feasibility Study (RI/FS) for the Landsburg Mine Site, Volumes I and II. Prepared for the Washington State Department of Ecology.
- Golder Associates Inc., March 22, 2004. RE: Landsburg Mine Site Proposed Interim Groundwater Monitoring. Letter addressed to Jerome Cruz, Washington Department of Ecology, Northwest Regional Office.
- Golder Associates Inc., June 24, 2005. RE: Landsburg Coal Mine – Scope of Work for Phases 2 and 3 for the Contingent Groundwater Treatment System (Design and Construct Infrastructure). Letter addressed to William Kombol/Landsburg PLP Group, Palmer Coking Coal Company, Black Diamond, Washington.
- Golder Associates Inc., November 14, 2006. Design of Infrastructure Components for the Contingent Groundwater Treatment System. Technical memorandum submitted to the Landsburg Mine PLP Group.
- King County Sr. Executive Policy Advisor Karen Wolf, February 15, 2006. Letter addressed to Jerome Cruz, Washington Department of Ecology, Northwest Regional Office.
- Washington State Department of Ecology, 1993. Agreed Order No. DE 983TC-N273. Issued by the Washington State Department of Ecology to the Landsburg Potentially Liable Persons, July 26, 1993. Olympia, Washington: Washington State Department of Ecology.
- Washington State Department of Ecology, 1997. Amendment of Agreed Order No. DE 983TC-N273. Issued by the Washington State Department of Ecology to the Landsburg Potentially Liable Persons, March 31, 1997. Olympia, Washington: Washington State Department of Ecology.
- Washington State Department of Ecology, 2005. Second Amendment of Agreed Order No. DE 983TC-N273. Issued by the Washington State Department of Ecology to the Landsburg Potentially Liable Persons, October 14, 2005. Olympia, Washington: Washington State Department of Ecology.
- Washington State Department of Ecology, May 30, 2006. RE: Landsburg Mine Site – Completion of the Second Amendment to the Agreed Order, State Environmental Policy Act (SEPA) Environmental Checklist and Determination of Nonsignificance (DNS). Letter addressed to Douglas Morell, Golder Associates, Redmond, Washington.
- Washington State Department of Ecology, January 19, 2007. RE: Landsburg Coal Mine Site – Design Memorandum for the Contingent Groundwater Treatment System for the Landsburg Mine in Ravensdale. Letter addressed to Douglas Morell, Golder Associates, Redmond, Washington.

# KING COUNTY

SITE

**LANDSBURG MINE**

CleanupSite **60**

FS **2139**

Alternate  
Name(s):

LANDSBURG MINE, LANDSBURG MINE ROGERS SEAM

## LOCATION:

[View Vicinity Map](#)

Address: **KENT KANGLEY RD &  
RAVENSDALE 98051**

Lat/Long: **47.36022 -121.98428**  
Township/Range/Section: **22N 6E 25**

Legislative **47**  
Congressional **8**

## STATUS:

[View Site Web](#)

Ecology Cleanup  
Status:

Responsible Northwest  
Unit:

Is Brownfield?

UST Site  
ID:

WARM BIN#: 1

Site Manager: Cruz, Jerome

Environmental Yes  
Covenant?

WRIA ID: 8

Statute: MTCA

Is PSI Site?

NFA  
Received?

NFA  
Date:

NFA  
Reason:

## ASSOCIATED CLEANUP UNIT(s)

culID	Cleanup Unit Name	Unit Type	Process Type	Unit Status	Size (Acres)	ERTS ID
1010	LANDSBURG MINE	Upland	Ecology-supervised or conducted	Cleanup Started		

## SITE ACTIVITIES:

Applies to:	Related ID	Activity Display Name	Status	Start Date	End Date	Legal Mechanis	Performed By	Project Manage
CleanupSite		Initial Investigation / Federal Preliminary Assessment	Complete	11/15/1980	12/15/1980		Ecology	South, David
CleanupSite		Site Hazard Assessment/Federal Site Inspection	Complete	7/7/1990	5/1/1991		Ecology	Aitken, Indu
CleanupSite		Hazardous Sites Listing/NPL			8/15/1991			South, David
CleanupSiteMilestoneType		Ecology Remedial Investigation and/or Feasibility Study	Complete	7/30/1993	6/30/1997	Agreed Order	PLP	Cruz, Jerome
CleanupSiteMilestoneType		Ecology Cleanup Action Plan	In Process	6/1/2006		Agreed Order	PLP	Cruz, Jerome
CleanupSiteMilestoneType		Ecology Interim Action	Complete	6/1/2006	8/31/2008	Independent	PLP	Cruz, Jerome
CleanupSiteMilestoneType		Ecology Interim Action	Complete	1/1/1990	12/1/1990		Ecology	South, David



**AFFECTED MEDIA & CONTAMINANTS:**

**Media:**

Contaminant:	Ground Water	Surface Water	Soil	Sediment	Air	Bedrock
Base/Neutral/Acid Organic	S		C			
Conventional Contaminants	S		C			
Halogenated Organic	S		C			
Metals Priority Pollutants	S		C			
Non-Halogenated Solvents	S		C			
Petroleum Products-Unspecified	S		C			
Phenolic Compounds	S		C			
Polychlorinated biphenyls (PCB)	S		C			

**Key:**

B - Below Cleanup Level  
 C - Confirmed Above Cleanup Level  
 S - Suspected

R - Remediated  
 RA - Remediated-Above  
 RB - Remediated-Below