



**SUBSTANTIVE PERMIT REQUIREMENTS
WEST DISCHARGE RAVINE INTERIM ACTION**

**KAISER TRENTWOOD SITE
CITY OF SPOKANE VALLEY, WASHINGTON**

**EASTERN REGIONAL OFFICE
TOXICS CLEANUP PROGRAM
MAY 2007**

I. INTRODUCTION

This Model Toxics Control Act (MTCA) cleanup Site is the Trentwood Works of Kaiser Aluminum Fabricated Products, LLC (Kaiser) facility referred to as the Kaiser Trentwood Site. This 512- acre facility is located in the City of Spokane Valley with its western boundary in close proximity to the Spokane River.

The Kaiser Trentwood Site (the Site) is undergoing cleanup under MTCA Agreed Order No. DE 2692 (the Order). Under the Order, Kaiser is required to complete a Remedial Investigation/Feasibility Study (RI/FS) and to conduct interim actions, as necessary. The RI is to determine the extent of soil and ground water contamination, and the FS is to evaluate remedial alternatives for the Site. Phase I of the RI has already been completed. Preparation to start the Phase II RI is underway.

Phase I RI data show that soils from a former drainage ravine, referred to as the West Discharge Ravine, is contaminated with Polychlorinated Biphenyls (PCBs) and Total Petroleum Hydrocarbons (TPH). Waste water from the facility was, until 1973, previously discharged to the Spokane River through the West Discharge Ravine. Kaiser is proposing to conduct an interim action to remove these soils from this ravine.

The interim action includes:

- Removal and disposal of soils contaminated with PCBs and TPH.
- Backfilling the ravine.
- Bank restoration and revegetation.

Details of the different elements of the cleanup action are described in the Interim Action Work Plan.

A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) for the proposed cleanup is being issued by Ecology, the lead agency.

Under RCW 70.105D.090, remedial actions conducted under an Agreed Order are exempt from the procedural requirements of Chapters 70.94 [Air], 70.95 [Solid Waste], 70.105 [Hazardous Waste], 75.20 [Hydraulic Permit], 90.48 [Water Quality], and 90.58 [Shorelands] RCW, and the procedural requirements of any laws requiring or authorizing local government permits or approvals for the remedial action. Ecology shall establish procedures for ensuring that such remedial actions comply with the substantive requirements adopted pursuant to such laws, and shall consult with the state agencies and local government charged with implementing these laws. The procedures shall provide an opportunity for comment by the public and by the state agencies and local governments that would otherwise implement these laws. This law does not prohibit state and local agencies from charging a fee to the persons conducting the remedial action to defray the cost of services rendered relating to the substantive requirements for the remedial action.

II. REQUIRED PERMITS

The proposed interim action requires the following permits:

Federal

- **Corps of Engineers Section 404 Permit [under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act]**

State

- **Washington Department of Fish and Wildlife Hydraulic Project Approval, [under Chapter 75.20 RCW, Chapter 220.110 WAC]**
- **Washington Department of Ecology 401 Water Quality Certification (WQC) [under Section 401 of the Federal Clean Water Act, Chapter 173-225]**

Local

- **City of Spokane Valley Shoreline Permit**

Kaiser has filed an application for a Corps of Engineers 404 Permit. A Nationwide Permit (NWP) is expected.

State and local permits listed above are exempt from the procedural requirements of the permits under RCW 70.105D.090. Ecology had consulted with the appropriate state and local agencies for determination of required permit approvals and substantive requirements.

III. SUBSTANTIVE REQUIREMENTS

Attached are correspondences that identify the substantive requirements from the following:

- Mr. Mike Maher of Ecology's Shorelines and Environmental Assistance Program.
- Ms. Karen Divens of the State of Washington Department of Fish and Wildlife.
- Ms. Nicki Harnois of the City of Spokane Valley.

The Interim Action Work Plan includes these elements in general. Additional details of these requirements will be included in the Construction Plans that will be submitted upon approval of the Interim Action Work Plan. Ecology will ensure that these requirements are complied with during implementation of the interim action.

Bala, Teresita F. (ECY)

From: Maher, Michael W (ECY)
Sent: Monday, April 23, 2007 3:51 PM
To: Bala, Teresita F (ECY)
Subject: RE: Kaiser Trentwood MTCA Interim Action

Hey Taresita,

Thanks for the reminder. I have reviewed of the Joint Aquatic Resources Permit Application Form (JARPA), SEPA Checklist and West Ravine Interim Action Project Summary for the proposal at the Kaiser Trentwood Site. I offer the following.

The application states that approximately 90 cubic yards of fill material will be placed below the ordinary high water mark (ohwm) of the Spokane River. I note that bmp's including working in the summer, working in the dry, appropriate sediment barriers and other methods of silt management will be used to insure minimal impacts to the environment. Work below the ohwm should be done in the dry. If the fill area cannot be isolated from the river than appropriate measures must be taken to insure that state turbidity standards are met.

As you know, the process of avoidance, minimization and compensatory mitigation is used for projects impacting both shoreline and wetlands areas. Strict adherence to this process will reduce impacts to the resource and costs for the proponent while improving the chance of successful site restoration after cleanup has been completed.

In a nutshell, any disturbed area within 50 feet of the ordinary high water mark of the Spokane River will have to be returned to its pre-project state. This includes both below the ohwm and the uplands. The site is on the south-southwest facing slope of the river with sand-gravel-cobble soils that are not generally conducive to restoration. Intense sunlight on very to excessively rapid draining sloped soils - it will be tough.

There are a number of large woody and shrub species, both upland and riparian, along the shoreline. Damage to these trees and shrubs should be avoided to the greatest extent possible. Where possible these plants should be salvaged and kept viable for replanting upon project completion. I saw ponderosa pine, black cottonwood, river alder, red-osier dogwood, serviceberry, and oregon grape on the site or in the immediately adjacent areas. A professional landscaper familiar with native plants should be engaged to asses and document the existing vegetation on site. He should locate, mark and direct the salvaging of any of the plants that can be salvaged. Where plant salvage is not possible, the largest available replacement plants must be used.

In addition to the woody and shrub species a mixture of native grasses and forbs must be planted as soon as possible after project completion.

Revegetation and restoration will have the greatest chance of success if undertaken in the late fall and will need irrigation during the summer for at least the first few years.

As built reports should be submitted on project completion. Monitoring reports should be submitted yearly with the goal and intent of a success rate of 90% species survival. Contingency plans and funds for replanting dead or dying plants should be developed.

I would be glad to review any planting plans or species lists prepared by the landscaper. Please let me know if there is anything else I can do.

-mike

Michael W Maher
Permit Review/Compliance Coordinator

4/30/2007

Department of Ecology Shorelands Program
Eastern Regional Office
(509) 329-3584
(509) 329-3529 FAX
mmah461@ecy.wa.gov

From: Bala, Teresita F. (ECY)
Sent: Friday, April 20, 2007 1:48 PM
To: Maher, Michael W. (ECY)
Subject: Kaiser Trentwood MTCA Interim Action

Mike - You asked me to remind you...so, is it possible to get your written response on our request for a 401 Water Quality Certification substantive requirements for the Kaiser Trentwood interim action project by the end of the month? Thanks so much for your help. Let me know if you have questions

Teresita Bala
Toxics Cleanup Program
Eastern Regional Office

4/30/2007



State of Washington

Department of Fish and Wildlife

Region 1 Address: 2315 North Discovery Place, Spokane WA, (509) 892-1001, TDD (360) 902-2207
Main Office Location: Between Evergreen and Pines off Mirabeau Parkway

April 27, 2007

Washington Department of Ecology
Dr. Teresita Bala
4601 N Monroe Street
Spokane, WA 99205-1295

**SUBJECT: Substantive Requirements PCB/Peteroleum Cleanup Kaiser,
Spokane Valley**

The Washington Department of Fish and Wildlife (WDFW) received your request for review of the proposed cleanup of the draw on the Kaiser property. WDFW has one major concern with the proposed project.

"If necessary to meet permit requirements, bank restoration near the river could include placement of "vegetated riprap/live stake planting of native species.."

The main concern that WDFW has with this proposal is the use of riprap and live stake plantings. When riprap is proposed on projects, it is extremely common for these plantings to fail. If it is necessary to work close to the river that streambank stabilization is needed, WDFW would appreciate the opportunity to assist in developing a bioengineered option that is appropriate for the site.

The following information provides a list of substantive requirements.

WORK WINDOW:

Work below the ordinary high water line shall only occur between June 15 and August 15 of the same calendar year.

BANK PROTECTION:

Bank protection work shall be restricted to work necessary to protect the eroding bank.

Placement of bank protection material waterward of the ordinary high water line shall be restricted to the minimum amount necessary to protect the toe of the

bank or for installation of mitigation features approved by the Washington Department of Fish and Wildlife.

The toe shall be installed to protect the integrity of bank protection material.

Bank sloping shall be accomplished in a manner that avoids release of overburden material into the water. Overburden material resulting from the project shall be deposited so it will not re-enter the water.

Bank protection and filter blanket material shall be placed from the bank or a barge. Dumping onto the bank face shall be permitted only if the toe is established and the material can be confined to the bank face.

Bank protection material shall not constrict the flow and cause any appreciable increase (not to exceed 0.2 feet) in backwater elevation (calculated at the 100-year flood) or channel-wide scour, and shall be aligned to cause the least effect on the hydraulics of the stream.

Geotextile cloth or filter blanket material shall be placed prior to placement of bank protection material.

Bank protection material shall be placed in a manner to avoid damage to existing vegetation.

EQUIPMENT

The use of equipment below the ordinary high water line shall be limited to that necessary to gain position for work.

Equipment used for this project shall be free of external petroleum-based products while working around the stream. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to its working below the ordinary high water line. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the stream.

WATER QUALITY

If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Department of Ecology at 1-800-258-5990, and to the Area Habitat Biologist listed below.

Erosion control methods shall be used to prevent silt-laden water from entering the stream. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas.

All waste material such as construction debris, silt, excess dirt or overburden resulting from this project shall be deposited above the limits of flood water in an approved upland disposal site.

If high flow conditions that may cause siltation are encountered during this project, work shall stop until the flow subsides.

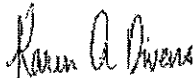
Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the river.

VEGETATION

Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to effectively complete the project. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. Within one year of project completion, the banks, including riprap areas, shall be revegetated with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center) and maintained as necessary for three years to ensure 80 percent survival.

Thank you for the opportunity to provide this information. If you have questions or comments, please feel free to contact me at : (509) 892-1001 x 323.

Sincerely,



Karin A. Divens
Area Habitat Biologist

Cc: Mark Wachtel, RHPM
Mike Maher, Ecology

Bala, Teresita F. (ECY)

From: Micki Harnois [mharnois@spokanevalley.org]
Sent: Monday, April 30, 2007 2:55 PM
To: Bala, Teresita F (ECY)
Cc: Marina Sukup
Subject: RE: Kaiser Trentwood MTCA Interim Action

-----Original Message-----

From: Micki Harnois
Sent: Monday, April 30, 2007 2:38 PM
To: Greg McCormick
Subject: FW: Kaiser Trentwood MTCA Interim Action

Teresita,

For clarification, the shoreline designation for the portion of the Spokane River is "Pastoral" as Spokane Valley did not adopt Spokane County's updated Shoreline Management Plan. The Spokane River is also classified as a Type I stream which requires a 250 foot buffer area pursuant to the Interim Spokane Valley Critical Areas Ordinance.

Compliance with the Interim Spokane Valley Critical Areas Ordinance would include the submittal of the following required reports: a) Buffer Enhancement Plan; b) Habitat Management Plan; c) Monitoring Plan including Performance bonds.

I hope this email is sufficient for your required response. Please contact me if you need more information.

Thank you,

Micki Harnois