STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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C. L. "Butch" Otter, Governor
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3/11/2010

Earl Liverman
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Environmental Protection Agency
1910 Northwest Blvd., Suite 208
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Subject: Avery Landing EECA

Dear Earl:

Thank you for the opportunity to comment on the draft-final Avery Landing EECA developed by Ecology and Environment for EPA, Region 10. This letter unlike our last is structured with several general comments. The specific comments made in our August 24, 2010 letter on the draft Avery Landing EECA were generally incorporated into this draft final document. Since we did not receive a response to our comments on the draft EECA, we have made the comparison of changes between the two documents; draft and draft-final. You will note that where a comment was made and no substantive change was found and we feel that the issue was significant and should at least be addressed in response, the comment is restated in this letter.

General Comments:

The range of remedial alternatives described in the draft final EECA is still curtailed to those alternatives found in the EECA previously developed for Potlatch Corporation by Golder & Associates with no explanation of why such a limited scope is taken. Reference should at least be made to the earlier EECA's disqualification of other alternatives.

The selected alternative (4) is given high marks, we believe erroneously, for implementability. In fact the ability to implement the selected alternative and short term impacts that it generates may be a fatal flaw. The preferred alternative (4) envisions 47,000 yards of material removal and in this alternative, shipment off site to Waste Management's Graham Road (30,000 yards)

and Wenatchee (17,000 yards) facilities. This removal is scheduled over a 3 and a half month time period. Figuring twelve yard dump trucks, this is roughly 3,900 loads in 107 days or 36 loads per day. Nearly 4 loads per hour assuming a 10 hour work day. These loads are required to travel down the St. Joe River Road, through St. Maries, across the winding and treacherous State Route 5 between St. Maries and Plummer and then presumably north on Highway 95 to the Rockford cutoff and from there through the town of Rockford and up Highway 27 to Interstate 90 in the Spokane Valley. From that point it would be a less taxing trip to Medical Lake and Wenatchee. This convoy of haul trucks would be operating at precisely the same time locals migrate to the St. Joe River Valley for recreation, increasing traffic on both the St. Joe River and State Route 5 several fold. At best the selected alternative will be a challenge to implement just from a traffic management perspective and very possibly will be a major nuisance to the public in both Idaho and Washington. Viewed from this perspective, soil washing or any alternative that does not involve hauling contaminated material out of the Avery area seems superior.

DEQ suggested another alternative that was not explored by Potlatch's or EPA's current EECA. This alternative may have practical advantages since the Federal Highway Administration (FHWA) and possibly the U.S. Forest Service are recognized as potentially responsible parties. This new approach would excavate the petroleum contaminated material, but rather than thermal desorption treatment, soil washing or removal to the Graham Road facility, the material would be crushed to an appropriate aggregate size and used as feedstock to an asphalt batch plant. The resulting asphalt product could be used to pave or repave roads local to the Avery area. DEQ's toxicologist was consulted on such an approach and provided an opinion that any COCs would weather out of the asphalt at a rate that would have negligible impact to human health or the environment. Any PCB contaminated material is TSCA regulated. PCB contaminated material would require shipment off site unless concentrations were demonstrated to be below 50 ppm.

The advantage to this asphalt feedstock approach is that the public and two of the potentially responsible parties obtain a worthwhile "product" from the removal process. EPA should keep in mind that it is considering the removal of at least one lane and possibly both of the main travel route through Avery during the summer and fall months when the general public uses it the most. EPA may find a more sympathetic public should they see paved roads replacing "washboard" dirt roads and an effort to ease traffic congestion. Potlatch would gain log haul efficiency, while the FHWA would have an opportunity to share its engineering talents with the project. The Forest Service and FHWA might have funds to bring to this effort since the North Fork St. Joe River Road is a National Forest System Road. Certainly there is a "green" aspect in that a product, asphalt and paved roads, would be produced from the energy expended rather than used up to wash soil, drive thermal desorption or haul soil to a repository. Of all petroleum grades, bunker C, is the closest to that used to produce asphalt. There may be restrictions in OPA and CERCLA or economic arguments that restrict such an

approach, but the alternative should be aired and rejected, if for no other reason than to demonstrate EPA's creativity and concern for local interests.

It was pointed out in our comments of August 28, 2010 and it is restated here that refilling of the entire excavated area and rip rapping of the bank is assumed in all of the removal scenarios. Although some filling may be required to restore existing uses (cabin site and log deck), EPA should consider that the fill material is an artificial encroachment into the river's natural floodplain. Leaving unfilled area for floodplain would likely be beneficial to the St Joe River.

Refilling and replacing the rip rap may be a violation of the Clean Water Act Section 404, which should be, but is not listed as an AARR in Appendix E. It is likely that the existing fill material and rip rap predates the Clean Water Act and is likely grandfathered in. However, if the project proceeds as planned and removes this material, it may not be a simple matter from the regulatory perspective to replace the rip rap and or the fill in the footprint of the river. It is unclear to us if such an activity is a substantive violation of an AARR? The St. Joe River is designated a Wild & Scenic River upstream of the Avery site and has a recreational designation through this reach. The overall health of the river which would include its geomorphology, should at least be considered in the EECA as aspect of the removal action and its aftermath.

Sincerely,

Geoffrey W. Harvey
Waste & Remediation Manager

c. Curt Fransen
Daniel Redline