

Abbreviated Preliminary Assessment for Sawtooth MMW Property Waste Dump Area

Blaine County



**State of Idaho
Department of Environmental Quality**

December 2015



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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C. L. "Butch" Otter, Governor
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December 1, 2015

Mr. Wes A. Wills
MMW Enterprises LLP
P.O. Box 7133
Ketchum, ID 83340

Subject: Abbreviated Preliminary Assessment for the Sawtooth MMW Property Waste Dump Area,
Blaine County, Idaho

Dear Mr. Wills:

The Idaho Department of Environmental Quality (DEQ) completed the enclosed Abbreviated Preliminary Assessment (APA) for the Sawtooth MMW Property Waste Dump Area located at 200 Pole Creek Road in Sawtooth City, Idaho. A copy of this APA can also be found on DEQ's preliminary assessment web page: <http://www.deq.idaho.gov/preliminary-assessments>.

DEQ visited the site on November 13, 2015. Given the information presented in the *Phase I Environmental Assessment 620-Acre Sawtooth MMW Property* and the *Subsurface Screening Investigation Sawtooth MMW Property Dump Area*, along with the current and future land use plans to keep the property designated as a scenic easement, current potential exposures to human health and the environment are considered to be minimal.

Based on DEQ's desktop research and site observations, a No Remedial Action Planned (NRAP) designation is recommended; however, DEQ is requesting completion of an environmental covenant for the waste dump area of this property. The purpose of this environmental covenant is to prevent disturbance of the waste dump area in order to mitigate any exposures to potential contaminants remaining in the waste dumps via the pathways described in the APA. The environmental covenant can also serve to reinforce the conditions of the scenic easement.

An environmental covenant is created by a written agreement in which the parties bind themselves, and their successors in interest to the land to specific conditions, obligations and/or restrictions on land use, also called *activity and use limitations*. Activity and use limitations run with the land. Examples of limitations applicable to this environmental covenant include: no excavation, perforation or any disturbances of the waste dump area except in conjunction with cover maintenance or other activities approved by DEQ; no installation of ground water wells; and no impoundments or conveyances of surface water (including irrigation). Additional information about environmental covenants can be found at: <http://www.deq.idaho.gov/environmental-covenant>.

When you are ready to initiate the process of creating the environmental covenant, please give me a call at (208) 373-0296 or email dana.swift@deq.idaho.gov. Since a real estate transaction is currently underway for this property, the environmental covenant can be completed by the current or future owner. DEQ requests that this process be initiated by January 15, 2016. I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Dana Swift".

Dana Swift
Mine Waste Project Coordinator

Enclosures

cc: Michael Cronin, Wasatch Environmental, Inc.

Acknowledgments

DEQ would like to thank Wes Wills of MMW Enterprises LLP for permitting access to the site, Wes Wills and Blake Downey of Wasatch Environmental, Inc. for accompanying DEQ on the site visit, and Wasatch Environmental and Western Rivers Conservancy for use of their figures in this report.

State of Idaho general funds were used to perform the site visit and prepare this report.

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Introduction

This abbreviated preliminary assessment (APA) for the Sawtooth MMW Property Waste Dump Area, located at 200 Pole Creek Road in Sawtooth City, Blaine County, Idaho provides the rationale for the No Remedial Action Planned (NRAP) determination that no additional assessments or site inspections are necessary at this time. Section 1 provides the APA checklist (modified from EPA, 1999) filled out by the assessor to determine that an APA was warranted. The following sections contain additional relevant information and evidence to support the APA, including historical information (Section 2); location and maps (Section 3); current site conditions and photographs (Section 4); pathways and receptors (Section 5); and references (Section 6).

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Date: 12/1/2015

Site Inspector: Dana Swift, DEQ State Office

Site Name: Sawtooth MMW Property Waste Dump Area

Other Names: Henslee Ranch Subdivision Lot 2

Site Owner: Wes A. Wills
MMW Enterprises LLP
P.O. Box 7133
Ketchum, ID 83340

Site Location: The Sawtooth MMW Property Waste Dump Area is located at 200 Pole Creek Road. From Stanley, Idaho go south on Hwy 75 for approximately 25 miles. Turn left on Pole Creek Road and go approximately 0.2 mile just past the cattle guard and turn right on the dirt track. Follow the dirt track for approximately 0.4 mile to the dump area.

Township 7 North, Range 14 East, Sections 23 and 26

Latitude: 43.899224°N **Longitude:** -114.78352°W

Description of release (or potential release) and its probable nature:

DEQ received a Preliminary Assessment Program Application on October 20, 2015 for this site. A Phase I Environmental Site Assessment (ESA) was conducted in October 2014 which identified the dump area as a recognized environmental condition. Based on historic Forest Service records, the dump contains old car bodies, household appliances, and other household waste. A subsurface screening investigation was performed in April 2015 which involved delineation of two trenches using a magnetometer and collection of soil vapor samples to

evaluate the presence of hazardous substances or petroleum products originating from the waste remaining in the dump areas.

Section 1. APA Checklist

Task 1—Superfund Eligibility Evaluation

Assessor, if all answers are “no,” continue to task 2; otherwise, explain any “yes” answers below and then skip to task 3.

	YES	NO
1. Is the site currently in the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) or an “alias” of another site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Is the site being addressed by some other remediation program (i.e., federal, state, or tribal)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Are the hazardous substances that may be released from the site regulated under a statutory exclusion (e.g., petroleum, natural gas, natural gas liquids, synthetic gas usable for fuel, normal application of fertilizer, release located in a workplace, naturally occurring, or regulated by the Nuclear Regulatory Commission, Uranium Mill Tailings Radiation Control Act, or Occupational Safety and Health Administration)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Are the hazardous substances that may be released from the site excluded by policy considerations (i.e., deferred to Resource Conservation and Recovery Act corrective action)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Is there sufficient documentation to demonstrate that there is no potential for a release that constitutes risk to human or ecological receptors (e.g., comprehensive remedial investigation equivalent data showing no release above applicable or relevant and appropriate requirements (ARARs), completed removal action, documentation showing that no hazardous substance releases have occurred, or an EPA-approved risk assessment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Assessor, please explain all “yes” answer(s):

Regarding question 5: DEQ performed a reconnaissance level preliminary assessment on November 13, 2015. Given the information presented in the Phase I ESA and subsurface investigation (summarized in Section 2), along with the current and future land use plans to keep the property designated as a scenic easement, current potential exposures to human health and the environment are considered to be minimal.

Task 2—Initial Site Evaluation

If information is not available to make a “yes” or “no” response below, further investigation may be needed. In these cases, the assessor should determine whether an APA is appropriate.

If the answer is “no” to *any* of questions 1, 2, or 3, proceed directly to task 3.

	YES	NO
1. Does the site have a release or a potential to release?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Does the site have uncontained sources containing CERCLA-eligible substances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Does the site have documented on-site, adjacent, or nearby targets?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answers to questions 1, 2, and 3 above were *all* “yes,” then answer questions 4–7 before proceeding to task 3.

	YES	NO
4. Does documentation indicate that a target (e.g., drinking water wells, drinking surface water intakes, etc.) has been exposed to a hazardous substance released from the site?	<input type="checkbox"/>	<input type="checkbox"/>
5. Is there an apparent release at the site with no documentation of exposed targets, but targets are on site or immediately adjacent to the site?	<input type="checkbox"/>	<input type="checkbox"/>
6. Is there an apparent release and no documented on-site targets or targets immediately adjacent to the site, but targets are nearby (e.g., within 1 mile)?	<input type="checkbox"/>	<input type="checkbox"/>
7. Are there uncontained sources containing CERCLA hazardous substances, a potential to release with targets present on site or in proximity to the site, but no indication of a hazardous substance release?	<input type="checkbox"/>	<input type="checkbox"/>

Notes:

At the time of DEQ’s site inspection, the Sawtooth MMW Property Waste Dump Area was covered with snow. Surface water in the vicinity of the dump area includes the Salmon River in the southwest corner of the property and Pole Creek and an irrigation canal in the northeast corner of the property. The closest residential dwellings are approximately 0.5 mile directly west and also north of the site on the other side of Hwy 75; occupancy and duration of occupancy within these residences is unknown. No on-site targets were identified. Although this site is located on private property, public access is unrestricted. Currently the land is vacant and historically has been used as summer grazing for cattle and sheep.

Table 1 parallels the questions above and should be used by the assessor to make decisions during task 3. Table 1 identifies different types of site information and provides some possible recommendations for further site assessment activities based on that information. The assessor should use Table 1 in determining the need for further action at the site, based on the answers to the questions in task 2. Assessors should use professional judgment when evaluating a site. An assessor’s individual judgment may be different from the general recommendations for a site given below.

Table 1. Site assessment decision guidelines for a site.

Suspected/Documented Site Conditions	EPA-Recommended Site Assessment Activities
1. There are no releases or potential to release.	APA
2. No uncontained sources with CERCLA-eligible substances are present on site.	APA
3. There are no on-site, adjacent, or nearby targets.	APA
4. There is documentation indicating that a target (e.g., drinking water wells, drinking surface water intakes, etc.) has been exposed to a hazardous substance released from the site.	APA → SI or PA/SI
5. There is an apparent release at the site with no documentation of exposed targets, but there are targets on site or immediately adjacent to the site.	APA → SI or PA/SI
6. There is an apparent release and no documented on-site targets and no documented targets immediately adjacent to the site, but there are nearby targets. Nearby targets are those targets that are located within 1 mile of the site and have a relatively high likelihood of exposure to a hazardous substance migration from the site.	Full PA
7. There is no indication of a hazardous substance release, and there are uncontained sources containing CERCLA hazardous substances, but there is a potential to release with targets present on site or in proximity to the site.	Full PA

Task 3—DEQ Site Assessment Decision

When completing task 3, the assessor should use task 2 and Table 1 to select the appropriate decision. For example, if the answer to question 1 in task 2 was “no,” then an APA is appropriate and the “NRAP” box below should be checked. Additionally, if the answer to question 4 in task 2 is “yes,” then two options are available (as indicated in Table 1): (1) proceed with an APA and check the “Lower Priority SI” or “Higher Priority SI” box below or (2) proceed with a combined PA/SI.

Check the box that applies based on the conclusions of the APA checklist:

- | | |
|---|--|
| <input checked="" type="checkbox"/> No Remedial Action Planned (NRAP) | <input type="checkbox"/> Defer to NRC |
| <input type="checkbox"/> Higher Priority SI | <input type="checkbox"/> Refer to Removal Program |
| <input type="checkbox"/> Lower Priority SI | <input type="checkbox"/> Site is being addressed as part of another CERCLIS site |
| <input type="checkbox"/> Defer to RCRA Subtitle C | <input type="checkbox"/> Other: _____ |

DEQ Preparer:

Dana Swift
Dana Swift

12/1/2015
Date

Please explain the rationale for your decision:

As a result of DEQ’s desktop research and site observations, a NRAP designation is recommended for the Sawtooth MMW Property Waste Dump Area. Desktop research and site

inspection confirm that there are no observations of current releases of hazardous materials by surface water, soil exposure, ground water or air pathways.

Although a NRAP designation is recommended, DEQ is requesting completion of an environmental covenant for the waste dump area of this property. The purpose of this environmental covenant is to prevent disturbance of the waste dump area in order to mitigate any exposures to potential contaminants remaining in the waste dumps via the pathways described in this APA. The environmental covenant can also serve to reinforce the conditions of the scenic easement.

An environmental covenant is created by a written agreement in which the parties bind themselves, and their successors in interest to the land to specific conditions, obligations and/or restrictions on land use, also called *activity and use limitations*. Activity and use limitations run with the land.

Section 2. Historical Information

The following information is quoted directly from the “Findings and Opinions” section of the Wasatch Environmental, Inc. (Wasatch) *Phase I Environmental Assessment 620-Acre Sawtooth MMW Property* (Wasatch 2014):

The subject property has historically been used for grazing. With the exception of Pole Creek Road crossing the southern property area and occasional four-wheel drive tracks, there are no roads or constructed footpaths within the property boundaries. We found no evidence of cattle dipping vats or fence post treatment areas, and none were reported to us through interviews with the current property owners. At the time of our site visit, we did not observe any underground storage tanks, aboveground storage tanks, drums, containers, stained soil, or surface evidence of buried waste such as mounds or depressions. However, a former dump is located on or near the southern boundary of the subject property, south of Pole Creek Road. In the 1980s the dumping area was covered and seeded, and the tracks leading to the area were also covered and seeded. Given that there were no controls or oversight of wastes taken to the dumping area, the presence of the buried waste would be considered a recognized environmental condition. However, the Forest Service is aware that the dump is present, and based on documentation in the Forest Service records, was supportive of (or at least not opposed to) the method used to reclaim the dumping area.

The following information is quoted directly from the “Conclusions” section of the Wasatch *Subsurface Screening Investigation Sawtooth MMW Property Dump Area* (Wasatch 2015):

Two distinct trenches were delineated in the dump area of the subject property.

Based on the results from the subsurface soil vapor samples, we conclude residual soil vapors from VOCs in the trenches located at the dump area are minimal. It is our opinion that the soil vapor concentrations in the areas sampled are not indicative of significant VOC impacts to soil. Moreover, given the age of the site (1980s) and the low soil vapor concentrations it is less likely significant groundwater impacts from VOCs are present.

Based on the in-river piezometer water levels, this portion of the Salmon River is losing surface waters to the groundwater system and is most likely acting as a groundwater divide preventing groundwater from migrating to the west past the river. It is our opinion that the groundwater flow direction on the subject property is north to northwest. Based on the groundwater gradient, and given that the general soils in the area consist of boulders/cobbly sand with silt (not conducive to hand auguring), no groundwater samples

were collected between the river and the dump area. Moreover, given the subsurface soil vapor results, it is our opinion, that it is not likely significant groundwater impacts from VOCs are present at this time.

Based on additional review of the IDWR and the Idaho Department of Water Rights agency files, telephone interviews with domestic well owners, and site reconnaissance, we conclude that the Taylor well that was depicted on the subject property by the IDWR interactive map, is really located near Twin Falls, Idaho, and not on the subject property. Also, the supposed hydraulically downgradient domestic groundwater well owned by the Harms family is not present, but is also located near Twin Falls, Idaho. No hydraulically downgradient domestic groundwater wells are located within a distance that impacts would be expected to be observed from the subject property; therefore, no groundwater samples were collected. Additionally, given that the Salmon River is a losing river near the subject property, it is expected that users of the surface waters from the Salmon River would not be impacted from a release originating from the subject property.

Section 3. Location and Maps

Location maps for the Sawtooth MMW Property Waste Dump Area are shown as Figures 1 and 2. Delineation of the two trenches in the waste dump area and 2015 sampling locations are shown in Figure 3. Specific site location details are included in the above checklist.

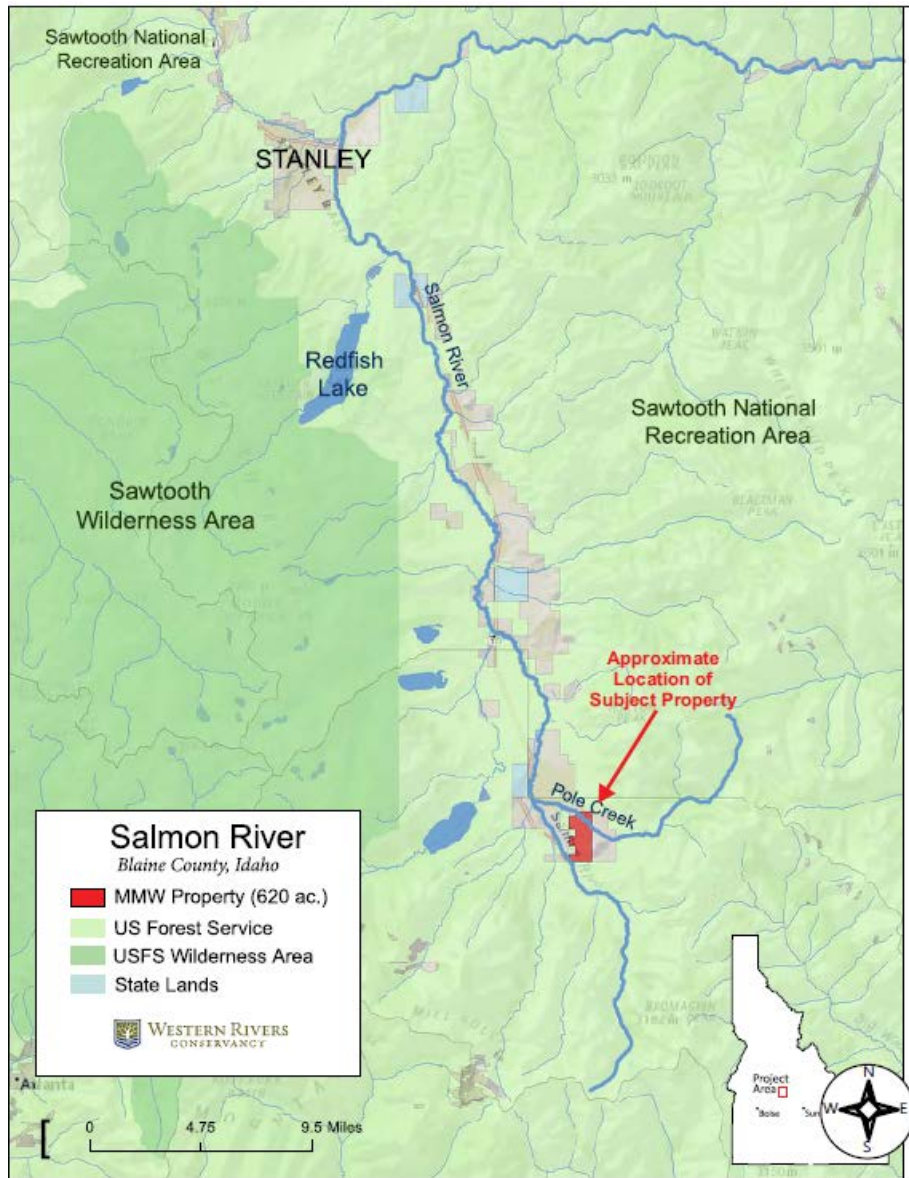


Figure 1. Location map of the Sawtooth MMW Property Waste Dump Area, Blaine County, Idaho.

Source: Wasatch Environmental, Inc. Phase 1 Environmental Site Assessment 620-Acre Sawtooth MMW Property, October 2014.

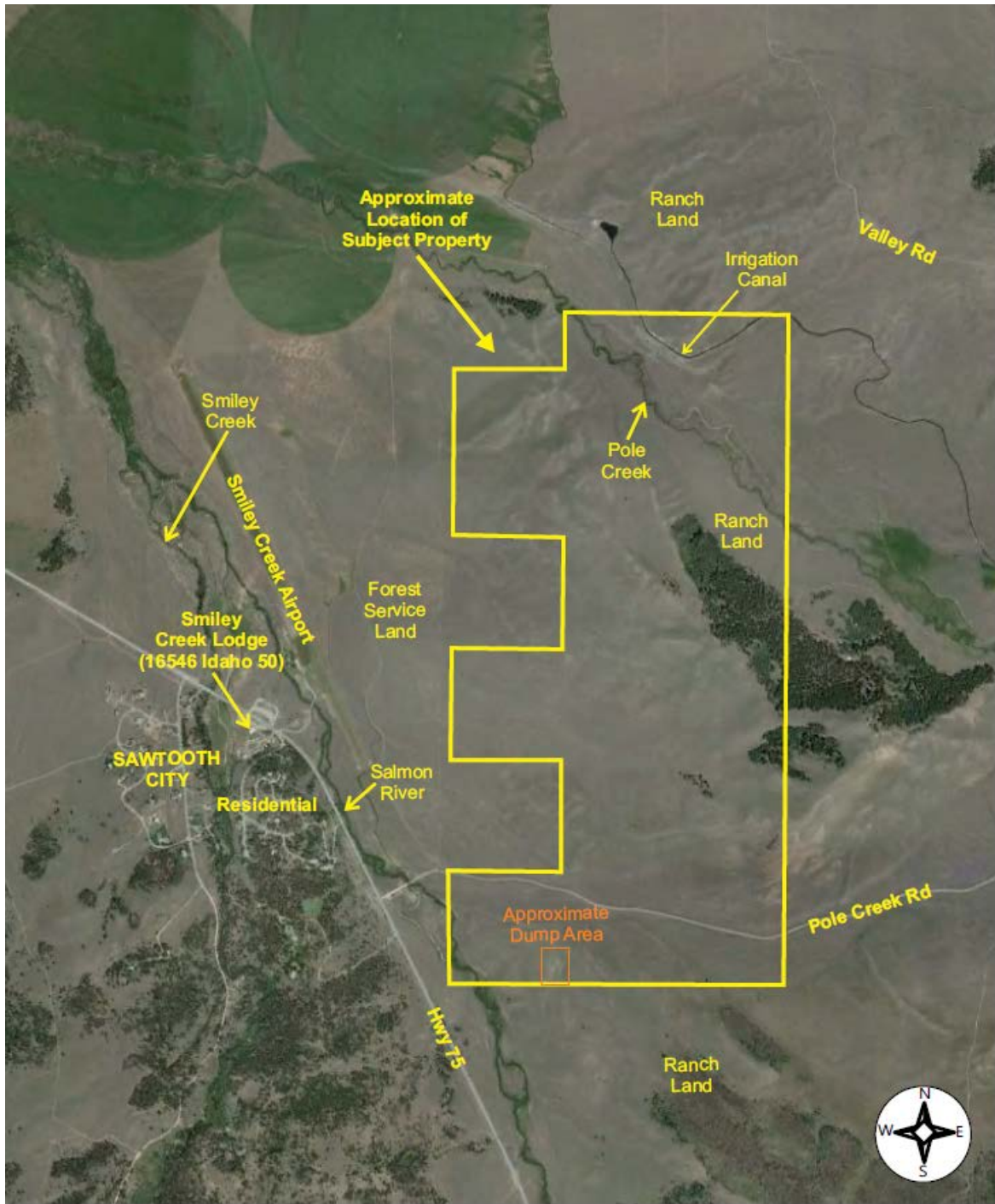


Figure 2. Waste Dump Area Location Map.

Source: Wasatch Environmental Inc. Subsurface Screening Investigation Sawtooth MMW Property Dump Area, April 2015.

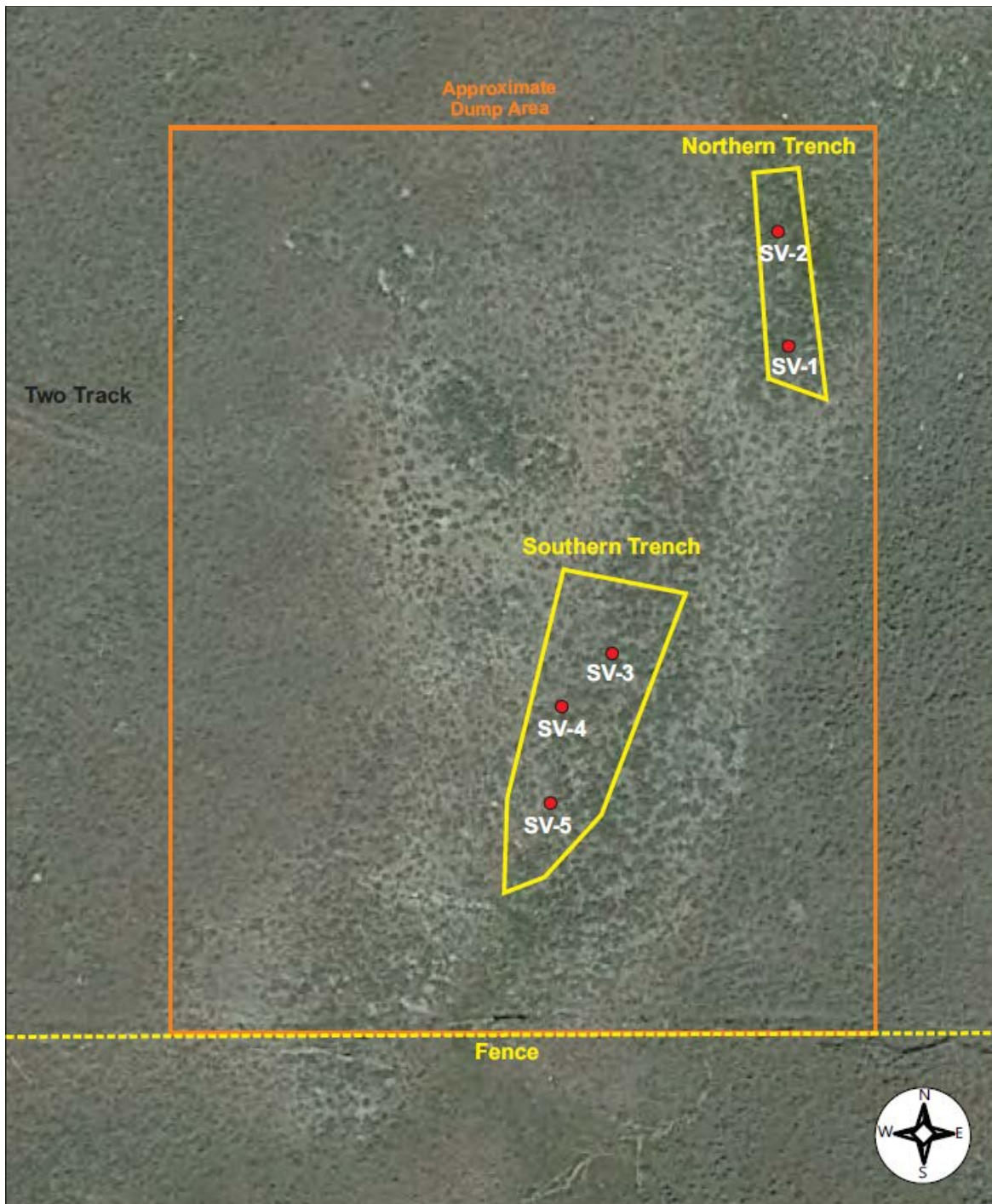


Figure 3. Map of waste dump trench locations and 2015 sample sites.

Source: Wasatch Environmental Inc. Subsurface Screening Investigation Sawtooth MMW Property Dump Area, April 2015.

Section 4. Current Site Conditions and Photographs

Site observations and photographs were collected during the DEQ site inspection on November 13, 2015. The weather was partly cloudy, 21°F, and snow on the ground. The waste dump is located within a topographic low area and sagebrush is growing over the area (Photos 1 and 2). While walking over the dump area, the only visible remnant is a partially unburied car bumper.

Currently, a real estate transaction is underway for the property to be sold to Western Rivers Conservancy in Denver, Colorado. They will retain the land under a scenic easement.



Photo 1. Location of the Sawtooth MMW Property Waste Dump Area.



Photo 2. Looking east toward the waste dump area. Dump is within the topographic low, not visible in this photo.



Photo 3. Looking to the southwest, toward the Salmon River from the waste dump area.

Section 5. Pathways and Receptors

Section 5.1 Surface Water Pathways

The Sawtooth MMW Property Waste Dump Area is located east of the Salmon River. For the surface water pathway, the probable point of entry (PPE) is into unnamed drainages located within the Sawtooth MMW Property Dump Area property boundary or via ground water. The 15-mile target distance limit (TDL) follows the Salmon River and ends just north of the confluence with Huckleberry Creek (Figure 4). Wetlands are present northeast of the site within a 2-mile radius along Pole Creek (Figure 4). At the time of the site visit, there were no active water sources draining from the dump area and no evidence of erosion; therefore, the potential for exposure from surface water pathways is minimal.

The Clean Water Act (CWA) requires that the State of Idaho prepare an Integrated Report listing: (1) current conditions of all state waters (§305(b) list) and (2) waters that are impaired and need a total maximum daily load (TMDL; §303(d) list). As listed in the final 2012 Integrated Report, the Salmon River and its tributary Pole Creek located in the vicinity of the Sawtooth MMW Property Waste Dump Area are listed as fully supporting. Neither the Salmon River nor Pole Creek were sampled as part of this assessment.

Section 5.2 Ground Water Pathways

Potential drinking water systems within a four mile radius (Figure 4) currently includes nine public water systems (PWS) and 52 domestic wells. No PWS or domestic wells were sampled as part of this assessment. All PWS are located on the west side of the Salmon River and no domestic wells are located in the immediate vicinity of the waste dump; therefore, the potential for exposure from ground water pathways is minimal.

Section 5.3 Soil Exposures and Air Pathways

In the 1980s, the waste dump area and the tracks leading to the area were covered and seeded (Wasatch 2014); therefore, fugitive dust is likely limited in this area. The nearest residences are approximately 0.5 mile to the west and also north of the site. No schools or day care facilities are known to be located within four miles of the mine site. The potential for exposure from the soil and air pathways are minimal.

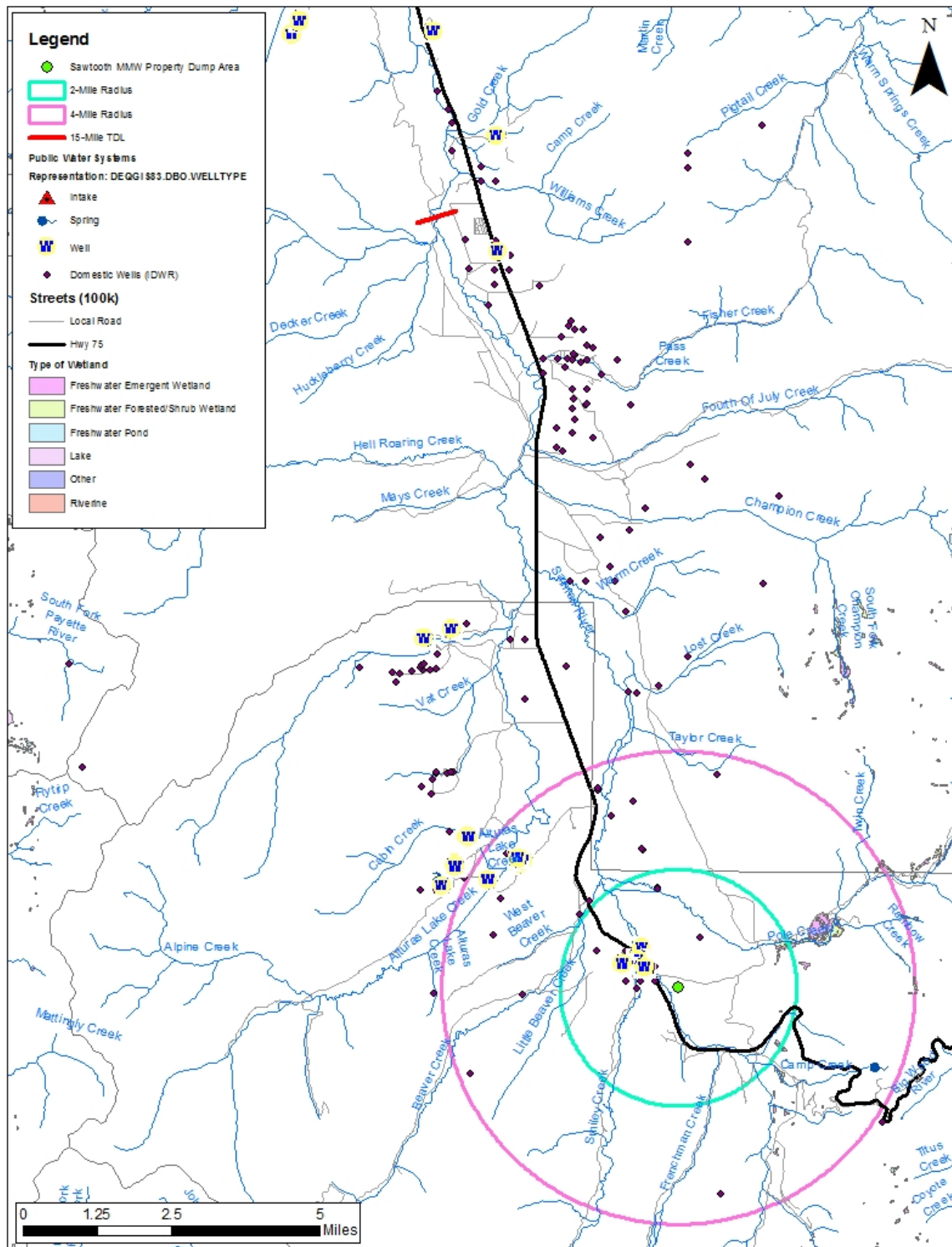


Figure 4. Map of features supporting evaluation of the surface water and ground water pathways in the vicinity of the Sawtooth MMW Property Waste Dump Area.

Section 5.4 Sensitive, Rare, and Threatened Plant and Animal Species

Sensitive species can have large habitat ranges that overlap the vicinity of this waste dump area. Based on the resource list obtained during a search of the Information for Planning and Conservation System (USFWS 2015), the following species are identified for Blaine County:

- Birds: Yellow-Billed Cuckoo, *Coccyzus americanus*, threatened species-proposed critical habitat.
- Mammals: Canada Lynx, *Lynx canadensis*, threatened species.
- Fish: Bull Trout, *Salvelinus confluentus*, threatened species-designated critical habitat and Steelhead, *Oncorhynchus mykiss*, designated critical habitat.
- Plants: Whitebark Pine, *Pinus albicaulis*, candidate species.

Section 6. References

DEQ (Idaho Department of Environmental Quality). Source Water Assessments in Idaho. Accessed November 18, 2015. Available at: <http://www.deq.idaho.gov/water-quality/source-water/assessments.aspx>

DEQ. 2014. *Idaho's 2012 Integrated Report*. Boise, ID. Available at: <http://www.deq.idaho.gov/media/1117323/integrated-report-2012-final-entire.pdf>

EPA (U.S. Environmental Protection Agency). 1999. *Improving Site Assessment: Abbreviated Preliminary Assessments*. Quick Reference Guidance Series. Office of Emergency and Remedial Response Site Assessment Team. EPA-540-F-98-037. OSWER 9375.2-09FS. PB98-963308.

USFWS (United States Fish and Wildlife Service). Information for Planning and Conservation (IPaC). Powered by the Environmental Conservation Online System (ECOS). Accessed November 18, 2015. <http://ecos.fws.gov/ipac/>

Wasatch (Wasatch Environmental, Inc.). 2015. *Subsurface Screening Investigation Sawtooth MMW Property Dump Area*. Project No. 1832-011A.

Wasatch. 2014. *Phase I Environmental Site Assessment 620-Acre Sawtooth MMW Property*. Project No. 1832-011.