



Oregon

John A. Kitzhaber, M.D., Governor

Department of Environmental Quality

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January 11, 2011

J.H. Baxter
C/O RueAnn Thomas
Bluefields Holdings
333 SW Fifth Ave, Suite 510
Portland, OR 97204

Regarding: Partial No Further Action Determination
JH Baxter
Eastern Storage Yard, Tax Lot 103
ECSI 55.

Dear Ms. Thomas:

Based on our review of ECSI File 55, the Department of Environmental Quality (DEQ) has determined that **no further action** is required for the eastern portion of the Site, beyond regular maintenance and inspection of the soil cap. This determination only applies to the eastern 11 acres of the site, identified as the Eastern Storage Yard, Tax Lot 103. The remainder of the site, including the core areas where active wood treatment occurs, is not included in this determination and will require additional remedial action.

Our review of the available information is summarized in the attached Staff Memorandum. Our determination is based on the regulations and facts as we now understand them, including but not limited to the following:

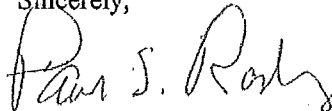
1. Historical activities at the site resulted in widespread shallow soil contamination on the Eastern Storage Yard.
2. Levels of arsenic in shallow soils on this portion of the site posed an unacceptable direct contact risk for site workers and future construction workers.
3. Contaminants on the Eastern Storage Yard are not contributing to groundwater contamination at the site, based on long-term groundwater monitoring.
4. JH Baxter proposed completing a soil cap at the site as an interim remedial action to eliminate risk to site workers, which DEQ approved in October of 2007. The cap was completed in late 2007.
5. Anticipating that the cap would be part of the remedy for the site, DEQ evaluated it along with four other remedial alternatives prior to approving it and public comments were solicited and received on the capping project.
6. The interim remedial action also required the recording of an Easement and Equitable Servitudes (E&ES) stipulating the site uses, preparation and implementation of a Site Management Plan, and a Health and Safety Plan. The E&ES was recorded in November 2010.

DEQ concludes that based on the information presented to date, the portion of the site described above is currently protective of public health and the environment, and the institutional controls

described above will be protective of human health and the environment for future uses of the property. The Eastern Storage Yard, therefore, requires no further action (except the institutional controls described above) under the Oregon Environmental Cleanup Law, ORS 465.200 et seq., unless new or previously undisclosed information becomes available. We will update the Environmental Cleanup Site Information System (ECSI) database to reflect this decision.

If you have any questions about this letter, please contact Geoff Brown at (541)686-7819.

Sincerely,



Paul S. (Max) Rosenberg, R.G.
Western Region Cleanup Manager

Enclosure: Staff Memorandum

ecc: Geoffrey Brown, R.G.
Steve Barnett, Premier Environmental