



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Northwest Region

700 NE Multnomah Street, Suite 600

Portland, OR 97232

(503) 229-5696

FAX (503) 229-6124

TTY 711

June 26, 2023

via electronic delivery

John DeJong
Senior Manager Environmental Site Remediation – UPRR
4315 E Sprague Ave
Spokane Valley, WA 99212

Re: PCB Areawide – N Bradford St. ROW, Portland, Oregon
Union Pacific Railroad, ECSI ID# 6480

Dear John DeJong:

The Oregon Department of Environmental Quality reviewed the March 2023 Site Investigation Report (report), prepared by Jacobs on behalf of Union Pacific Railroad (UPRR). The report describes the investigation results of polychlorinated biphenyls (PCBs) in surface and subsurface soil along the UPRR right-of-way (ROW) and North Bradford St. in Portland, Oregon (ECSI #6480).

Please incorporate DEQ's comments below and submit as final.

General Comments

1. Oregon Revised Statute 465.200 et seq. states that “*Owner or operator*” means any person who owned, leased, operated, controlled or exercised significant control over the operation of a facility.” Given the current and historical operations of UPRR on the railroad along N. Bradford St., DEQ considers UPRR to be an operator at this site. While DEQ is not requesting that UPRR conduct remediation at this time, as an operator, UPRR may be responsible for future investigation and/or remedial action costs required to remediate releases or threats of release hazardous substances from this Facility (Oregon Revised Statute 465.200 et seq.). Owner and operator liability is not limited to releases from the facility that stayed within the current property or ROW boundary.

Specific Comments

1. Section 1.2. The description of property ownership and limitations of the agreement differs from DEQ's understanding.
 - a. Historical Sanborn maps and Aerial images show UPRR operated a second spur of the railroad track that would extend beyond the one foot of the currently visible outer rail (see Attachment 1).
 - b. The attached City ordinances provide UPRR or its predecessor a permit or ROW to a wider portion of the N. Bradford St. ROW (see Attachments 2 and 3).
2. Section 1.2. Add the OERS numbers to facilitate cross-referencing information on the January 2023 oil spills. Include a figure showing soil removal location and discuss how the removal might impact sample results discussed in this report.

3. Section 2.1. This section states that samples were obtained from the “public ROW.” Please clarify that this is the N. Bradford St. ROW.
4. Section 2.3.
 - a. This section says that samples were located 10-15 feet from the centerline of the UPRR railroad track. Based on the photos in the report and DEQ’s site visit, it appears that these borings were closer to 15-25 feet from the centerline. Please verify and correct as appropriate.
 - b. Please discuss areas where ISM samples and sample borings had to remove more than ~0.5 inch of surface gravel, such as locations with a large amount of railroad rock ballast, such SB-01, SB-02, SB-03, and ISM-01, and ISM-02.
5. Section 2.6. This section should mention the field variance of ISM-01 where the roll-off container required moving increments.
6. There are several typos in the document. Recommend another copy editing (e.g. sit vs. site).
 - a. In particular, Table 3-2 is missing a decimal point for Total PCBs in ISM06.
7. Attached Photographs. Please provide the photographs in a higher resolution and mark the location of the soil boring on the photos where the flag is not visible.

Please contact me at (503) 887-7059 or franziska.landes@deq.oregon.gov if you have any questions.

Sincerely,

Franziska Landes

Franziska Landes
Project Manager
Northwest Region Cleanup Section

Ec: David Hodson, Jacobs
Rebecca Digiustino, DEQ
Katie Daugherty, DEQ
Todd Hudson, Oregon Health Authority

Attachments:

Attachment 1: Photo of Intersection of N Bradford St and N Baltimore St ~ 1935, City of Portland Archives
Attachment 2: 1917 Ordinance 33086 City of Portland to Oregon-Washington Railroad & Navigation Company permit
Attachment 2: 1938 Ordinance 71713 City of Portland to Oregon-Washington Railroad & Navigation Company permit

Attachment 1: Photo of Intersection of N Bradford St and N Baltimore St ~ 1935, City of Portland Archives



ORDINANCE NO. 33086

AN ORDINANCE granting a revocable permit to OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY, its lessees, successors and assigns, to construct, maintain, equip and operate an industry track in Bradford Street from the south line of Alta Street to the north line of Fessenden Street, and also a spur track leading from said industry track, and declaring an emergency.

THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

SECTION 1: That a revocable permit be and the same is hereby granted to Oregon-Washington Railroad and Navigation Company to construct, maintain, equip and operate an industry track in Bradford Street from the south line of Alta Street to the north line of Fessenden Street, said industry track being parallel with the main line track of said Oregon-Washington Railroad and Navigation Company as now located and constructed in said Bradford Street and the center line of said industry track being located approximately eight and one-half (8½) feet east of the westerly property line of said Bradford Street except at the connections of said industry track with said main line track, which connections are near the south line of Alta Street and the north line of Fessenden Street, also a spur track connecting with said industry track, the headblock of said spur track being located approximately four (4) feet northerly from the north line of Alta Street and the center line of said spur track crossing the westerly property line of Bradford Street at a point approximately 115 feet north from the intersection of the north line of Alta Street and the west line of Bradford Street.

SECTION 2: The grantee shall file in quadruplicate with the City Engineer complete plans showing the exact loca-

tion within the street lines of all proposed work and no work hereunder shall be done until the City Engineer shall have approved the same, one of the copies of the plans so to be approved to be returned to the Railroad Company. All work shall be done in a good and substantial manner and to the satisfaction of the city engineer.

SECTION 3: This permit is conditioned that the grantee will at its own cost and expense during the exercise of the privilege hereby granted, pave, repave, repair or otherwise improve, maintain and adjust in like kind or as directed by the City Engineer any part or parts of the pavement of the roadway and sidewalk areas, as well as catch-basins, inlets, underground construction and any other construction within the street lines, which by reason of laying the above mentioned industry track shall in the opinion of the City Engineer require repairs, adjustment or reconstruction.

The grantee shall pay to the city any additional costs for constructing, reconstructing, altering, repairing or maintaining any municipal utility now existing or which may hereafter be built, caused by the construction and maintenance of the said industry track and its appurtenances, the equitable amount of such costs to be determined by the City Engineer.

The grantee shall fill in to the established grade, plank, pave, repave, reconstruct or otherwise improve or repair and keep in good condition from time to time, whenever and in the manner directed by the City of Portland, those portions of the street between the rails of the above mentioned industry track and those portions outside of the rails extending to the ends of the cross ties, provided that in no case shall the portions

outside of the rails be less than one (1) foot in width measured from the outside of the rail.

SECTION 4: This permit is hereby granted upon the condition that the grantee shall allow any other company, including any municipal belt line commercial railroad that may hereafter be authorized, operated or maintained by the City of Portland, and including railroad companies operating engines, locomotives or cars by electrical current, to use in common with the grantee the tracks herein authorized to be laid, upon obtaining consent of the Council of the City of Portland, expressed by ordinance, or by the people by the initiative, each railroad company paying a proper and equitable proportion for the construction and repair of the tracks and appurtenances used by such companies jointly, but the railroad companies operating engines, locomotives or cars by electrical current shall erect and maintain poles and wires and bond the rails for operating such engines and locomotives and cars, without cost and expense to said grantee, each railroad company so using electrical current paying a proper and equitable proportion for the erection and maintenance of such poles and wires and bonding rails.

SECTION 5: This permit granted to said Oregon-Washington Railroad and Navigation Company, its lessees, successors and assigns, by this ordinance, shall not in any wise or manner interfere with or prevent the City of Portland from granting permits or franchises to other corporations or individuals for the construction of other tracks crossing the track which may be constructed under this ordinance, and for the maintenance and operation of such tracks.

SECTION 6: The permit hereby granted is revocable at any time at the pleasure of the Council of the City of Portland and no expenditure of money thereunder, or lapse of time, or other act or thing, shall operate as an estoppel against the city or be held to give the grantee any vested or other right. Upon revocation, the grantee shall, within thirty (30) days remove all tracks and appurtenances constructed under the said permit and shall put those portions of the street affected by such removal in a condition as good as are the adjoining portions of the said street at the time of removal, all to be done as directed by and to the satisfaction of the City Engineer.

SECTION 7: This ordinance shall not exempt the grantee from taking out licenses or permits required by existing ordinances for any operations or construction carried on under the permit hereby granted.

SECTION 8: The permit hereby granted shall not become effective until there is filed by the grantee with the City Auditor a document satisfactory to the City Attorney accepting the terms and conditions hereof.

SECTION 9: Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland, in this: Work must be commenced immediately on the construction of said industry track in order to furnish transportation facilities for Grant Smith, Porter, Guthrie Company, to enable it to comply with ^{contract} requirements, and hasten its program of building ships for the United States Emergency Fleet Corporation, therefore an emergency is hereby declared and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council July 18, 1917

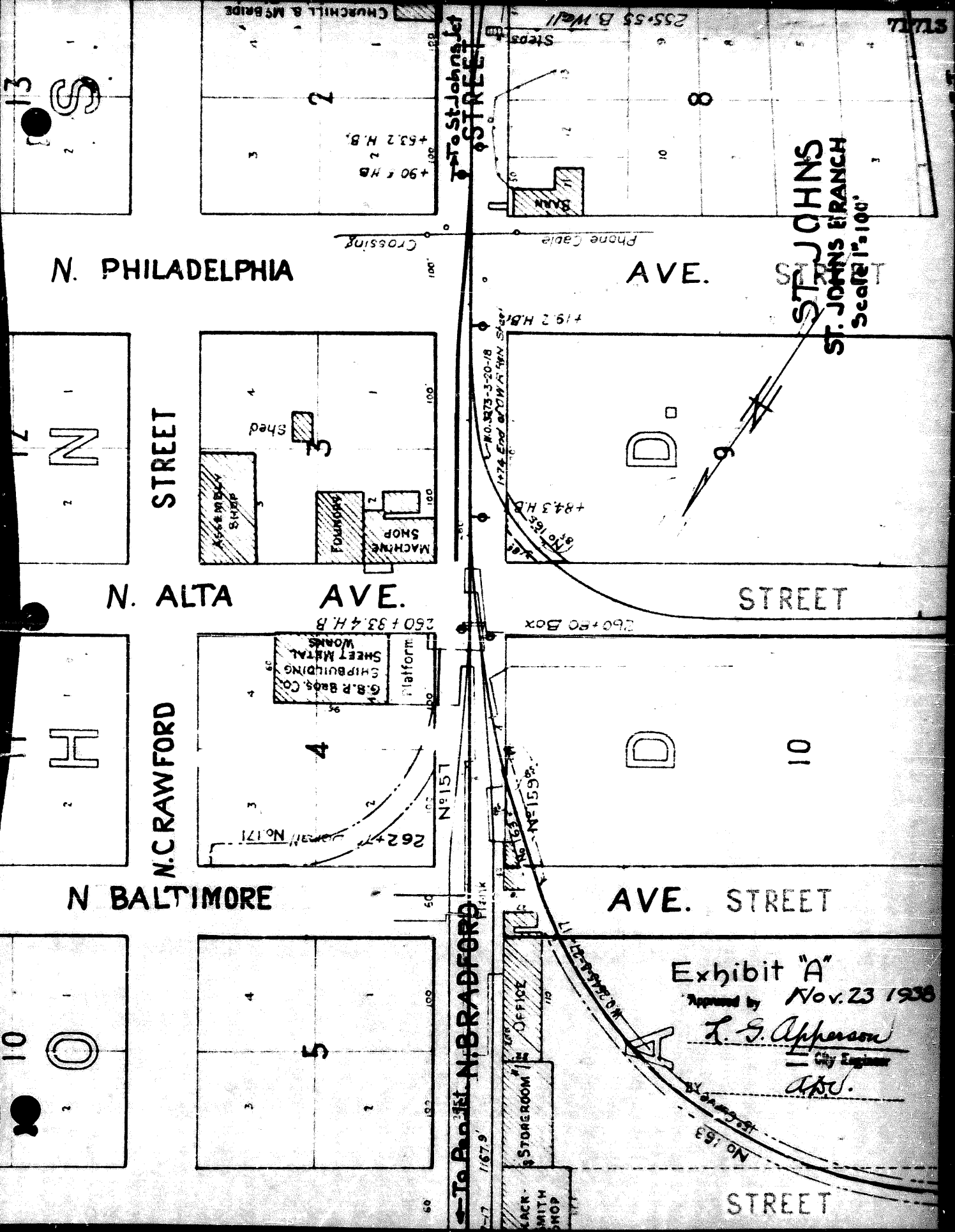
Geo. L. Baker

Mayor of the City of Portland.

Attest:

Geo. R. Funk

Auditor of the City of Portland.



N. PHILADELPHIA

AVE.

ST. JOHNS RIVER

Scale 1"=100'

STREET

N. ALTA

AVE.

STREET

N. CRAWFORD

N. BALTIMORE

AVE. STREET

Exhibit "A"

Approved by Nov. 23 1938

L. S. Apperson

City Engineer

App.

STREET

ORDINANCE NO. 71713

An Ordinance granting a revocable permit to the Oregon-Washington Railroad & Navigation Company, a corporation, its lessee, the Union Pacific Railroad Company, a corporation, their successors, assigns and lessees, to maintain and operate an industrial spur track of standard gauge in the street area of North Bradford Street between a point 35 feet southeasterly from the southeasterly line of North Philadelphia Avenue and the southeasterly line of North Alta Avenue, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. That a revocable permit be and the same is hereby granted to the Oregon-Washington Railroad & Navigation Company, a corporation, its lessee, the Union Pacific Railroad Company, a corporation, their successors, assigns and lessees, hereinafter referred to as the grantees, to maintain and operate an industrial spur track of standard gauge in the street area of North Bradford Street between a point 35 feet southeasterly from the southeasterly line of North Philadelphia Avenue and southeasterly line of North Alta Avenue and more particularly described as follows:

Beginning at a point in the center of North Bradford Street, which point is 35 feet southeasterly from the southeasterly line of N. Philadelphia Avenue, thence through a No. 10 turnout to the right, a distance of 78.38 feet to a point which is 4.71 feet northeasterly from the center line of North Bradford Street when measured at right angles thereto; thence on a curve, having a radius of 573.686 feet, to the left, a distance of 59.62 feet to a point which is 13 feet northeasterly from the center line of North Bradford Street when measured at right angles thereto; thence northwesterly 13 feet distant from and parallel to center line of North Bradford Street, a distance of 200 feet to a point in the southeasterly line of North Alta Avenue; all as shown on the attached sketch marked Exhibit "A", approved by the City Engineer under date of November 23, 1938, and made a part of this ordinance.

Section 2. This permit is conditioned that the grantees will at their own cost and expense during the exercise of the privileges hereby granted, pave, repave, repair or otherwise improve, maintain and adjust in like manner or as directed by the City Engineer, any part or parts of the roadway and sidewalk areas, as well as catchbasins, inlets, underground construction and any other construction within the street lines which by reason of the laying of the above mentioned track, shall in the opinion of the City Engineer require repairs, adjustments or construction. The grantees

shall pay the City any additional costs of construction, reconstruction, altering, repairing or maintaining any municipal utility now existing or which may hereafter be built, caused by the construction and maintenance of said spur track and its appurtenances, the equitable amount of such costs to be determined by the City Engineer. The grantees shall fill in to the established grade, plank, pave, repave, reconstruct or otherwise improve or repair and keep in good condition from time to time whenever and in the manner directed by the City of Portland, those portions of the street between the rails of the above mentioned track and those portions outside of the rails extending to the ends of cross-ties, provided that in no case shall the portion outside of the rails be less than one foot (1') in width, measured from the outside of the rail.

Section 3. This permit is granted upon the condition that the grantees shall allow any other company, including any municipal belt line or commercial railroad that may hereafter be authorized, operated or maintained by the City of Portland, and including railroad companies operating engines, locomotives or cars by electrical current, steam or gas power, to use in common with the grantees the track herein authorized to be laid upon obtaining the consent of the Council of the City of Portland, expressed by ordinance or by the people by the initiative, each user paying a proper and equitable proportion of the cost of construction and repair of the track so used jointly.

Section 4. This permit so granted to said Oregon-Washington Railroad & Navigation Company and Union Pacific Railroad Company shall not in anywise or manner interfere with or prevent the City of Portland from granting permits or franchises to other corporations or individuals for the construction of other tracks crossing the track which may be constructed under this ordinance and for the maintenance and operation of such tracks.

Section 5. The permit hereby granted is revocable at any time at the pleasure of the Council of the City of Portland, and no expenditure of money thereunder, or lapse of time, or other act or thing shall operate as an estoppel against the City or be held to give the grantees any vested or other rights. Upon revocation hereof, the grantees shall within thirty (30) days, remove all tracks and appurtenances constructed under said permit and shall put those portions of the street affected by such removal in a condition as good as are the adjoining portions of said street at the time of removal, all to be done as directed by and to the satisfaction of the City Engineer.

Section 6. This ordinance shall not exempt the grantees from taking out licenses or permits required by existing ordinances for any operations or construction carried on under the permit hereby granted.

Section 7. The permit hereby granted shall not become effective until there is filed by the grantees with the City Auditor a document satisfactory to the City Attorney, accepting the terms and conditions hereof.

Section 3. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that maintenance of existing switching facilities for important local industrial concerns may be authorized with the least possible delay; therefore, an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council Dec 11 1938

Joseph K. Carson Jr.

Mayor of the City of Portland

ATTEST:

Edwin W. Jones

Auditor of the City of Portland

Com'r Bean

7117

ORDINANCE NO. 71713

An Ordinance granting a revocable permit to the Oregon-Washington Railroad & Navigation Company, a corporation, its lessee, the Union Pacific Railroad Company, a corporation, their successors, assigns and lessees, to maintain and operate an industrial spur track of standard gauge in the street area of N. Bradford St. between a point 35 feet southeasterly from the southeasterly line of N. Philadelphia Ave. and the southeasterly line of N. Alta Ave., and declaring an emergency.

THE FOLLOWING IS THE OFFICIAL VOTE ON THE FOREGOING ORDINANCE		
	YEAS	NAYS
BLUM	/	
BENNETT	/	
CLYDE	/	
RILEY	/	
CARSON	/	

ORB

Bean

Thursday

Report 7102

Filed Dec 2 1938

Edwin W. Jones

Auditor of the City of Portland

By R. S. Ivey
Deputy