Oregon
Tina Kotek, Governor

Department of Environmental Quality
Northwest Region
700 NE Multnomah Street, Suite 600
Portland, OR 97232
(503) 926-2257

April 2, 2024

Weidler Owner, LLC
6712 North Cutter Circle
Portland, Oregon 97217
Attention: Joel Andersen

RE: Conditional No Further Action Determination
North 18 Apartments
DEQ File No. 6488

Dear Joel Andersen:

The Oregon Department of Environmental Quality (DEQ) has completed a review of the available information including the EVREN Northwest Inc. report entitled *Independent Cleanup Pathway Final Report* dated February 16, 2023, and supporting documents, submitted to DEQ on your behalf. These reports summarize investigation and cleanup of contamination and historical operations at the former warehouse occupied by H. Hirshberger Co. Inc. and located at 1784 NW Northrup Street in Portland, Multnomah County, Oregon (site), also described as Tax Lot 3500 on Multnomah County Map 1N1E33AB (Figure 1).

DEQ has determined that remedial action to address environmental contamination at the site is complete, and no further action is required conditional upon adherence to the property use restrictions in an Easement and Equitable Servitudes (E&ES) dated January 25, 2024, which was recorded with Multnomah County. This determination is based on the DEQ regulations and the facts as we now understand them including, but not limited to the following:

- The 0.46-acre site was developed with a warehouse building and occupied by H. Hirschberger Co. Inc., a sheet metal fabricator, from 1948 to 2010. The building was unoccupied in 2010 and demolished in 2021 as part of the North 18 Apartments development plan. The property is zoned Commercial Mixed (CM3) by the City of Portland and was developed into a multi-storied apartment complex in 2022 and 2023.
- A heating oil tank was decommissioned after a reported release in 1997 and DEQ issued a No Further Action determination in 2015. Approximately 17.82 tons of impacted soil was excavated and transported offsite to a disposal facility.
- The source of contamination at the site is arsenic and lead in fill soil most likely associated with the former sheet metal fabrication operations.
- In November 2020, a Phase I Environmental Site Assessment (ESA) identified a recognized environmental condition (REC) at the site associated with the former sheet metal operations, by which time no investigations had been performed to assess subsurface conditions.
- In August 2021, a Phase II ESA was performed involving the advancement of five borings to 30 feet below grade surface (bgs) to assess soil, groundwater, and soil gas at the site. Petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and metals were not detected in groundwater samples above laboratory method detection limits (MDLs) or above their respective risk-based concentrations (RBCs). VOCs were not detected above the respective RBCs in soil gas samples with the exception of chloroform at a concentration of 178 micrograms per cubic meter ($\mu g/m^3$). Arsenic and lead were identified in fill soil at depths ranging

from 2.5 to 5 feet bgs at concentrations of 118 and 603 milligrams per kilogram (mg/kg), respectively, and exceeding their respective RBCs.

- In September 2021, nine additional soil borings were advanced to 8 feet bgs to delineate the arsenic and lead in soil. Arsenic was reported at a maximum concentration of 166 mg/kg and lead was reported at a maximum concentration of 1,740 mg/kg in soils ranging from 2.5 to 7.5 feet bgs. The arsenic and lead concentrations were reported in soils that coincided with a black sand fill that was observed in a former concrete basement structure associated with the former sheet metal operations.
- In January of 2022, a contaminated media management plan (CMMP) was prepared to assist with the handling and disposal of contaminated soil and groundwater during future construction activities. A technical memorandum detailing implementation of the CMMP during site demolition and redevelopment activities was prepared. Approximately 2,666 tons of contaminated soil was excavated and transported offsite for disposal at Hillsboro Landfill. Based on residual lead concentrations exceeding residential, occupational worker, construction worker, and excavation worker RBCs for the soil ingestion, dermal contact and inhalation exposure pathway, the building and associated hardscaping serves as an adequate engineered cap to prevent exposure. In a letter dated March 24, 2022, DEQ approved the CMMP and pending construction and notified Weidler Owner, LLC that the requirements to maintain the soil cap would have to be memorialized in an E&ES.
- In November 2022, and soil cap management plan (SCMP) was developed for the implementation and maintenance of a soil cap engineering control to mitigate the risk from subsurface contamination at the site. The entire site is hardscaped with concrete forming the foundation of the apartment building and the foundation is underlain with a 15-mil demarcation barrier. The SCMP provides inspection, notification, and maintenance procedures to be followed during any future construction activities that could potentially breach the soil cap.
- In January 2024, Weidler Owner, LLC executed an E&ES requiring the installation and maintenance of the soil cap and prohibiting construction of future buildings for human occupation at the site property without prior DEQ approval of development plans, including plans for additional cleanup and/or engineering controls incorporated into the design of future buildings. The E&ES was recorded with Multnomah County on January 25, 2024.
- On March 1, 2024, DEQ provided notice of the proposed conditional No Further Action letter in the Secretary of State bulletin, on DEQ's website, and in the Oregonian. No comments were received during the comment period.
- The site conceptual model and residual risk assessment identified arsenic and lead in fill soil as contaminants of concern (COCs). The site is completely hardscaped with concrete and an underlying demarcation barrier and is devoid of habitat. A beneficial use survey completed for the site found that shallow and deeper groundwater does not have a current or reasonably likely future beneficial use as drinking water and site soil contamination does not pose health risks to area residents or employees through leaching to groundwater and ingestion. The nearest ecological receptors are located approximately 2,250 feet northeast of the site. Based on implementation of the CMMP and SCMP and memorializing the engineering controls in an E&ES recorded with Multnomah County, the residual contaminated soil is unlikely to pose risks to human or ecological receptors.

Based on the available information, conditions at the North 18 Apartments property (tax lot 3500) are currently protective of public health and the environment, conditional upon continued adherence to the conditions in the E&ES. The site requires no further action under Oregon environmental cleanup law ORS 465.200 et seq. unless new or previously undisclosed information becomes available, or there are changes in site development or land and water uses, or more contamination is discovered. DEQ has updated the Your DEQ Online database to reflect this decision.

If any contaminated soil is encountered in the future, it must be handled and disposed of in accordance with local, state, and federal regulations.

A copy of the Evren Northwest closure report supporting this conditional No Further Action decision can be viewed at the link below:

https://ormswd2.synergydcs.com/HPRMWebDrawer/6488

DEQ recommends keeping a copy of all documentation associated with this remedial action with the permanent facility records. If you have any questions, please contact Todd Vanek at 971-295-8731, or via email at todd.vanek@deq.oregon.gov.

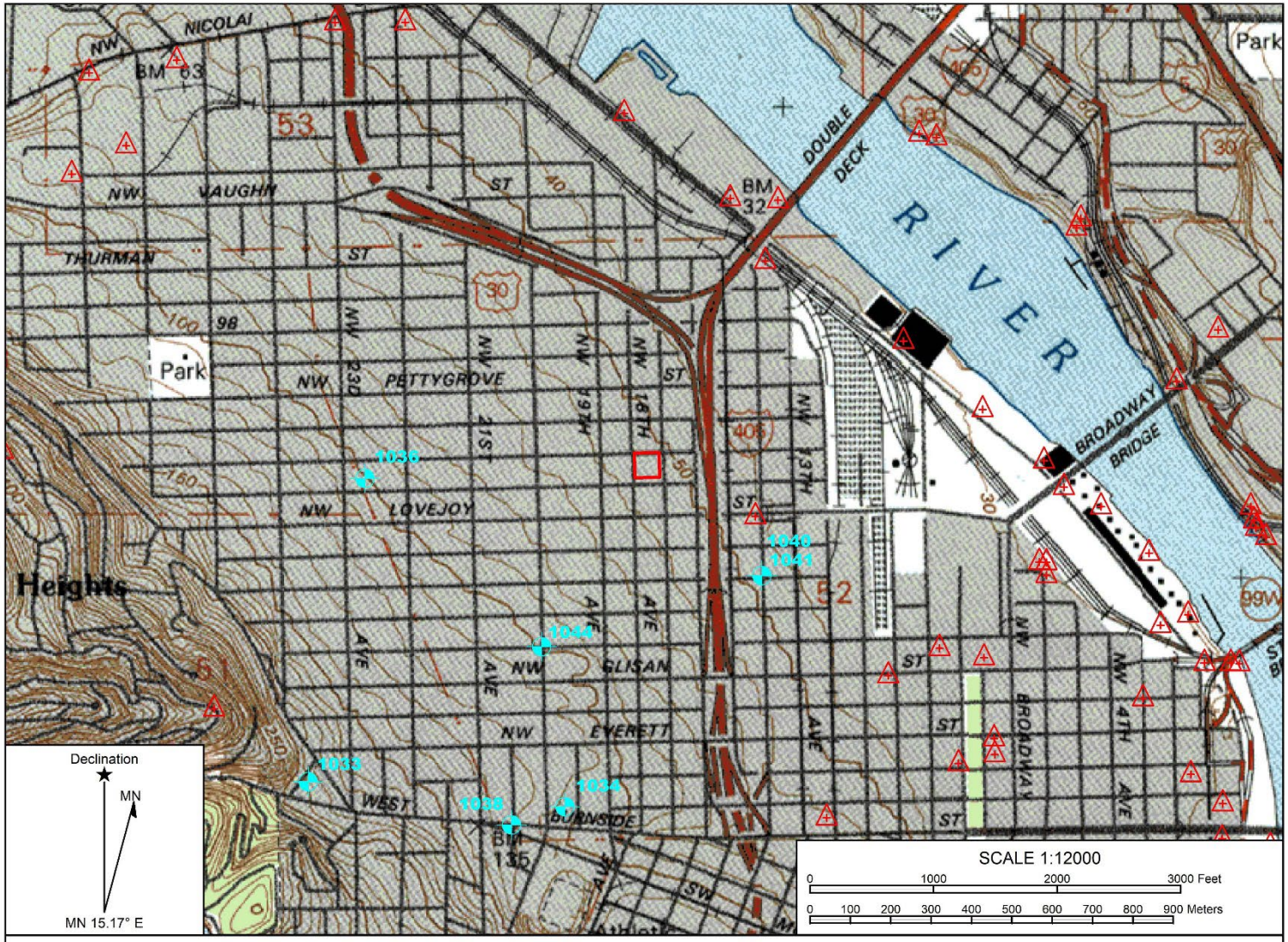
Sincerely,

Kevin Parrett, Manager
Northwest Region Cleanup Section

Attachments: Figure 1 – Site Location Map
Figure 2 – Site Plan
Figure 3 – Site Plan with CMMP Implementation Area

cc: Lynn Green, C.E.G., EVREN Northwest Inc. (lynng@evren-nw.com)

(tjv:TJV)



EVREN NORTHWEST INC environmental natural resource consultants	Date Drawn: 2/10/2023 CAD File Name: SVmap Drawn By: HAR Approved By: LDG	**North 18 Apartments** 1784 NW Northrup Street Portland, Oregon	**Site Vicinity Map**	Project No. 509-22001 Figure No. **1**

DRAWN BY	CHECKED BY	APPROVED BY	DRAWING NUMBER
H. ROMER 02/08/2023	T. BENNETT 02/08/2023	L. GREEN 02/08/2023	509-22001(v01)

LEGEND:

- FORMER BUILDINGS
- SUBJECT PROPERTY BOUNDARIES
- LOCALITY OF FACILITY

NOTES:

1. BASE MAP DEVELOPED FROM AN AERIAL PHOTOGRAPH MAP DATED 2021 AND ENW FIELD NOTES.
2. ALL BUILDING, STREET, AND FEATURE LOCATIONS ARE APPROXIMATE.
3. SYMBOLS REPRESENT LOCATION AND DO NOT ALWAYS REPRESENT EXACT SHAPE, SIZE, OR ORIENTATION.

APPROXIMATE SCALE

0 30 60 FEET

N

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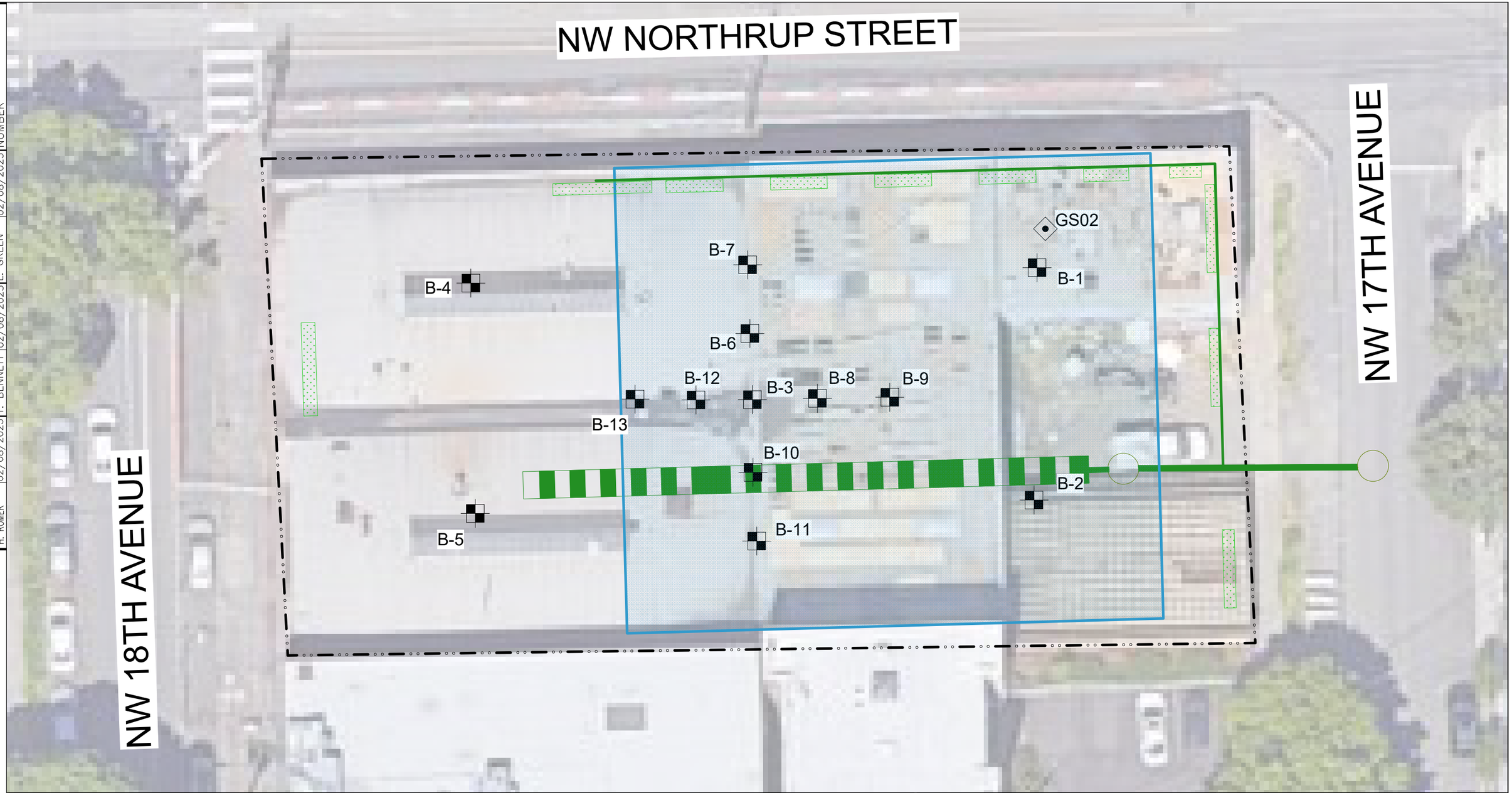
FIGURE 2

SITE PLAN

NORTH 18 APARTMENTS
1784 NW NORTHRUP STREET
PORTLAND, OREGON

DRAWN BY	CHECKED BY	APPROVED BY	DRAWING NUMBER
H. ROMER 02/08/2023	T. BENNETT 02/08/2023	L. GREEN 02/08/2023	509-22001(v01)



LEGEND:

- SUBJECT PROPERTY BOUNDARIES
- SUBJECT BUILDINGS
- CMMP IMPLEMENTATION AREA
- DETENTION PIPE SYSTEM (6' WIDE X 8' DEEP EXCAVATION)
- STORMWATER FLOW-THROUGH PLANTERS (PLANTERS ON NORTH SIDE OF BUILDING DO NOT WEEP TO SUBSURFACE)
- B-1 EBI CONSULTING BORING LOCATION
- GS02 ENW GRAB SAMPLE LOCATION

NOTES:

1. BASE MAP DEVELOPED FROM AN AERIAL PHOTOGRAPH MAP DATED 2017 AND ENW FIELD NOTES.
2. ALL BUILDING, STREET, AND FEATURE LOCATIONS ARE APPROXIMATE.
3. SYMBOLS REPRESENT LOCATION AND DO NOT ALWAYS REPRESENT EXACT. SHAPE, SIZE, OR ORIENTATION

APPROXIMATE SCALE

0 20 40 FEET

N

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FIGURE 3

SAMPLING LOCATION DIAGRAM

NORTH 18 APARTMENTS
1784 NW NORTHRUP STREET
PORTLAND, OREGON