



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Northwest Region

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April 2, 2024

Jesse Nemec

Sr Development Manager | J.T. Smith Companies

5285 Meadows Rd. Ste 171, Lake Oswego, OR 97035

sent via e-mail (jnemec@jtsmithco.com)

RE: No Further Action Determination
Browns Mixed Use Redevelopment
3081 Sunset Drive
Forest Grove, Oregon
ECSI #6543

Dear Jesse:

The Oregon Department of Environmental Quality (DEQ) reviewed the available information for the above referenced property (the "Site"), including a January 9, 2023 *Herbicide and Pesticide Sampling* report, a November 30, 2023 *Phase I Environmental Site Assessment*, and a March 25, 2024 *Herbicide and Pesticide Sampling* report, all prepared by Geoengineers. The subject property includes Washington County Tax Lot IDs 1N331A000100 (23.49 acres) and 1N331A000600 (1.55 acres), which are separated by Sunset Drive. DEQ has determined that investigation to address environmental contamination is adequate, and no further action is required. This determination is based on the DEQ regulations and the facts as we now understand them including, but not limited to the following:

- The southwest corner of Tax Lot 1N331A000100 is developed with a farmhouse reportedly dating to the mid-1860s, a duplex and an equipment storage building associated with the 3081 Sunset Drive address. The remainder of Tax Lot 1N331A000100 is leased for farming. Tax Lot 1N331A000600 is undeveloped and does not have a site address. Approximately 2 acres of filbert and walnut orchards were located on the southern portion of the property, east of the residences, from approximately the 1930s until the 1980s. After the 1980s, the trees do not appear to have been maintained and by 2007, the orchard trees had been removed and replaced with wheat or grass seed.
- A 2022 Phase I Environmental Site Assessment report identified potential insecticide and/or herbicide use on the 2-acre filbert and walnut orchards as the only recognized environmental concern (REC) at the property. Based on this finding, incremental soil sampling for pesticides and herbicides was conducted later in 2022. Results of the sampling indicated that the legacy pesticides DDT and DDE were present in the soil at concentrations less than DEQ human health risk-based concentrations (RBCs) and Oregon clean fill criteria. Arsenic was detected above its RBC, but consistent with naturally occurring concentrations.
- Additional incremental sampling was completed on the 10-acre area in 2024 in accordance with a DEQ-approved work plan. Fifty aliquots were collected from the 0 -0.5, 0.5-1, 1-2, and 2-3 foot depth intervals. The 0-1 (and 0-1 replicate sample) and 2-3 foot intervals were processed and analyzed for pesticides, herbicides, and metals. DDT, DDE, 2,4,5-T and MCPP were detected in soil samples collected from the 0-0.5 interval. The detected concentrations of chlorinated herbicides are less than RBCs for residential use. The concentrations of DDT, DDE, 2,4,5-T in the 0-0.5-foot interval also are less than DEQ clean fill screening levels. The detected concentration of MCPP in the 0-0.5-foot interval exceeds its DEQ clean fill screening level. Based on these results, the other soil intervals were not analyzed. Tax Lot 1N331A000600 was

not tested because the agricultural history was the same as the larger tax lot, and result for the larger tax lot are considered representative of both areas.

- Arsenic was detected in all three incremental samples analyzed, at concentrations exceeding the RBCs for residential, urban residential and occupational exposure. However, the detected concentrations of arsenic, and other detected metals, are less than DEQ's regional default background concentrations.
- The Site property zoning is Neighborhood Mixed Use (NMU). NMU is established to support the of pedestrian-friendly mixed- neighborhoods with a diversity in the mix of housing types and neighborhood-scale retail sales and service, office, civic or recreational uses. Water is supplied by the City of Forest Grove. A water well is present west of the farmhouse and should be decommissioned in accordance with Oregon Water Resources Department requirements. A "hand dug" well was also formerly present in the center of the driveway turnaround but has reportedly been backfilled and is no longer used. There are no surface water bodies on the Site. The nearest water body is Council Creek and associated sloughs, located approximately 150 feet east of the Site, on the other side of the Highway 47 elevated berm.
- Direct contact with soil containing arsenic above DEQ RBCs is a potentially complete pathway for current and future residential and occupational workers. However, DEQ cleanup rules do not require cleanup to meet RBCs in these circumstances. Under Oregon Administrative Rules 340-122-0040 "For areas where hazardous substances occur naturally, the background level of the hazardous substances" is the cleanup standard if the naturally occurring level is higher than the RBC. Concentrations of MCP in the upper 0.5 feet of soil are above clean fill criteria. This interval may not be acceptable for use as unrestricted fill.

Based on the available information, Site conditions require no further action under the Oregon Environmental Cleanup Law, ORS 465.200 et seq. unless new or previously undisclosed information becomes available, there are changes in Site development or land and water uses not addressed in this No Further Action decision, or contamination is discovered.

Site information and reports supporting this No Further Action decision can be viewed at:

[Browns Farm Mixed Use Development Web Documents](#)

DEQ recommends keeping a copy of all the documentation associated with this evaluation with the permanent facility records. If you have any questions, please Mark Pugh at 503 229-5587 or mark.pugh@deq.oregon.gov.

Sincerely,



Kevin Parrett, Manager
Northwest Region Cleanup Program

e-copy: Cris Watkins, GeoEngineers
Kris Byrd, Oregon Water Resources Department