



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Western Region

4026 Fairview Industrial Dr. SE

Salem, Oregon 97302

(503) 378-8240

August 28, 2023

Ginger Carmen
PO Box 274
Brownsville, OR 97327

RE: Conditional No Further Action Determination
for Jerry's Automotive Repair
LUST 22-97-7062

Dear Ginger Carmen:

The Oregon Department of Environmental Quality (DEQ) has completed a review of the available information and pertinent investigation and cleanup reports prepared for the Jerry's Automotive Repair site, on your behalf, by BB&A Environmental. The Jerry's Automotive Repair site (site) address is 203 Bishop Way, Brownsville, Oregon on Linn County Map and Tax Lot 14S02W06BB 00800.

DEQ has determined that investigation and remedial action to address environmental contamination at the site is complete, and no further action is required with the conditions implemented through the Easement and Equitable Servitudes (EES) discussed below. This determination is a result of our evaluation and judgment based on the DEQ regulations and the facts as we now understand them including the following:

- The site is a 0.27-acre parcel consisting of one pump island with 3 dispensers, a propane aboveground storage tank, a small shed and a convenience store building. The site is currently an operating fueling service station with three underground storage tanks (USTs). The site has operated as a service station since at least the early 1960's.
- BB&A and others completed investigations and cleanup of soil and groundwater between 2008 and 2020 to address petroleum releases that were identified in 1997, 1999 and 2008 and related to recent and historical UST operations.
- BB&A conducted vacuum extraction to remove free petroleum product present on the water table of several monitoring wells in October and November 2014. Once all feasible product was removed by this method, absorbent socks were placed in the wells.
- Significant concentrations of petroleum contamination remained in the groundwater after product removal. BB&A completed additional cleanup using injections of BOS-200® to treat the contamination with carbon adsorption and enhanced biodegradation. Two injections were completed, one in 2015 and one in 2017.
- BB&A completed post-injection groundwater monitoring between 2017 and 2020. Monitoring showed that contaminant concentrations were significantly decreased by the injection treatments, however, elevated diesel concentrations remained in four wells at concentrations above DEQ's residential and urban residential vapor intrusion risk levels.

- Because of two nearby residences, BB&A completed a vapor intrusion assessment between 2018 and 2020. DEQ concluded from the assessment that contamination from the site did not appear to be affecting the indoor air of the nearby residences.
- The site is zoned Volume Commercial and is currently occupied by a fueling service station. Commercial use of the property is expected to continue into the future.
- The site and surrounding area are serviced by municipal water from the City of Brownsville. There are no known private groundwater wells on or adjacent to the site. The nearest surface water body is the Calapooia River approximately 1,100 feet north of the site.
- There is no significant ecological habitat on the site, which is covered by building structures and asphalt parking.
- Soil and groundwater contamination remains on the site. Some of the contamination extends offsite to the north beneath Bishop Way and the Brownsville Carwash and to the east beneath Washburn Street. DEQ approves of leaving this contamination in place as long as the following conditions are maintained through the recorded EES:
 - The property shall not be developed for residential or urban residential purposes without DEQ's approval.
 - No new buildings or structures, expansion of existing buildings or structures or re-development of the Property will occur without prior approval from DEQ.
 - A Contaminated Media Management Plan (CMMP) and worker Health and Safety Plan has been prepared for the site and will be followed prior to initiating any subsurface work on the Property.
 - The existing asphalt/concrete cover and buildings on the Property shall be maintained to prevent worker and pedestrian exposure to surficial soils and inhibit volatilization of contaminant vapors to outdoor air.
- An EES requiring the implementation of these was conditions was recorded on the property deed with the Linn County Clerk's office.
- A public notice and chance to comment was sent to affected and nearby property owners, the City of Brownsville, Linn County and Oregon Department of Transportation. Only ODOT had comments on the closure regarding liability concerns for remaining contamination beneath Bishop Way. In response to ODOT comments, the responsible party entered into a "License and Agreement Regarding Right-of-Way Contamination," with ODOT on April 27, 2023.
- With the implementation of the conditions in the recorded EES, DEQ has determined that remaining contamination at the site no longer poses a risk to current and likely future uses of the property.

Based on the available information, soil and groundwater conditions at Jerry's Automotive Repair site are currently protective of public health and the environment in accordance with Oregon Administrative Rules 340-122-0205 through 340-122-0360. The site requires no further action as long as the conditions of the EES are maintained and 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 will update the Leaking Underground Storage Tank (LUST) database to reflect this decision.

This letter only applies to the releases discussed above. If any contaminated media is encountered in the future, it must be handled and disposed of in accordance with local, state and federal regulations and the prepared CMMP. If there are monitoring wells remaining at the site, they should be maintained or decommissioned in accordance with Oregon Water Resources Department regulations.

A copy of DEQ's staff memo supporting this Conditional No Further Action decision can be viewed at: <https://www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp>. DEQ recommends keeping a copy of all of the documentation associated with this investigation with the permanent facility records. If you have any questions, please contact me by phone at 503-378-5075, or via email at nancy.sawka@deq.oregon.gov.

Sincerely,

Nancy SAWKA

Nancy Sawka, Acting Manager
Western Region Cleanup Section

Attachment: Site Location Map

cc: ORMS LUST22-97-7062
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