



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Northwest Region
700 NE Multnomah Street, Suite 600
Portland, OR 97232
(503) 229-5263

March 26, 2024

Terra Miller
TR A
133 Spruce Avenue
Menlo Park, CA 94025

Re: **Qualification for Off-Site Contaminant Migration Policy**
8510 SW Terwilliger Boulevard
ECSI File No. 1069

Dear Terra Miller:

The Oregon Department of Environmental Quality (DEQ) has completed review of the report entitled *Phase II Subsurface Investigation* (Phase II) dated January 30, 2024, submitted to DEQ by Succeed Environmental Consulting, LLC (SEC) on your behalf. SEC performed the investigation to evaluate the current subsurface environmental conditions at the subject property located at 8510 SW Terwilliger Boulevard in Portland, Multnomah County, Oregon, also described as Tax Lot 9100 on Multnomah County Map 1S1E21DD (Site).

DEQ concurs with the conclusion of the Phase II report that no further environmental assessment is warranted at this time based on current Site conditions. Low concentrations of tetrachloroethene (PCE) were found in a single soil sample collected at 18 to 20 feet below ground surface (bgs) (0.051 milligrams per kilogram), and in a sub-slab soil vapor sample (170 micrograms per cubic meter). These concentrations are below the most conservative (i.e., lowest), generic risk-based concentrations (RBCs) for residential and occupational exposure scenarios. Groundwater was not encountered at the maximum explored depth of 20 feet bgs. The Phase II report can be viewed at [1069 - Phase II Subsurface Investigation Report](#).

DEQ also reviewed historical information available in the following closed DEQ files:

- Leaking underground storage tank (LUST) file No. 26-89-0188 associated with petroleum hydrocarbon releases discovered at the Site 1989 and 1994. A No Further Action (NFA) letter dated November 16, 1994, was issued by DEQ for this LUST file.
- Environmental Cleanup Site Information (ECSI) file No. 1065 associated with environmental investigations in 1998 and 1999 at a former dry cleaner facility (Classic Cleaners) for the adjoining property to the south of the Site. A NFA letter dated May 6, 1999, was issued by DEQ for this ECSI file.

DEQ has determined, based on current and historical information, that the Site meets the definition of an “impacted property” in DEQ’s Off-Site Contaminant Migration Policy (OCMP), dated December 26, 2012. This policy states that the owner or operator of an impacted property will not

be required to perform remedial actions or pay remedial action costs where hazardous substances have come to be located at the property solely as the result of migration from an offsite source or sources. The following information supports this determination:

- The Site was historically occupied by a Unocal fueling and repair service station. Releases of petroleum hydrocarbons were identified during two phases of decommissioning in 1989 and 1994. During this period, several groundwater monitoring wells were installed and monitored for gasoline constituents and volatile organic compounds (VOCs). Groundwater testing results indicated some chlorinated VOCs (cVOCs) were detected, namely tetrachloroethene (PCE), trichloroethene (TCE), and cis-1,2-dichloroethene (cis-1,2-DCE). Upon discovery of cVOCs impact to groundwater, DEQ added the Site to the ECSI database.
- While VOCs (including PCE and TCE) were detected in one shallow soil sample during the 1994 decommissioning, the impacted soil did not extend beyond a depth of 5.5 feet bgs. Consequently, there were no apparent sources of cVOCs that impacted deeper soil and groundwater. Groundwater was measured from approximately 15 to 20 feet bgs.
- DEQ's investigation of the Classic Cleaners site consisted of an Expanded Preliminary Assessment (June 1998) and a Focused Site Investigation (December 1998). PCE, a common dry cleaning chemical, was the primary constituent of potential concern in soil and groundwater. A NFA letter was issued because DEQ determined the low level of subsurface soil and shallow groundwater contamination did not pose a threat to public health, safety, and welfare. The NFA letter also states that the extent of contamination from the Classic Cleaners site extended offsite to adjacent properties, included the former Unocal property.

The OCMP is subject to qualifying conditions: 1) the impacted property owner or operator has not caused, contributed to or exacerbated the release, 2) employed or represented the person whose acts or omissions caused the release, 3) had a contractual relationship with the person whose acts or omissions caused the release, and 4) there is no other basis for the impacted property owner or operator to be liable for the contamination. Mr. Andrew Blake from SEC indicated in email correspondence dated March 7, 2024, that Terra Miller, a Trustee for the property, attests that the Site meets the qualifying conditions.

The OCMP does not apply to any future soil or groundwater contamination that is found to have originated from the Site. Additionally, if it is shown that due care and reasonable precautions, as described in the OCMP, are not taken, then the OCMP will not apply.

This letter does not constitute a determination of no further action and should not be relied upon as such. While DEQ will not require the property owner to perform remedial actions or pay for remedial actions, contaminated media (soil and groundwater) encountered during future excavation work at the Site must be managed, characterized and disposed of in accordance with federal, state and local regulations.

If you have questions, please feel free to call me at (503) 501-0669 or email me at david.lamadrid@deq.oregon.gov.

Sincerely,

A handwritten signature in blue ink that reads "David Lamadrid". The signature is fluid and cursive, with the first name "David" and last name "Lamadrid" clearly legible.

David Lamadrid
Project Manager

Attachment: Off-Site Contaminant Migration Policy

cc: Andrew Blake, Succeed Environmental Consultants, LLC
ECSI File No. 1069