



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

October 16, 2023

Sharon Harmon *sent via e-mail (sharonh@oregonhumane.org)*
President & CEO
Oregon Humane Society
1067 NE Columbia Blvd.
Portland, OR 97211

RE: Conditional No Further Action Determination
Oregon Humane Society
7865 NE 14th Place
Portland, OR
ECSI #4017

Dear Sharon:

The Oregon Department of Environmental Quality (DEQ) reviewed the available information for the above referenced property (the "Site"), including an October 10, 2022 *Technical Memorandum, Supplemental Contaminated Media Management Plan Implementation Report* prepared by Creekside Environmental Consulting, LLC, and an August 1, 2023 *Stormwater Source Control Evaluation Report* prepared by Evren Northwest. Multnomah County identifies the Site as tax lot 1N1E11DC -01800. DEQ has determined that remedial action to address environmental contamination at the Site is complete, and no further action is required, with conditions. This determination is based on the DEQ regulations and the facts as we now understand them including, but not limited to the following:

- The 4.01-acre property formerly contained three buildings constructed in the 1960s. Equipment and vehicle maintenance was conducted at the property until 2018. The most recent operations included tire storage, repair and replacement, automotive repair, and office space.
- Areas of environmental concern at the site included decommissioned 10,000-gallon diesel and 6,000-gallon gasoline underground storage tanks, former maintenance areas, and the former site stormwater management system which included dry wells and an oil/water separator.
- On January 7, 2019, the Multnomah County Circuit Court entered a Consent Judgment in Case No. 18CV54321 (the "Consent Judgment") regarding Prospective Purchaser Agreement (PPA) DEQ No. 18-06 entered into by DEQ with Oregon Humane Society (OHS). The PPA scope of work required: completion of a Focused Phase 2 Environmental Site Assessment investigation and report per a DEQ-approved work plan; providing historical environmental reports specified by DEQ; completion of a Stormwater Source Control Evaluation per a DEQ-approved work plan; implementation of a DEQ-approved Contaminated Media Management Plan (CMMP) during re-development; agreeing to long-term or permanent engineering controls memorialized in an Easement and Equitable Servitudes, and/or implementation of an Operation & Maintenance Plan if unacceptable risk is found during the investigation.
- During redevelopment approximately 5,820 tons of impacted soil generated during site grading and utility excavations were disposed off-site in a permitted landfill. Non-friable asbestos was encountered during excavation and could not be completely removed. The CMMP was updated with information on the location of the asbestos. As described further below, asphalt and other hardscape serve as a cap to isolate residual asbestos-containing materials in soil and will be maintained as an engineering control per a DEQ-approved soil cap monitoring and maintenance plan and implementation of the CMMP during any intrusive activities, as memorialized in an Easement and Equitable Servitudes.
- The Site is zoned General Industrial 2. Per City of Portland: *The IG2 zone will generally have larger lots and irregular or large block pattern. The area is less developed, with sites having medium and low building coverages which are usually set back from the street.* Future residential use at the Site is not reasonably likely. The Site was redeveloped consistent with current zoning. Two of the existing

buildings were demolished and the third was refurbished and used as a storage warehouse. Two new buildings were constructed for use as an animal hospital and behavior rehabilitation center. The Site property is fully developed with buildings and pavement. Stormwater infiltration areas contain native plantings that may attract wildlife, but all exposed soil is comprised of clean fill. Due to the absence of upland habitat and low risk, an ecological risk screening was not required by DEQ. Potable water for the Site and surrounding properties are provided by the City of Portland. A beneficial water use determination completed in 2017 for an adjacent property concluded that low-level shallow groundwater contamination did not affect beneficial water use.

- The Site is located approximately 1,200 feet south of the Columbia Slough (ECSI# 1283). Stormwater from the site may be transported to the Columbia Slough through the municipal stormwater system. Oregon Humane Society constructed a stormwater management system comprised of seven interconnected flow-through planters, a commercial filtration system, two French drains and a single catch basin to meet the City of Portland 2020 *Stormwater Management Manual* design specifications. Stormwater discharges were tested and demonstrated that sources to stormwater were controlled.
- The asphalt and other hardscape serve as a cap to residual contamination that prevent direct contact with site workers or visitors. The cap and will be maintained as an engineering control per a DEQ-approved soil cap monitoring and maintenance plan. Future requirements for inspection and maintenance of the cap, and implementation of the CMMP during any intrusive activities, are memorialized in an Easement and Equitable Servitudes recorded on the property deed on November 4, 2022.
- DEQ held a public comment period in September 2023 to announce its proposal to issue a Certification of Completion and Conditional No Further Action determination. No comments were received.

Based on the available information, conditions at the Site are currently protective of public health and the environment in accordance with Oregon environmental cleanup law, ORS 465.200 et seq. The Site requires no further action 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 Environmental Cleanup Site Information System (ECSI) database to reflect this decision.

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

<https://www.deq.state.or.us/Webdocs/Forms/Output/FPController.ashx?SourceId=4017&SourceIdType=11>

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,



Jeff Schatz, Acting Cleanup Manager
Northwest Region Cleanup Program

e-copy: Chris Rich, Perkins Coie
Lynn Green, Evren Northwest