

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLATSOP

STATE OF OREGON, ex rel.
LEAH FELDON, DIRECTOR
DEPARTMENT OF ENVIRONMENTAL
QUALITY

Plaintiff,

v.

ASTORIA MARINE CONSTRUCTION
COMPANY

Defendant.

Case No. 19CV13270

CERTIFICATION OF COMPLETION

1. Findings

A. On March 25, 2019, the Clatsop County Circuit Court entered a Consent Judgment in Case No. 19CV13270 (the “Consent Judgment”) between Oregon Department of Environmental Quality (DEQ) with Astoria Marine Construction Company (AMCCO) concerning the property at 92134 Front Road in Astoria, Oregon (the “Site”). The Site is comprised of Clatsop County tax lots 81025DD00800, 81025DD00900, 81025DD01000 and 81025DA05000, and has been assigned Environmental Cleanup Site Information (ECSI) file No. 1898 by DEQ. Under the terms of the Consent Judgment, AMCCO agreed to perform and comply with all applicable provisions of the Consent Judgment and to work under DEQ oversight to perform agreed upon measures at its own cost.

B. The Consent Judgment designated the work to be performed in a Scope of Work (SOW) attached to and incorporated by reference into the Consent Judgment as Attachment B. The SOW included completion of a remedial investigation and feasibility study, and implementation of a soil and sediment remedy. Remedial work included the following elements:

- Excavation and off-site removal and disposal of contaminated soil (e.g., hot spots)
- Capping of the on-site soils that show contaminants at lower concentrations

- 1 • Modification of the upland stormwater system to reduce migration of residually
- 2 contaminated soil
- 3 • Excavation and off-site removal and disposal of contaminated sediment
- 4 • Placement of a sand layer above residual sediment contamination and enhanced
- 5 monitored natural recovery (EMNR)
- 6 • Institutional controls to maintain the upland soil cap and manage the sediment remedy
- 7 • Long-term monitoring and maintenance for sediment recovery

8 C. Except for long-term monitoring and maintenance for sediment recovery, which DEQ
9 will perform, all of the work described in Section B, above, was fully performed and is documented
10 in the plans and reports in the Administrative Record, including a January 25, 2024 report entitled
11 *AMCCO Remedial Action Construction Certification Report* prepared by Maul Foster and Alongi.
12 All plans and reports are referenced under the name of Astoria Marine Construction Company,
13 ECSI No. 1898, in the files of DEQ's Environmental Cleanup Program at the Northwest Region
14 Office in Portland, Oregon.

15 D. On February 1, 2024, DEQ provided public notice and opportunity to comment on a
16 proposed Certification of Completion determination for the facility in accordance with ORS 465.320
17 and 465.325(10)(b). Copies of the work plans and reports completed for the project were available
18 for review on DEQ's database and at DEQ's Northwest Region office in Portland. The public
19 notice was published on February 1 in the *Oregon Secretary of State's Bulletin*, and in the *Astorian*
20 newspaper. The comment period was closed on March 4, 2024. No comments were received.

21 E. Based on the reports and other information submitted by AMCCO, any information
22 received during public notice and comment period, and upon DEQ's inspection and oversight of
23 activities, DEQ finds that AMCCO satisfactorily completed the SOW.

24 **2. Conclusions**

25 A. AMCCO has satisfactorily completed remedial actions at the Site per DEQ-approved
26 plans as required under the Consent Judgment. DEQ concludes that, because all environmental

concerns have been addressed, issuance of a Conditional No Further Action determination is warranted.

B. No further remedial actions are required at the Site to protect the public health, safety, and welfare or the environment.

3. Conditions

A. This Certification of Completion applies only to the satisfactory completion of the work conducted by AMCCO pursuant to the Consent Judgment.

B. DEQ does not, by this Certification, assume liability for any claim arising from acts or omissions of AMCCO or its officers, employees, agents, successors, subsidiaries, or assigns relating to actions pursuant to the Consent Judgment.

4. Notice

This order constitutes Certification of Completion under ORS 465.325(10) and may be appealed by any aggrieved person in accordance with ORS 465.325(10)(c).

Issued By:

State of Oregon
Department of Environmental Quality

State of Oregon
Department of Justice

By: Christine Svetkovich
Christine Svetkovich
Northwest Region Administrator

By: Gary Vrooman
Gary Vrooman, OSB No. 075832
Assistant Attorney General

3/22/2024

Date

03/25/2024

Date

1 CERTIFICATE OF SERVICE

2 I certify that on March 25, 2024, I served a true copy of the foregoing of
3 CERTIFICATION OF COMPLETION by depositing it in the United States mail, postage
4 prepaid, and addressed to the following person:

5
6 Mr. Carson Bowler
7 Law Office of Carson Bowler
8 1050 SW 6th Ave Ste 1100
9 Portland OR 97204

___ Hand Delivery
x Mail Delivery
___ Overnight Mail
___ E-Mail

10
11 /s/ Gary Vrooman

12 _____
13 Gary Vrooman, OSB #075832
14 Assistant Attorney General
15 Of Attorneys for Plaintiff
16 Department of Justice
17 100 SW Market Street
18 Portland, OR 97201
19 Phone: 971-673-1878
20 Fax: 971-673-1886
21 gary.l.vrooman@doj.state.or.us