



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Western Region

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TTY 711

June 3, 2024

Andrew Stiltner
c/o Silvan Ridge Winery
27012 Briggs Hill Road
Eugene, OR 97405

RE: **Conditional** No Further Action Determination
for McMinnville Water & Light, McMinnville, LUST 36-90-4088

Dear Andrew Stiltner:

The Oregon Department of Environmental Quality (DEQ) has completed a review of the available information for the McMinnville Water & Light site, including the closure report entitled *Site Characterization and Risk-Based Closure Report* dated August 26, 2022, which was submitted to DEQ by Hahn and Associates Inc. on your behalf. The McMinnville Water & Light address is 455 NE Irvine Street, McMinnville, OR 97128, Yamhill County Map and Tax Lots R4421BD 2400 and 2601.

DEQ has determined that remedial action to address environmental contamination at McMinnville Water & Light is complete, and no further action is required, with these conditions applicable to Tax Lot R4421BD 2400: residential use and beneficial use of shallow groundwater is prohibited, and a contaminated media management plan is required for any subsurface activities. 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, and as more fully described in DEQ's Staff Memo dated May 8, 2023:

- The property has been in commercial use since 1889 and is zoned light industrial. In 1924, McMinnville Water & Light utilities used the existing building in the northeast corner as a powerhouse with the installation three power generators, two 10,000-gallon underground storage tanks (USTs) and a bunker oil vault. In 1960, an electrical substation was constructed on the southeast corner of the property.
- By the mid-1970s McMinnville Water & Light ceased to use the generators, subsequently removing them and decommissioning the USTs and the bunker oil vault in place. The electrical substation was also dismantled. The USTs were removed in 1990.
- A Phase II Environmental Site Assessment (ESA) was conducted in August 2022. Soil and groundwater samples confirmed the findings of a previous 1990 Phase II ESA with high detections of diesel and oil-range organics in the areas of the former UST pit and the bunker oil vault.
- The contamination from the former UST pit at the northeast corner of the property is suspected to have migrated offsite into the NE Irvine Street and NE 5th Street right of way and to the south onsite and offsite (downgradient). The contamination from the former bunker oil vault is suspected to have migrated east, south (downgradient) and possibly offsite into the NE Irvine Street right of way.
- Observed concentrations of diesel and oil in groundwater in the northeast corner of the property are greater than the contaminants' solubility limit and indicate the possible presence of free product in the vicinity of this boring and, potentially, the NE Irvine Street right of way.
- Groundwater is not used in the vicinity and properties are connected to the main city water supply. The tap water pathway is not relevant because groundwater is currently not used for beneficial uses at

the site or in the area of known contamination.

- There is no ecological habitat on site. Contamination is located beneath shallow soils in areas that are covered in concrete or paved; therefore, runoff of contamination is not a concern. Surface waters are not expected to be impacted from this contamination.
- A 30-day public comment period was held regarding this decision. The City McMinnville Public Works Department was directly contacted to inform them of the opportunity to comment. The City replied via email on November 16, 2022, with concerns regarding the residual contamination onsite and potentially in the right of way. DEQ responded to the City's comments via email on February 3, 2023.
- In response to the City's comments and as a condition for closure, an Easement and Equitable Servitude document was recorded on the property on October 6, 2023. The EES stipulates that the property must remain in commercial/occupational use and that shallow groundwater may not be used for beneficial uses. The EES also requires a contaminated media management plan for the site due to residual diesel and oil contamination in groundwater that indicates potential presence of free product.

Based on the available information, soil and groundwater conditions at McMinnville Water & Light are currently protective of public health and the environment in accordance with Oregon environmental cleanup law, Oregon Administrative Rules 340-122-0205 through 340-122-0360. 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 will update the Leaking Underground Storage Tank (LUST) database to reflect this decision.

This letter only applies to the release(s) 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. Monitoring wells should be maintained or decommissioned in accordance with Oregon Water Resources Department regulations.

A copy of the Hahn and Associates Inc. closure report, the contaminated media management plan and DEQ's Staff Memo supporting this No Further Action decision can be viewed at <https://www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp> (search LUST 36-90-4088). DEQ recommends keeping a copy of all the documentation associated with this remedial action with the permanent facility records. If you have any questions, please contact Ellen Woods at 541-606-0490, or via email at ellen.woods@deq.oregon.gov.

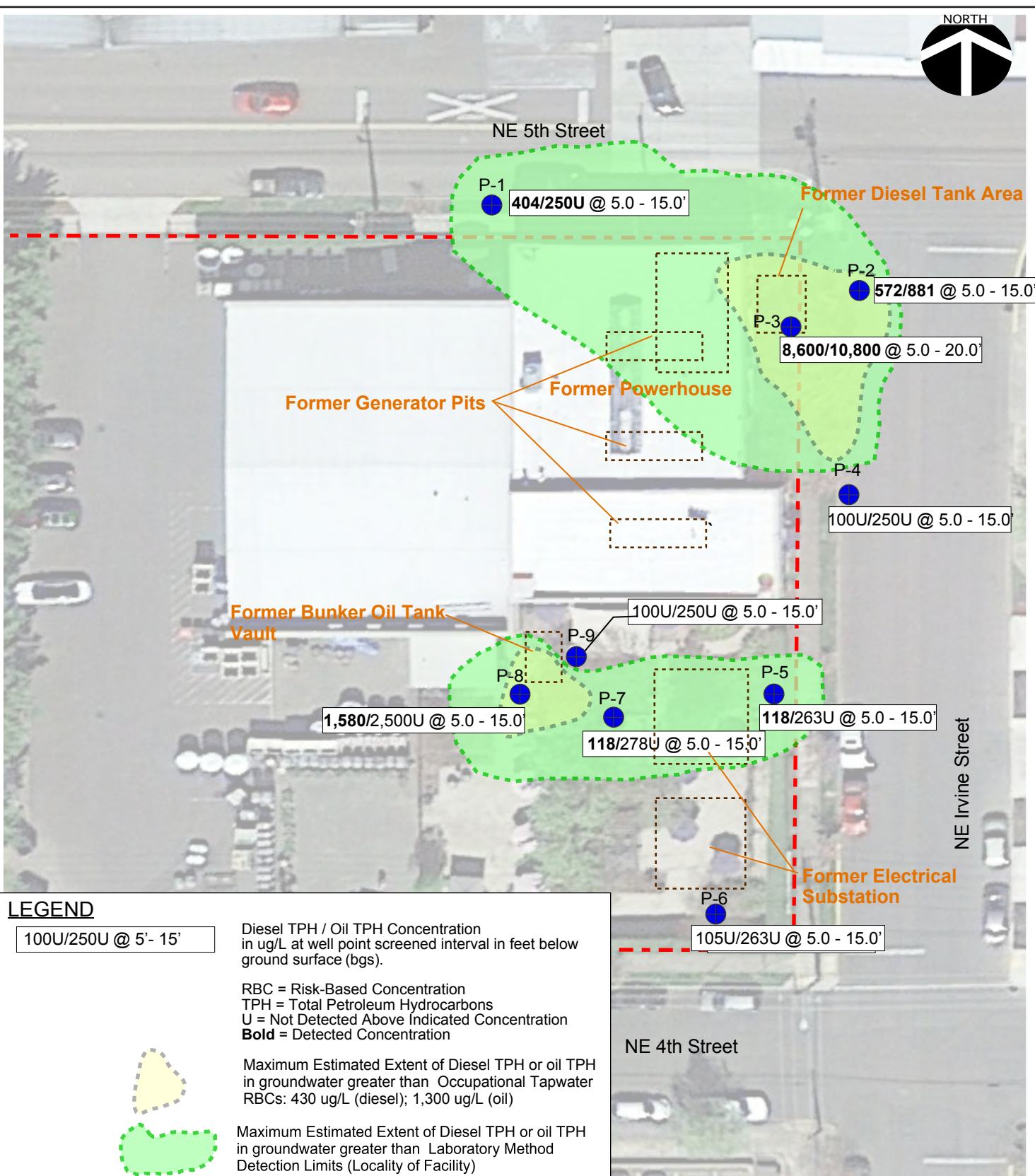
Sincerely,

Peter F Donahower

Peter Donahower, Manager
Petroleum Cleanup Section

Attachment: Figure 1. Locality of Facility Map

EC: ORMS LUST36-90-4088, with attachments
Rob Ede, Hahn and Associates Inc., robe@hahnenv.com
Bruce Scherzinger, Oregon DEQ, bruce.scherzinger@deq.oregon.gov

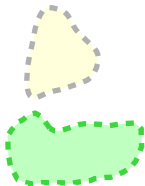


LEGEND

100U/250U @ 5'- 15'

Diesel TPH / Oil TPH Concentration
in ug/L at well point screened interval in feet below
ground surface (bgs).

RBC = Risk-Based Concentration
TPH = Total Petroleum Hydrocarbons
U = Not Detected Above Indicated Concentration
Bold = Detected Concentration



Maximum Estimated Extent of Diesel TPH or oil TPH
in groundwater greater than Occupational Tapwater
RBCs: 430 ug/L (diesel); 1,300 ug/L (oil)

Maximum Estimated Extent of Diesel TPH or oil TPH
in groundwater greater than Laboratory Method
Detection Limits (Locality of Facility)

--- Site Boundary

● Soil Boring with Temporary
Well Point

--- Former Feature

Scale 1 inch = 40 feet



Figure 1

Locality of Facility Map (LOF)

Subsurface Investigation
Former McMinnville Water & Light Property 455 NE
Irvine Street
McMinnville, Oregon

HAHN AND ASSOCIATES, INC.

Project No. 9815

September 2022