



# Oregon

Tina Kotek, Governor

Department of Environmental Quality

Northwest Region

700 NE Multnomah Street, Suite 600

Portland, OR 97232

(503) 229-5263

FAX (503) 229-6945

TTY 711

October 11, 2023

Josh & Lauren Nielsen  
3668 Old Fort Road  
Klamath Falls, OR 97601

RE: Annual Inspection for Parcel N  
North Ridge Estates Superfund Site  
ECSI No. 6000

Dear Josh & Lauren Nielsen:

The Oregon Department of Environmental Quality completed an annual inspection of the protective cap on your property located at 3668 Old Fort Road during the week of July 3, 2023. Enclosed for your information is a summary of the inspection.

This letter provides notice of the following violation:

1. **Blocked culvert.** The culverts located on your property are partially obstructed.

**Corrective Action.** Remove the material obstructing the culverts to allow the unrestricted flow of stormwater by November 12, 2023.

DEQ will perform an inspection the week of November 13, 2023 to confirm the culverts have been cleared.

The Easement and Equitable Servitude recorded with Klamath County requires you to maintain and keep the protective caps in good repair. Routinely maintaining stormwater features located on your property to preserve stormwater conveyance capacity and prevent the protective cap from erosion is part of keeping the caps in good repair. If the culvert is not cleared by November 12, 2023, DEQ may perform the corrective action at your expense in accordance with Paragraph 4.1 of the Easement and Equitable Servitude.

The next annual inspection will be performed in June 2024. Please continue to contact DEQ prior to any disturbing any of the protective caps on your property with the exception of soil disturbances less than 2 feet below the ground surface. A fact sheet with additional information is enclosed.

If you have any questions, please contact me at 503-860-3943, or via email at [Katie.Daugherty@deq.oregon.gov](mailto:Katie.Daugherty@deq.oregon.gov).

Sincerely,

Katie Daugherty, R.G.  
Project Manager  
NWR Cleanup Section

Enclosures

## Digging at the North Ridge Estates Superfund Site

### What do I need to do or know?

- 1) Perform all other normal permitting and utility locates as you would for any other project.
- 2) Be familiar with the types of protective caps at North Ridge Estates. The protective cap is intended to prevent people's exposure to any remaining asbestos-contaminated materials, including asbestos fibers in soil. Protective caps include:
  - A two-foot layer of clean soil with vegetation
  - Asphalt and concrete surfaces, such as garage concrete floor or basement concrete floor
  - Boulders
  - Black liners installed below covered porches and in home crawl spaces
  - Orange liners below the soil cap
- 3) Review the terms of the Easement and Equitable Servitude (EES) document recorded on the deed of your property. Determine if your planned activity is within the area covered by restrictions outlined in the EES. Some properties on the edge of the Superfund site only have a portion of the property restricted. *General rule of thumb: if the area was excavated during the Superfund Cleanup, the area is restricted.* Can't find your EES? Contact the Oregon Department of Environmental Quality (DEQ) project manager and they will email you a copy.
- 4) All activities or uses that could jeopardize the function of the protective cap, are prohibited without prior written approval from the DEQ.
- 5) Follow the steps below for your specific activity.

### I want to dig **less than two feet** - what are the required steps?

- 1) Minor activities are allowed within the **soil protective cap**, such as installing fence posts, planting, or other activities that go no deeper than two feet below the ground surface without prior written approval from DEQ.
- 2) You must fully restore the cap to the surface after the activities are completed.

- 3) Stop immediately and call the DEQ project manager if you see an orange liner. **No matter the depth!** You are entering an asbestos contamination zone and risk exposure to asbestos if you continue.



*Example of Orange Liner. 2018. Installing marker barrier consisting of rock base and orange liner on Parcel B prior to covering with clean soil.*



*Example of Black Liner. 2018. Black liner with rock to hold in place on Parcel A.*

### I want to **dig deeper than two feet, dig below a black or orange liner, dig through asphalt or concrete, or move boulders on my property** - what are the required steps?

- 1) Fill out the *North Ridge Estates Earthwork Notification and Reporting Form* and submit this form to the DEQ project manager. Can't find the form? Contact the project manager and they will email you a copy.

The project manager will review the information provided in the form and work with you to determine the conditions under which your work may be performed.

If your work will breach the cap, you must, at your own expense, use an Oregon-licensed asbestos abatement company during any action that may disturb a contaminated area. Any excavated material, including soil, will be required to be disposed at a landfill. If the liner is damaged during work, you must replace it at your expense.

- 2) Once work is complete, fill out the reporting section of the *North Ridge Estates Earthwork Notification and Reporting Form* and return to the DEQ project manager.



State of Oregon  
Department of  
Environmental  
Quality

### Cleanup Program

700 NE Multnomah St.,  
Suite 600  
Portland, OR 97232  
Phone: 503-860-3943  
800-452-4011  
Fax: 503-229-6124  
[Katie.Daugherty@deq.oregon.gov](mailto:Katie.Daugherty@deq.oregon.gov)  
[n.gov](http://n.gov)  
Contact: Katie Daugherty

[www.oregon.gov/DEQ](http://www.oregon.gov/DEQ)

*DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.*

### Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov)

***Parcel N***

Operations and Maintenance Inspection Form

Part I. General Site Information							
Site Name:		North Ridge Estates		State/Country:		Oregon (Klamath County)	
EPA Point of Contact		Linda Meyer (206) 553-6636		ODEQ Point of Contact		Katie Daugherty (503) 860-3943	
Inspection Date:		7/5/2023		Person(s) Performing Inspection:		Ben Echt (Apex Companies, LLC)	
				Person(s) Performing Inspection:			
Part II. Remedy Performance Assessment							
Remedy Component	Potential Problem	Yes (Repair Needed)	Yes (Monitor/ No Repair)	No	N/A	If Yes, Describe Extent of Problem	Describe Potential Repair Solution
Protective Cap	Have rills developed deeper than 2 inches?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Several rills throughout parcel.	
	Are the rills within a 10-foot interval?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	Have gullies developed deeper than 6 inches?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	Have animals created burrows in the protective cap?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	Have vehicles damaged the protective cap?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ground disturbance observed near northwest corner of parcel adjoining Old Fort Road; ATV tracks observed throughout parcel.	
	Any evidence of ACM on Site including areas where the protective cap is less than 2 feet (see as-built drawings) or within the dripline of the legacy trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	Are there areas that show evidence of unstable slopes, subsidence, or slope failure? Are there signs of active bank erosion and/or lateral cutting?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	Any visible ACM along the perimeter of the Site (where applicable)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Vegetation	Evidence of distressed or sparse vegetation? (sparse vegetation no greater than 10 percent of area and bare areas no greater than 100 square feet)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	Evidence of trees and shrubs in distress?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shrubs on northeast side of residence showing signs of stress. A dead "new" tree was identified on southern corner of parcel. (Same as 2022) Numerous new trees observed to be in healthy condition.	
	Are there any stressed or dying trees that may impact or damage the protective cap when felled?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A total of two trees were felled since 2020 inspection; an in-ground root ball remains.	

Ditches and Culverts	Obstructions observed in ditches or culverts that may impede conveyance of stormwater?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Culverts observed to be partially obstructed along southern driveway. (Same as 2022)	Remove obstructions from culverts to enable stormwater flow.
	Damaged observed to riprap surface? Note if riprap is not intact or not effectively providing armor protection.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	Are there any areas that show signs of excessive scour? (i.e., gullies forming along centerline of ditch)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	Are culvert inlets and outlets damaged?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Driveways and Walkways	Are the driveways showing signs of failure? (i.e., alligator cracking)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Cracks in the asphalt driveway have been repaired since 2021 inspection.	
	Are there any other signs of considerable damage to paved surfaces, other than normal wear and use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Crawlspace and Decks	Are the liners inside crawlspaces and under covered decks damaged or punctured?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Geomembrane visible at the southern corner of the deck.	
	Are the liners exposed to UV radiation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Access Controls	Are access controls damaged?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Are changes to the access controls needed?	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Miscellaneous Features / Changes in Site Conditions / Misc.	Are there any new site features installed that have damaged the protective cap?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Subsurface irrigation lines were exposed on the south corner of the parcel.	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		





## Parcel N



Parcel N – View from North corner of Parcel.



Parcel N – View from East Corner of Parcel.



## Parcel N



Parcel N – View from South corner of Parcel.



Parcel N – View from West corner of Parcel.



## Parcel N



Parcel N – Black Geomembrane visible underneath Porch.