



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Northwest Region

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August 26, 2024,

via electronic delivery

Heather Brown
Irwin Hodson Company
2838 SE 9th Avenue
Portland, Oregon 97202

Subject: DEQ Request for a Feasibility Study
Irwin Hodson Site
Portland, Oregon
ECSI # 6399

Heather Brown,

The Oregon Department of Environmental Quality (DEQ) has prepared this letter in response to the August 6, 2024, email from Evren Northwest on behalf of Irwin Hodson. Irwin Hodson is currently conducting cleanup work under a voluntary cleanup agreement. The email states that Irwin Hodson is unwilling to complete a Feasibility Study (FS) or move forward with cleanup at DEQ's direction. DEQ first requested a FS in our October 24, 2023, letter, in which we noted that trichloroethene (TCE) rebounded to concentrations above hot spot thresholds in sub-slab vapor, despite Irwin Hodson's attempt to excavate the TCE source. DEQ has repeated our request for a FS several times since our October 24, 2023, letter.

The email states that Irwin Hodson feels that DEQ's requirements to achieve site closure are uncertain. Based on the information in the email, the uncertainty appears to be related to the risk-based concentrations (RBCs) that are applicable to sub-slab vapor. RBCs are based on the best available science and are generally used to ensure that legal requirements for remediation are met at a given site. As the science changes relevant to a given RBC, DEQ must update the RBC to ensure a protective cleanup. In June 2023, DEQ published revised soil vapor RBCs, and updated the RBCs in March 2024. The current RBCs associated with sub-slab vapor, based on the best available science, must be applied to the Irwin Hodson site to ensure a protective remedy. Correspondingly, updates to DEQ's VI guidance incorporates the best science and engineering and is ready for immediate use.

The email further requests confirmation that DEQ will issue a no further action letter if various conditions are met and states that Irwin Hodson is unwilling to move forward consistent with DEQ's direction until DEQ agrees with the email's site closure requirements. Before DEQ can review and approve remedy performance requirements, we must select a remedial action. The FS, which DEQ has identified as the next step for the Irwin Hodson site, will inform the remedial action selection. The FS will require a demonstration of post-remediation indoor air concentrations remains reliably below the occupational RBCs and a demonstration of post-remediation sub-slab vapor concentrations in performance, rebound monitoring remains reliably below hot spot concentrations, and the extent of sub-slab soil gas is defined and contained. After completion of the FS, a conditional No Further Action DEQ determination may be required with institutional controls, including recording a deed restriction that specifies site conditions that shall be maintained.

TCE is carcinogenic to humans, and more importantly for short-term exposure, may cause developmental effects such as heart defects in fetuses. Based on the data available to DEQ, the actions taken by Irwin Hodson to date have not adequately addressed potential chronic and acute TCE exposure risk to the tenants of the Irwin Hodson warehouse. DEQ is concerned by the accumulation of TCE in sub-slab vapor at concentrations above acute exposure scenario hot spot levels, which potentially endanger building occupants.

DEQ's voluntary cleanup program is for parties wishing to investigate and cooperatively perform cleanup actions with DEQ's oversight. The August 6, 2024, email reflects Irwin Hodson's unwillingness to work cooperatively with DEQ. In order to continue working within the VCP and for DEQ to devote its limited VCP resources to the project, Irwin Hodson must promptly commit to moving forward with DEQ oversight by submitting the FS that we requested last October. Otherwise, DEQ will require Irwin Hodson to enter an Order on Consent (Consent Order) for future cleanup work. DEQ requires that Irwin Hodson reply within 10 business days of this letter to confirm their intent to move forward cooperatively and according to DEQ's oversight in the VCP and promptly submit the FS or withdraw from the VCP and acknowledge that they agree to complete future cleanup work under a Consent Order.

Sincerely,

Jim Orr

Jim Orr

NWR DEQ Project Manager

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