

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of:

**Blue Jump Suit LLC and AHI Cannery
LLC**

**Agreement to Facilitate Cleanup and
Productive Reuse of Property – PPA
DEQ No. 19-11**

CERTIFICATION OF COMPLETION

1. Findings

A. On August 24, 2019, the Oregon Department of Environmental Quality (DEQ) entered into an Agreement to Facilitate Cleanup and Productive Reuse of Property (Agreement) under Oregon Revised Statutes (ORS) 465.327 with Blue Jump Suit LLC and AHI Cannery LLC concerning the property at 70 W. Marine Drive in Astoria, Oregon (the Site). The Site is also known as the former Astoria Warehousing, DEQ Cleanup Program ID No. 6381.

B. As a result of the COVID-19 crisis and subsequent emergency declaration, DEQ entered into the First Amendment to the Agreement with Blue Jump Suit LLC and AHI Cannery LLC on May 22, 2020. The Amendment modified the original Statement of Work in the Agreement to allow for greater flexibility in the work performed and timeframe for completion.

C. Under the terms of the Agreement as amended, Blue Jump Suit LLC and AHI Cannery LLC agreed to complete the following work items to limit potential for intrusion of volatile vapors containing gasoline-range hydrocarbons and volatile organic compounds (VOCs) present in soil gas beneath portions of the former can manufacturing warehouse and former shop building

into indoor air at levels above the occupational worker risk-based concentrations (RBCs).:

D. Short-Term Measures

- a. Sealing of the concrete slab of the northern and eastern portions of the former can manufacturing warehouse and the former shop building.
- b. Quarterly gauging of monitoring wells and removal of free product (greater than 0.02 foot).
- c. Annual indoor air sampling using a passive diffusion-type air sampler.
- d. Semi-annual groundwater monitoring of the eight monitoring wells for one year following approval of the original scope of work (October 2019). Annual groundwater monitoring of the eight monitoring wells after the first year.

E. Long-Term Measures

- a. Implementation of an active remedy within five years of the Agreement amendment. Continued operation of the soil vapor extraction (SVE) system until performance metrics are achieved.
- b. If necessary, prepare a Remedial Action Plan presenting a final design for the long-term active remediation technologies.
- c. If necessary, enter into an Easement and Equitable Servitudes with DEQ requiring continued operation and maintenance of the active remedy until determined not to be necessary.
- d. Implement the DEQ-approved contaminated media management plan (CMMP) for earthwork activities (GeoDesign, 2020b).

F. The CMMP for the site was approved by DEQ in March 2020. The concrete floor of the former can manufacturing warehouse and the former shop building were sealed with an epoxy coating in July 2020. Groundwater, sub-slab vapor, indoor air sampling and SVE installation were conducted in accordance with the DEQ-approved *Interim Remedial Measure Work Plan* (GeoDesign, 2020c). On December 18, 2020, the SVE system was activated. Monitoring results and start-up of the SVE system are documented in the 2020 and 2021 annual reports (GeoDesign, 2021 and GeoDesign, 2022, respectively). The SVE system operated until an issue with the gas solenoid valve was discovered in early December 2021 which required that the system operate intermittently. Five rounds of quarterly monitoring were completed between October 2022 and November 2023 to evaluate permanent shutdown of the SVE system in accordance with the DEQ-approved *SVE System Pilot Shutdown Work Plan* (NV5, 2022a). Monitoring included collection of sub-slab vapor, groundwater, and indoor air samples for comparison to occupational worker RBCs as well as riverbank monitoring for potential groundwater seeps. Monitoring results are documented in the quarterly pilot shutdown monitoring reports (NV5, 2022b, 2023a-c, and 2024). Operation of the SVE system resulted in removal of approximately 7,200 pounds of gasoline-range hydrocarbons and 30 pounds of benzene which exceeded the original design goals. The quarterly monitoring results demonstrated that petroleum-related site contaminants of concern (COCs) in soil and groundwater do not pose an unacceptable risk to occupational workers at the site. Indoor air and sub-slab vapor samples were consistently found to be below occupational worker RBCs for site COCs and there was no free product or groundwater seeps observed during the pilot shutdown monitoring period. Variable trends in concentrations of gasoline-range hydrocarbons or VOCs were observed in select groundwater monitoring wells,

however these trends were not correlated with concentrations of VOCs in sub-slab vapor or indoor air. On April 12, 2024, DEQ approved permanent shutdown of the SVE system and requested that the system be converted to passive operation given contamination remaining onsite and uncertainty in the contaminant concentrations observed in groundwater. The SVE system was converted to passive operation in May 2024. The work is documented in the plans and reports in the Administrative Record included as Attachment A to this Certification of Completion. In August 2024, Blue Jump Suit LLC and AHI Cannery LLC executed the Easement and Equitable Servitudes specifying the necessary property use restrictions.

G. On November 1, 2024, DEQ provided public notice and opportunity to comment on a proposed Certification of Completion determination for the facility in accordance with ORS 465.320 and 465.325(10)(b). Copies of the work plans and reports completed for the project were available to review at DEQ's Northwest Region office in Portland. The public notice was published on November 1, 2024, in the *Oregon Secretary of State's Bulletin*, and in the Daily Astorian newspaper. The comment period was closed on December 2, 2024. **Comments were received/No comments were received.**

H. Based on the reports and other information submitted by Blue Jump Suit LLC and AHI Cannery LLC s and DEQ's inspection and oversight of activities, DEQ finds that Blue Jump Suit LLC and AHI Cannery LLC have satisfactorily completed the Agreement scope of work.

2. Conclusions

A. Blue Jump Suit LLC and AHI Cannery LLC have satisfactorily completed the scope of work including sealing of the concrete floor slab; installation, startup, and operation of a SVE system; monitoring of indoor air, sub-slab soil vapor, and groundwater; and execution and

recording of an Easement and Equitable Servitudes for the Site as required under the Agreement.

B. No further remedial actions are required of Blue Jump Suit LLC and AHI Cannery LLC at the site to protect the public health, safety, and welfare or the environment, conditional upon adherence to use restrictions in an Easement and Equitable Servitudes described under Subsection 3.B. of this Certification.

3. Conditions

A. This Certification of Completion applies only to the satisfactory completion of the work conducted by Blue Jump Suit LLC and AHI Cannery LLC pursuant to the Agreement.

B. Conditions include a prohibition on residential use of the property, a requirement to maintain the floor slab sealant and passive soil vapor extraction system of vapor mitigation engineering controls, and compliance with a CMMP as memorialized in an Easement and Equitable Servitudes recorded with Clatsop County on August 15, 2024.

C. DEQ does not, by this certification, assume liability for any claim arising from acts or omissions of Blue Jump Suit LLC and AHI Cannery LLC or its officers, employees, agents, successors, subsidiaries, or assigns relating to actions pursuant to the Agreement.

4. Notice

This agreement 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

By: _____
Mike Kucinski
Land Quality Division Administrator

Date

The foregoing instrument is acknowledged before me this _____ day of _____, 20____, by Mike Kucinski of the Oregon Department of Environmental Quality, on its behalf.

NOTARY PUBLIC FOR OREGON
My commission expires: _____

CERTIFICATE OF SERVICE

I certify that I served a true copy of the above Certification of Completion by depositing it in the United States mail, postage prepaid, and addressed to the following persons:

Blue Jump Suit LLC and AHI Cannery LLC
1483 Duane Street
Astoria, Oregon 97103
Attention: Chris Nemlowill

(Name)

(Date)

Appendix A – Administrative Record Index

- 1) Agreement to Facilitate Cleanup and Productive Reuse of Property. DEQ No. 19-11. Between Oregon Department of Environmental Quality and Blue Jump Suit LLC and AHI Cannery LLC. August 24, 2019.
- 2) First Amendment Agreement to Facilitate Cleanup and Productive Reuse of Property. DEQ No. 19-11. Between Oregon Department of Environmental Quality and Blue Jump Suit LLC and AHI Cannery LLC. May 22, 2020.
- 3) GeoDesign, Inc, 2019a. *Work Plan Pre-Remedial Design Investigation; Former Astoria Warehousing Site; 70 West Marine Drive; Astoria, Oregon; DEQ LUST File No. 04-18-0818; DEQ ECSI No. 6381*, dated October 23, 2019.
- 4) GeoDesign, Inc, 2019b. *Pilot Testing Work Plan; Former Astoria Warehousing Site; 70 West Marine Drive; Astoria, Oregon; DEQ LUST File No. 04-18-0818; DEQ ECSI No. 6381*, dated December 9, 2019.
- 5) GeoDesign, Inc. 2020a. *Remedial Action Plan Soil Remediation. Former Astoria Warehousing Site; 70 West Marine Drive; Astoria, Oregon; DEQ LUST File No. 04-18-0818; DEQ ECSI No. 6381*, dated March 3, 2020.
- 6) GeoDesign, Inc., 2020b. *Contaminated Media Management Plan; Former Astoria Warehousing Site; 70 West Marine Drive; Astoria, Oregon; DEQ LUST File No. 04-18-0818*, dated March 6, 2020.
- 7) GeoDesign, Inc, 2020c. *Revised Interim Remedial Measure Work Plan; Former Astoria Warehousing Site; 70 West Marine Drive; Astoria, Oregon; DEQ LUST File No. 04-18-0818; DEQ ECSI No. 6381*, dated October 29, 2020.
- 8) GeoDesign, Inc, 2021. *Annual Report – 2020; Former Astoria Warehousing Site; 70 West Marine Drive; Astoria, Oregon; DEQ LUST File No. 04-18-0818; DEQ ECSI No. 6381*, dated March 22, 2021.
- 9) GeoDesign, Inc, 2022. *Annual Report – 2021; Former Astoria Warehousing Site; 70 West Marine Drive; Astoria, Oregon; DEQ LUST File No. 04-18-0818; DEQ ECSI No. 6381*, dated March 18, 2022.
- 10) NV5, 2022a. *SVE System Pilot Shutdown Work Plan; Former Astoria Warehousing Site; 70 West Marine Drive; Astoria, Oregon; DEQ LUST File No. 04-18-0818; DEQ ECSI File No. 6381*, dated September 8, 2022.
- 11) NV5, 2022b. *Quarterly Report – First Round Pilot Shutdown Monitoring Results; Former Astoria Warehousing Site; 70 West Marine Drive; Astoria, Oregon; DEQ LUST File No. 04-18-0818; DEQ ECSI File No. 6381*, dated November 21, 2022.

- 12) NV5, 2023a. *Quarterly Report – Second Round Pilot Shutdown Monitoring Results; Former Astoria Warehousing Site; 70 West Marine Drive; Astoria, Oregon; DEQ LUST File No. 04-18-0818; DEQ ECSI File No. 6381, dated March 16, 2023.*
- 13) NV5, 2023b. *Quarterly Report – Third Round Pilot Shutdown Monitoring Results; Former Astoria Warehousing Site; 70 West Marine Drive; Astoria, Oregon; DEQ LUST File No. 04-18-0818; DEQ ECSI File No. 6381, dated June 5, 2023.*
- 14) NV5, 2023c. *Quarterly Report – Fourth Round Pilot Shutdown Monitoring Results; Former Astoria Warehousing Site; 70 West Marine Drive; Astoria, Oregon; DEQ LUST File No. 04-18-0818; DEQ ECSI File No. 6381, dated September 13, 2023.*
- 15) NV5, 2024. *Quarterly Report – Fifth Round Pilot Shutdown Monitoring Results; Former Astoria Warehousing Site; 70 West Marine Drive; Astoria, Oregon; DEQ LUST File No. 04-18-0818; DEQ ECSI File No. 6381, dated March 20, 2024.*