

State of Oregon
Department of Environmental Quality

Memorandum

Date: November 15, 2024

To: ECSI 0887

Through: Amanda Wozab, Cleanup NWR Program Manager *AW*
Wesley Thomas, Cleanup NWR Leadworker

From: Jim Orr, Cleanup NWR Project Manager

Subject: Former L.D. McFarland Wood Treating Facility, ECSI # 0887
Staff Memorandum in support of the Proposed Phase II Certification of Completion

This document presents background and other supporting information that form the basis for Oregon Department of Environmental Quality's (DEQ's) proposed Phase II Certification of Completion for the Former L.D. McFarland Wood Treating Facility located in Milwaukie, Oregon (the SITE), as required by the Consent Decree Case No. CCV0108179. The proposed Phase II Certification of Completion is based on information documented in the administrative record for this site. A copy of the administrative record index is presented at the end of this report.

1. BACKGROUND

The SITE is located at the address listed above, between SE Oak Street, SE Monroe Street, SE 37th Street, and the UPRR property in Milwaukie, Oregon. The SITE is divided into two parcels: Parcel 1 and Parcel 2. Parcel 1 (Tax Lot 3003) is about 4.9 acres. Parcel 2 (Tax Lot 19203) is about 2.4 acres.

The SITE was formerly owned by Southern Pacific Transportation Company and leased to the L.D. McFarland Company, LTD. (LDM) as a wood-treating facility from the mid-1920s to the mid-1950s. During LDM operations, creosote reportedly dripped from poles after they were removed from treatment vats and when the poles were painted with creosote by hand outside the vats. An estimated 10,000-gallon creosote spill from a railroad tank car reportedly occurred on the site in about 1937. Approximately 10,000 gallons of creosote was released in 1951 when vandals opened valves draining the creosote storage tanks. Approximately 4,000 gallons were recovered. The below-ground creosote vats historically used in the operations appeared to have leaked.

A remedial investigation was conducted from 1989 to 1996. The Remedial Investigation Report (CH2M Hill 1996) concluded that the wood-treating operations and vandalism at the SITE resulted in soil and groundwater contamination with creosote-related chemicals. Site contaminants detected include:

- Carcinogenic polynuclear aromatic hydrocarbons (CPAHs): benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(k) fluoranthene, benzo(a)pyrene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene;
- Noncarcinogenic polynuclear aromatic hydrocarbons (HPAHs): acenaphthylene, acenaphthene, anthracene, benzo (g, h,i)perylene, fluorene, fluoranthene, naphthalene, phenanthrene, pyrene; and,
- Volatile organic compounds (VOCs): benzene, toluene, ethylbenzene, and xylenes; styrene; and dibenzofuran.

The Soil Feasibility Study (Bridgewater Group 2000) was completed in 2000. Based on the results of the remedial investigation and feasibility study, DEQ selected a remedy for the SITE, which is documented in the Record of Decision (ROD; DEQ 2001). The ROD includes a detailed description of the selected remedy, and includes information about the geologic and hydrogeologic setting, land use, groundwater beneficial uses, and the conceptual site model. The ROD also establishes protective levels for soil and groundwater.

2. CONSENT DECREE REQUIREMENTS

DEQ entered a Consent Decree with LDM as an order by the Circuit Court of the State of Oregon for the County of Clackamas, Case No. CCV0108179 on August 14, 2001. The Consent Decree required that the selected remedy be accomplished in four parts:

(1) Phase I Remedy

- Excavate all Parcel 1 soil with CPAH concentrations greater than the Parcel 1 protective level (0.056 milligrams per kilogram [mg/kg]) and place the soil on Parcel 2 without treatment.
- Excavate shallow Parcel 2 soil with CPAH concentrations greater than the Parcel 2 hot spot concentration (156 mg/kg) and treat the soil onsite using land farm/compost treatment.
- Excavate Milwaukie Marketplace soil with CPAH concentrations greater than the protective concentrations (0.36 mg/kg) and place the soil on Parcel 2 without treatment.
- Excavate all accessible Union Pacific Railroad (“UPRR”) soil with CPAH concentrations greater than the protective concentrations (0.36 mg/kg) and place the soil on Parcel 2 without treatment.

(2) Phase II Remedy

- Cap Parcel 2 using the site development features.
- Parcel 2 soil vapor management.
- Excavate primary utility corridors on Parcel 2, backfill with clean import fill, and place the excavated soil on Parcel 2 without treatment.
- Implement institutional controls on Parcel 2 and the UPRR partition.

(3) Groundwater Monitoring

- Implement long-term groundwater monitoring under the Long-Term Groundwater Monitoring Plan.

(4) Periodic Protectiveness Review

- Evaluate the selected remedy's protectiveness periodically to determine whether it remains protective as specified in the Record of Decision.

LDM completed the Phase I Remedy requirements in December 2001, and that work was documented in the Phase I Soil Remedial Action Closeout Report for the Former L.D. McFarland Creosote Wood Treating Facility, Milwaukie, Oregon, was prepared for the LDM by the Bridgewater Group, Inc. (Bridgewater, 2002). The Phase I RA represented the final soil cleanup action for all areas outside Parcel 2. DEQ concluded that Phase I of the remedial activities for the SITE was satisfactorily completed and issued the Phase I Certificate of Completion in July 2002.

3. PHASE II REMEDIAL ACTION SUMMARY

The Consent Decree required that the L.D. McFarland Company record the Easement and Equitable Servitude (EES) for Parcel 2 within 60 days of entering the Consent Decree. L.D. McFarland recorded the Parcel 2 EES with Clackamas County on October 25, 2001. In addition, L.D. McFarland recorded the UPRR EES with Clackamas County on December 5, 2021. The Parcel 2 and UPRR EESs satisfy the requirements for institutional controls required as part of the Phase II remedial action.

In October 2021, Tyee Management Company, LLC (Tyee) purchased the SITE (Tyee, 2021) completed the property transfer, and assumed the deeded requirements from LDM. Tyee completed the remaining Phase II remedial design and remedial action from 2021 through 2024 under DEQ oversight. The remedial action was implemented during the redevelopment activities to accommodate the planned Monroe Apartment Development known as the Seven Acres property. In general, the redevelopment included the following:

- Best management practices were implemented throughout construction to mitigate short-term construction-related risks to the public and on-site construction workers, including dust and odor control, soil track-out management, and stormwater erosion and sediment control.
- Grading was completed, which included excavation and backfilling of primary utility corridors across Parcel 2, with some off-site disposal of contaminated soil at a permitted landfill.
- Parcel 2 was capped with the apartment buildings, pavement caps, a landscaping cap (minimum 3-feet of clean soil where deeper-rooted vegetation was planted); and a minimum 12-inch cap in all remaining areas.

After the apartments were built, Aspect produced the following reports:

- Phase II Construction Closeout Report (Aspect 2024),
- Parcel II Operations and Maintenance Report (Aspect 2023a), and
- UPRR Operations and Maintenance Plan (Aspect 2023b).

These reports document specific aspects of the construction, includes as-built plans, and provides long-term O&M action plans for the SITE and UPRR properties.

4. RECOMMENDATION

DEQ reviewed and approved all SITE closure reports in June 2024. DEQ determined that the remedial design and remedial action for the Phase II work at the SITE have been satisfactorily completed under the ROD and Consent Decree.

The Consent Decree requires that DEQ provide public notice and an opportunity to comment on a proposed Phase II Certification of Completion, in accordance with ORS 465.320 and 465.325(10)(b). This memo was prepared to support the public notice and comment period for the proposed Phase II Certification of Completion. After considering public comment, DEQ will issue the final Phase II Certification of Completion within 60 days after completion of the public comment period.

All relevant deliverables supporting the proposed Phase II Certification of Completion can be viewed at

https://ormswd2.synergydcs.com/HPRMWebDrawer/Record?q=webdrawercode%3A%22*082*%22+And+recAnyWord%3A%22ECSI0887%22&sortBy=recTypedTitle-.

5. ADMINISTRATIVE RECORD

Aspect Consulting, LLC (Aspect), 2022c, Memorandum: Contained-in Determination Request – Elevator Pit Rainwater, Former L.D. McFarland Site, Milwaukie, Oregon (ECSI #887), March 15, 2022.

Aspect Consulting, LLC (Aspect), 2022d, Memorandum: Winter 2022 Groundwater Monitoring Results, Former L.D. McFarland Wood Treating Facility, Milwaukie, Oregon (ECSI #887), February 16, 2022.

Aspect Consulting, LLC (Aspect), 2022e, Memorandum: Summer 2022 Groundwater Monitoring Results, Former L.D. McFarland Wood Treating Facility, Milwaukie, Oregon (ECSI #887), August 17, 2022.

Aspect Consulting, LLC (Aspect), 2023a, Parcel 2 Operations and Maintenance Plan, Former L.D. McFarland Creosote Wood Treating Facility, Milwaukie, Oregon (ECSI #887), November 30, 2023.

Aspect Consulting, LLC (Aspect), 2023b, Union Pacific Railroad Operations and Maintenance Plan, Former L.D. McFarland Wood Treating Facility, Milwaukie, Oregon (ECSI #887), November 30, 2023.

Aspect Consulting, LLC (Aspect), 2023c, Initial Vapor Intrusion Assessment Results, Former L.D. McFarland Wood Treating Facility, Milwaukie, Oregon (ECSI #887), October 2, 2023.

Aspect Consulting, LLC (Aspect), 2023d, Memorandum: Winter 2023 Groundwater

Monitoring Results, Former L.D. McFarland Wood Treating Facility, Milwaukie, Oregon (ECSI #887), March 27, 2023.

Aspect Consulting, LLC (Aspect), 2023e, Memorandum: Summer 2023 Groundwater Monitoring Results, Former L.D. McFarland Wood Treating Facility, Milwaukie, Oregon (ECSI #887), October 2, 2023.

Aspect Consulting, LLC (Aspect), June 18, 2024, Construction Closeout Report, Former L.D. McFarland Wood Treating Facility, Milwaukie, Oregon (ECSI #887), September 2024.

Bridgewater Group, Inc. (Bridgewater), 2018, Results of Naphthalene Soil Gas Sampling at Former L.D. McFarland Wood Treating Site Milwaukie, Oregon, January 23, 2018.

Bridgewater Group, Inc. (Bridgewater), 2002, Phase I Soil Remedial Action Closeout Report for the Former L.D. McFarland Creosote Wood Treating Facility, Milwaukie, Oregon, April 26, 2002.

Bridgewater Group, Inc. (Bridgewater), 2002a, Revised Groundwater Monitoring Plan, Former L.D. McFarland Creosote Wood Treating Facility, Milwaukie, Oregon, July 25, 2002.

Oregon Department of Environmental Quality (DEQ), 1992, DEQ Guidance Document, Groundwater Monitoring Well Drilling, Construction, and Decommissioning, August 24, 1992.

Oregon Department of Environmental Quality (DEQ), 2001, Record of Decision, Selected RA for the Former L.D. McFarland Creosote Wood Treating Facility, Milwaukie, Oregon, March 2001.

Oregon Department of Environmental Quality (DEQ), 2002, Phase I Certification of Completion L.D. McFarland Milwaukie Project ECSI No. 887 and No. 3331 Letter between Matt McClincy of DEQ and Les Lonning of L.D. McFarland Company, July 11, 2002.

Oregon Department of Environmental Quality (DEQ), 2009, letter to Les Lonning, L.D. McFarland Company, re: 2009 Protectiveness Review, L.D. McFarland Milwaukie Project, June 26, 2009.

Oregon Department of Environmental Quality (DEQ), 2010, Guidance for Assessing and Remediating Vapor Intrusion in Buildings, March 25, 2010.

Oregon Department of Environmental Quality (DEQ), 2018, Spreadsheet of Site-specific Risk-Based Concentrations for Individual Chemicals, May 2018.

Oregon Department of Environmental Quality (DEQ), 2022, No Longer Contained-In Determination, L. D. McFarland Company Project, Milwaukie, Oregon, March 17, 2022.

State of Oregon, Clackamas County Department of Justice, 2001, Case No. CCV0108179 Stipulation and Consent Decree, Portland, Oregon, Filed August 14, 2001.

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Tyee (Tyee Management Company LLC), 2021. Closing Notice to DEQ Re: State of Oregon v. L.D. McFarland Company, Ltd., Stipulation and Consent Decree (CCV0108179) (the “Consent Decree”); Closing of Conveyance to Monroe Apartments Owner LLC/Copy of Recorded Deed/Effectiveness of Assignment/Assumption and Release, October 20, 2021.