



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Western Region

165 East Seventh Ave Ste 100

Eugene, Oregon 97401

(800) 844-8467

December 4, 2024

Alex Bretthauer
Bretthauer Properties LLC
124 SW Dennis Avenue
Hillsboro, OR 97123

RE: **Conditional No Further Action Determination**
for Pacific Pride Newberg, Oregon
LUST 36-22-0366

Dear Mr. Bretthauer:

The Oregon Department of Environmental Quality (DEQ) has completed a review of the available information for the Pacific Pride site/property, including the letter titled Site Summary and Closure Request dated August 3, 2023, which was submitted to DEQ by Feige & Associates, Inc on your behalf. The Pacific Pride address is 2600 East Hancock Street Tax Lot 100.

DEQ has determined that remedial action to address environmental contamination at Pacific Pride is complete, and no further action is required with the conditions that ground water beneath the site is not extracted for beneficial uses including drinking, a contaminated media management plan (CMMP) is recorded with the deed, and there is no occupational or residential ground floor use at the site. These conditions are recorded with the deed by an Environmental Easement and Equitable Servitude (EES). 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 November 17, 2023:

- The site has been a cardlock fueling facility since 1986. Use of the property before 1986 is unknown.
- Gasoline and diesel fuel leaks were detected during a fuel dispenser and piping upgrade in 2022.
- Soil and groundwater are contaminated. Free product is likely present based on concentrations of contaminants detected in groundwater.
- Approximately 45 tons of petroleum contaminated soil was removed from beneath the dispensers during the upgrade. Soil was disposed of offsite at the Hillsboro, Oregon landfill.
- Gasoline and diesel-range hydrocarbons remain in soil at depths ranging from 3.5 to 15 feet. Groundwater is contaminated with gasoline, diesel, benzene, toluene, ethylbenzene, and xylenes. Soil vapor at the site is contaminated with benzene.
- The site is zoned Light Industrial (M-1). Permitted uses under this zoning code include dwellings for caretakers. Conditional uses include daycare, prison, and recreational park. There are no ecological sensitive areas adjacent to the site and no ecological receptors were identified.
- Given the current use of the site as an unattended cardlock fueling facility conditions at the site are protective. Based on site conditions (i.e., paved and highly developed industrial location), the mostly developed nature of the surrounding area, and lack of exposed soil contamination, there does not appear to be ecological risks associated with the site and the pathway is considered incomplete.
- There are potential complete exposure pathways for future uses of the site. These pathways are vapor intrusion into buildings for commercial and residential receptors, groundwater in excavations for

excavation and construction workers. A deed restriction was recorded as an Easement and Equitable Servitude (EES) on June 21, 2024 with Yamhill County Records. The EES includes a contaminated material management plan, restricts the use of groundwater beneath the site, and restricts the use of future buildings at the site for residential or commercial occupancy. These restrictions make the future use pathways incomplete.

- The adjacent property owner was notified by letter of the planned closure. No comments were submitted to DEQ.

Based on the available information and with conditions, soil, groundwater, and soil gas conditions at the Pacific Pride site are currently protective of public health and the environment in accordance with 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 has updated the environmental data management system also known as Your DEQ Online (YDO) to reflect this decision. This letter only applies to the release 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 Feige & Associates, Inc. Site Summary and Closure Request, EES and DEQ's Staff Memo supporting this conditional No Further Action decision can be viewed at YDO. Navigate to the public project records at <https://ordeq-edms-public.govonlineaas.com/pub/pub-rcd/projects> and use search criteria: keywords 36-22-0366. 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 Sarah Kingery at (541) 321-3687 or via email at sarah.kingery@deq.oregon.gov.

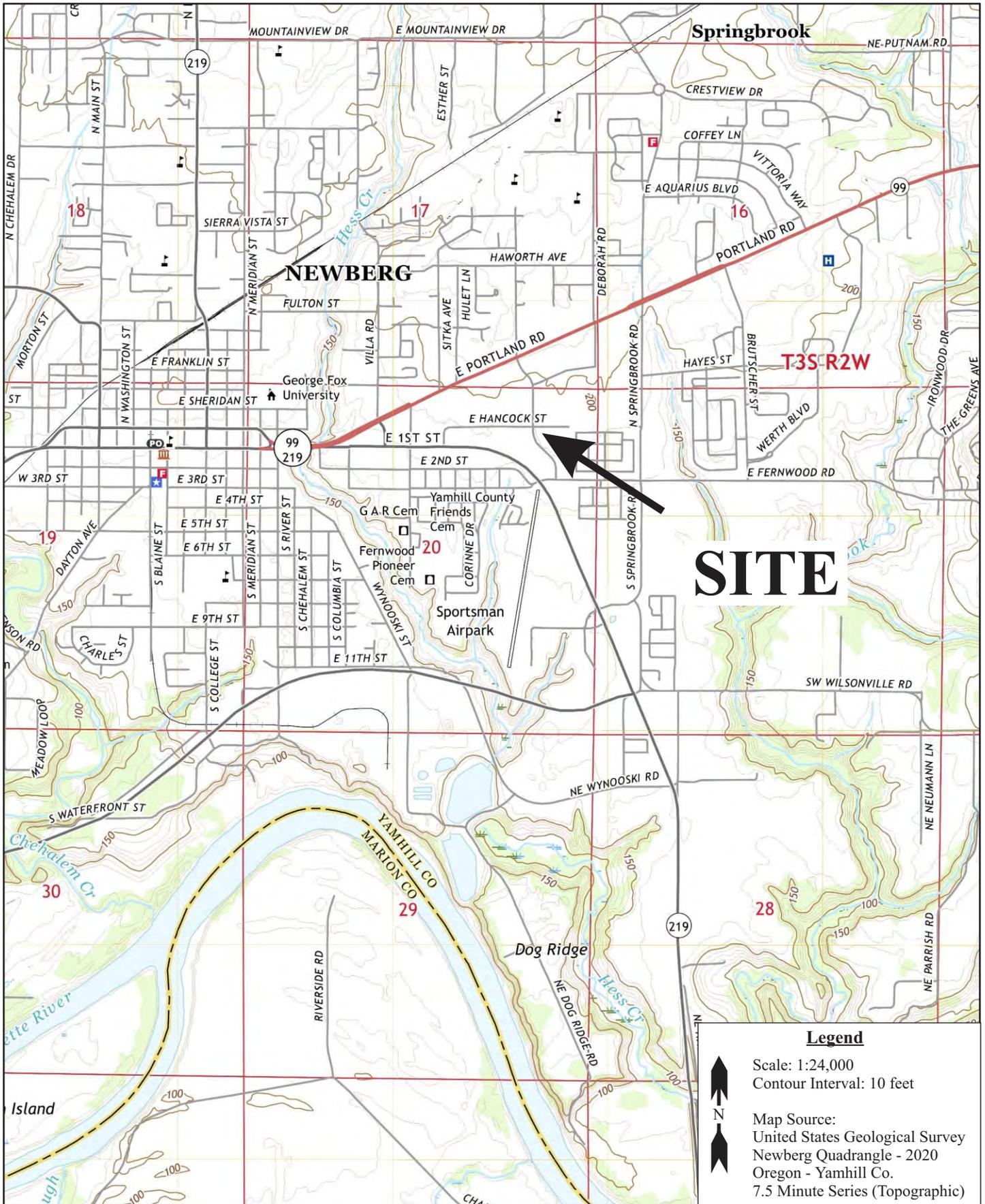
Sincerely,



Brad Shultz, Manager
Western Region Cleanup Section

Attachments: Site Map

cc: ORMS LUST36-22-0366



SITE

Legend

Scale: 1:24,000
 Contour Interval: 10 feet

Map Source:
 United States Geological Survey
 Newberg Quadrangle - 2020
 Oregon - Yamhill Co.
 7.5 Minute Series (Topographic)



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Brethauer Pacific Pride
 2600 East Hancock
 Newberg, OR
 DEQ File# 36-22-0366

Site Location Map

Figure **1**