# Department of Environmental Quality



**Northwest Region**

700 NE Multnomah Street, Suite 600

Tina Kotek, Governor Portland, OR 97232

(503) 229-5263

FAX (503) 229-6945

TTY 711

August 13, 2024 *via electronic delivery*

Lynn Green

EVRENNORTHWEST

40 SE 24th Avenue

Portland, Oregon 97214

Subject: DEQ Request for a Feasibility Study

Irwin Hodson Site

Portland, Oregon

ECSI # 6399

Lynn Green,

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 applicability of revised risk-based concentrations (RBCs) associated with sub-slab vapor. In June 2023, DEQ published revised soil vapor RBCs, and updated the RBCs in March 2024. For clarification, the current RBCs associated with sub-slab vapor apply to the Irwin Hodson site. DEQ plans to annually review and revise RBCs based on the best available and current science. Correspondingly, updates to DEQ’s VI guidance incorporates the best science and engineering, and is ready for immediate use

In addition, the email 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 to the site closure requirements. Before DEQ can review and approve remedy performance requirements, we will need to 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.

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, and Irwin Hodson’s unwillingness to move forward with the steps that DEQ has determined to be necessary.

DEQ’s voluntary cleanup program (VCP) is for parties wishing to investigate and perform cleanup actions in a cooperative manner with DEQ’s oversight. The August 6, 2024, email reflects Irwin Hodson unwillingness to work cooperatively with DEQ. In order to continue working within the VCP and DEQ to continue to devote resources to the project, Irwin Hodson must commit to moving forward with DEQ oversight in a timely manner 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 5 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

Ec:

Amanda Wozab, DEQ

Thomas Wesley, DEQ

Todd Vaneck, DEQ

Erin McDonnel, DEQ

Mike Poulsen, DEQ

Gary Vrooman, DOJ

Heather Brown, IHCO

Scott Jerger, Field Jerger

ORMS File # 6399