



# Oregon

Tina Kotek, Governor

## Department of Environmental Quality

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July 1, 2025

*via electronic delivery*

Jennie Cambier  
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Portland, OR 97203

RE: DEQ Review – 2024 Biennial Report  
University of Portland Franz River Campus  
ECSI #277

Dear Jennie Cambier:

The Oregon Department of Environmental Quality (DEQ) reviewed the *2024 Biennial Report, University of Portland Franz River Campus* (2024 Biennial Report) dated February 27, 2025, that was submitted by Dalton Olmsted Fuglevand (DOF) on behalf of the University of Portland (UP). The 2024 Biennial Report was prepared in accordance with reporting requirements of the 2014 Easement and Equitable Servitudes (EES) granted by DEQ and the associated Institutional Controls Implementation Plan (ICIP).

DEQ's comments are presented below.

### **General Comments:**

- 1) Damage to the shoreline cap includes extensive erosion potentially exposing underlying contaminated soils and sediments, which poses an exposure risk to human health and the environment. For example, monitoring reports show encampments and evidence of wildlife activity along the riverbank and the exposed contamination may adversely impact aquatic life in the river. Despite these observations, UP has indicated no further repair work is planned to address the erosion and damage to the shoreline cap. DEQ considers this stance inconsistent with the obligations outlined in UP's agreements with both DEQ and the U.S. Environmental Protection Agency (EPA) and strongly disagrees with UP's decision. DEQ and EPA remain in contact and coordination regarding damage to UP's shoreline cap and potential impacts to EPA's in-water Portland Harbor work, including in-water remedy design.
- 2) Additional relatively easy maintenance needs were identified in cap monitoring reports that do not appear to have been completed. For example, the May 2024 report first notes

some silt fence failures and missing stakes from upland capped areas and the June 2024 report first notes evidence of burrowing mammals impacting the shoreline cap. These maintenance needs should be addressed as soon as possible.

- 3) Some upland activities noted in the Cap Monitoring Reports may be out of compliance with the EES and ICIP and need additional clarification. DEQ notes that UP is required to immediately notify DEQ of any conditions that do not comply with the EES (EES Section 3.4).
  - a. Stormwater: Stormwater source control is required at the site and the ICIP requires the use of best management practices to prevent stormwater impacts; however, it is unclear whether upland source control is being properly maintained. Some reports show stormwater runoff from the uplands to the river, and it is unclear whether any of that stormwater originated from upland capped areas and whether implemented improvements (i.e., sandbags) will be a sufficient long-term solution. DEQ should be notified when stormwater system failures occur. Further, site regrading appears to have occurred that may impact stormwater. DEQ should be notified prior to any site regrading to ensure that stormwater source control is properly maintained. Please provide documentation from regrading activities to verify that all stormwater infiltrates in the uplands (e.g., as-built topographic survey).
  - b. Vehicles and equipment: Some reports seem to show vehicle tracks over upland capped areas. Please clarify whether this occurred and note that driving over caps should be avoided.
  - c. Mulch and topsoil material: Some reports describe mulch and topsoil placement over upland capped areas. Please clarify whether this occurred and if any screening or testing of the material for compliance with Clean Fill and project cleanup levels was completed.
  - d. Planting: Some reports describe planting completed in upland capped areas. Please clarify whether this occurred and notes that planting could disturb caps and should be avoided.
- 4) DEQ's comments on the 2022 Biennial Report requested that the locations and extents of erosion be included on a figure. Please complete this activity for the erosion status as of the end of the 2022 and 2024 biennial reporting periods so that we can better understand the extent and rate of erosion.

#### **Attachment A Comments:**

- 1) Some Cap Monitoring Reports are missing a map with photo locations (March 2023, July 2023, December 2023, and May 2024 through December 2024). Please revise to add these missing maps.
- 2) Some Cap Monitoring Reports have photos missing labels that are also not included in the map with photo locations (May 2024 through December 2024). Please revise to label these photos and identify their locations on the map.

- 3) Cap Monitoring Report, January 28, 2023: Item #4 indicates that no ponding is occurring on capped areas. However, Photo F appears to show ponded water. Please clarify whether Photo F is showing ponding on a capped area.
- 4) Cap Monitoring Report, February 29, 2023: Photo B shows an abandoned boat grounded along the shoreline. Please clarify whether the boat resulted in any damage to the shoreline cap, whether any sheen was observed from the boat, what happened to this boat following this monthly inspection, and whether there is a corresponding Oregon Emergency Response System report number.
- 5) Cap Monitoring Report, August 31, 2023: Please describe the purpose of the silt fence that appears along the top of the bank.
- 6) Cap Monitoring Report, September 29, 2023: Photo D shows stakes labeled with “CONTAMINATED” placed at the edge of the riverbank cap. Please provide more information about where these stakes were placed and why.
- 7) Cap Monitoring Report, October 31, 2023: Photo D shows tire tracks over upland areas, possibly over capped areas given the location of the stake in the photo. DEQ notes that vehicles and equipment should avoid driving over capped areas. Please clarify whether vehicles or equipment were driving on capped areas (see General Comment #3 above).
- 8) Cap Monitoring Report, November 28, 2023: Item #1 and Photo D indicate that mulch and topsoil were placed in an upland area followed by some planting and Photo F appears to show fill material placed over upland capped areas; please clarify whether this occurred and if any screening or testing of the material for compliance with Clean Fill and project cleanup levels was completed (see General Comment #3 above).
- 9) Cap Monitoring Report, December 7, 2023: This report is missing photos from the site visit. Please add these photos to this report.
- 10) Cap Monitoring Report, January 31, 2024: Photo F shows planting in upland areas, possibly over capped areas given the location of the stake in the photo. Please clarify whether trees or other plants were planted in upland capped areas. DEQ notes that this could result in cap disturbance and should be avoided (see General Comment #3 above).
- 11) Cap Monitoring Report, February 29, 2024:
  - a. Please correct the date of this report, as there are only 28 days in February.
  - b. Item #1 and Photos A and D indicate that ponding and stormwater rills are allowing stormwater to move beyond the top of bank and onto the riverbank. It is unclear whether any of that stormwater originated from upland capped areas and more information is needed to verify that is not the case (see General Comment #3 above).
  - c. Photo E indicates silt fencing installed since February 2024; however, this report takes place in February. Please clarify when this silt fencing was installed.

- 12) Cap Monitoring Report, March 24, 2024: Item #1 indicates that improvements have been made to where previous erosion was observed, and Photos A and D appear to show the placement of sandbags. Please include a description of these improvements in the report.
- 13) Cap Monitoring Report, April 29, 2024: Item #1 indicates improvements have been made to where previous erosion was observed, and Photo D appears to show the placement of additional sandbags. Please include a description of these improvements in the report.
- 14) Cap Monitoring Report, May 31, 2024: This report first identifies the need for maintenance regarding some silt fence failures and missing stakes from upland capped areas. However, according to subsequent reports, this repair work does not seem to have been completed. Please complete this repair work as soon as possible (see General Comment #2 above).
- 15) Cap Monitoring Report, June 28, 2024: This report first notes evidence of burrowing animals impacting the shoreline cap. However, according to subsequent reports, this repair work does not seem to have been completed. Please take action to address damage made to the cap by burrowing animals as soon as possible (see General Comment #2 above).
- 16) Cap Monitoring Report, November 26, 2024: Photo F appears to show a drum washed up onto the shoreline. Was this drum examined for leaking contents or removed? Please include descriptions of any observations or actions taken for this drum.
- 17) Cap Monitoring Report, December 23, 2024: Item #6 indicates that DOF is coordinating with UP regarding upgrading stormwater management outside of capped areas to prevent damage to caps. Given stormwater requirements in the EES and ICIP, DEQ should be consulted prior to finalization of any plans.

If you have any questions or concerns regarding these comments, please contact me by email at [Sarah.VanGlubt@deq.oregon.gov](mailto:Sarah.VanGlubt@deq.oregon.gov) or by phone at (503) 709-8253.

Sincerely,



Sarah Van Glubt

Project Manager & Data Analyst  
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cc: Tasya Gray, DOF  
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