



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Western Region

165 East Seventh Ave Ste 100

Eugene, Oregon 97401

(800)844-8467

October 31, 2024

KUMAR RAJIV

Main Street Market 1

2902 Mount Vernon St SE

Albany, OR 97322

RE: **Opportunity to Comment**
Proposed Conditional No Further Action Determination
COMMENTS DUE: 11/29/2024
Timeout Food Stop, LUST 22-05-0885

Dear KUMAR RAJIV:

The Oregon Department of Environmental Quality (DEQ) is providing oversight for the investigation and cleanup of a release of hazardous substances from the above referenced site. Based on our review of site information, we have determined that site conditions are protective of public health, safety and welfare, and the environment under the Oregon Environmental Cleanup Law, ORS 465.200 et seq. This determination is summarized in our Staff Memorandum in support of a Conditional No Further Action determination dated October 10, 2024. DEQ issues a no further action determination when a cleanup has met regulatory standards under Oregon's Cleanup law.

Soil and groundwater at the site are protective of human health given the current use as a retail and commercial fueling facility with a convenience store. Soil vapor conditions have been shown to be protective beneath the market building only. However, areas of the site with contamination above the risk-based concentrations (RBCs) for vapor intrusion were not fully delineated. It is unknown if areas of the site with concentrations greater than the groundwater vapor intrusion RBCs are protective of human health for commercial and residential use. The zoning of the site as Commercial-2 allows for residential use in the future. Groundwater conditions at the site are not protective of human health for construction and excavation workers who potentially encounter groundwater in excavations. This risk is for onsite only and does not extend offsite.

To protect future receptors, DEQ is recommending a deed restriction in the form of an easement and equitable servitude (EES) that restricts development on the site, use of groundwater beneath the site, and includes a contaminated media management plan

Because your property is located adjacent to the site, DEQ is notifying you of its proposal to issue a no further action determination. Directions on how to comment on DEQ's proposal and where to find additional information are provided below.

How to Comment

Send comments by 5 p.m. on Friday, November 29, 2024, to DEQ Project Manager Sarah Kingery by phone (541)321-3687, email sarah.kingery@deq.oregon.gov, mail 165 E 7th Avenue, Suite 100, Eugene, Oregon 97401.

Where to Find Additional Information

Detailed information supporting DEQ's proposed conditional no further action determination is contained in the DEQ Staff Memo dated October 10, 2024. This document and other documents may be viewed on DEQ's web site at <https://ordeq.org/22-05-0885>.

The complete project file is available for review through our public records request (PRR) process. Information about requesting a review of DEQ project files is at: <https://www.oregon.gov/deq/about-us/Pages/Request-Public-Record.aspx>.

You may contact me at (541)321-3687 or sarah.kingery@deq.oregon.gov if you have questions about the project or how to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Kingery", with a stylized, cursive script.

Sarah Kingery, Project Manager
Western Cleanup Section

Attachments: Site Plan and Analytical Results

cc: John Truax
ORMS File