



PUBLIC NOTICE

Date posted: 7/1/2024

DEQ Requests Comments on Proposed Consent Judgement for Bird Alliance of Oregon in Portland

HOW TO PROVIDE PUBLIC COMMENT

Facility name: Former H.G. LaVelle Landfill
Permit type: Prospective Purchaser Agreement
Comments due by: Aug. 1, 2024 at 5 p.m.

Submit written comments:

By mail: Cleanup Program Coordinator, Oregon DEQ,
700 NE Multnomah St. Ste. 600 Portland, OR 97232

By email: PPAinfo@deq.oregon.gov

The Department of Environmental Quality proposes to enter into a Prospective Purchaser Agreement with Bird Alliance of Oregon. The PPA will be a Consent Judgement that allows BAO to redevelop the closed H.G. LaVelle Landfill located on the southeast corner of NE 82nd Ave. and Siskiyou St. in Portland in a manner that will not impact the environmental systems in place for the site and does not make BAO a responsible party for past environmental contamination.

Summary

BAO proposes to redevelop the western portion of the former landfill as a wildlife care center, which will make productive reuse of this portion of the site while providing a service to wildlife and the local community. Having a source of wildlife care provides positive personal experiences as well as wildlife education to the community. This is a beneficial, compatible and low-impact reuse that serves the local and regional community by restoring derelict land to productive use, drawing visitors to the area and bringing a strong presence and value of stewardship to the land and wildlife. The proposed BAO redevelopment can be done in a way that reuses the vacant land, maintains the cleanup remedy including the landfill cap, landfill gas collection and monitoring systems and is protective of human health and the environment.

About the facility

The site was part of a larger gravel quarry owned and operated by Rose City Sand & Gravel Co. from 1936 until 1972, during which time it was excavated to a reported depth of 80 feet. From 1972 to 1982, the site operated as the H.G. LaVelle Landfill which received construction debris, land clearing debris and other solid waste materials. Wood and other organic materials buried at the landfill began generating methane gas, and in 1979 a methane gas extraction system was installed along the landfill's north and west boundaries. The methane gas extraction system's main purpose was to mitigate subsurface methane migration into the neighborhood north of the landfill and to protect properties located west of the landfill along 82nd Ave. In 1982, waste disposal activities ceased and the landfill closed. Landfill closure included the addition of a vegetated soil cover and storm water drainage improvements. In 2009, the methane gas extraction system was expanded along the south boundary of the landfill to protect residential neighbors in that area.

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The subsurface migration and surface venting of methane and other landfill gases is the primary environmental concern at the site. Limited groundwater monitoring indicates that groundwater contamination is not a significant concern. DEQ regulates the landfill through a DEQ solid waste landfill post-closure permit to make sure that the closed landfill does not create environmental concerns. Redevelopment on top of closed landfills is overseen by DEQ through DEQ's Cleanup Program and Solid Waste Program through solid waste closure and post-closure permits and PPAs that identify how development on top of a closed landfill can proceed while protecting human health and the environment.

There are two existing PPAs that have allowed construction on portions of this closed landfill. One PPA developed in 2004 established the requirements that allowed the Asian American Plaza, LLC to be built and managed. The second was developed in 2013, between the DEQ and Dharma Rain Zen Center (DRZC) to allow DRZC to develop the Dharma Rain facilities on a 14-acre portion of the landfill. The structures in the development utilized protective building code control standards that protect against methane migration into building structures developed by the Los Angeles Department of Building and Safety. DEQ requires these standards as they are some of the most protective standards in the United States. The development was near an existing extraction well, which was modified to allow for continued operation of the LFG system after the development was completed. DRZC development also incorporated permeable surfaces to limit impermeable capping that would prevent atmospheric venting. Utility corridors were constructed using seals to prevent methane migration and accumulation in locations where sparks may occur.

What does a PPA do?

The PPA will enable BAO to purchase and develop the Property without having to assume the liability for past environmental concerns such as past releases of methane and other hazardous substances, associated with the former landfill. As part of the PPA, BAO will become the permittee of the DEQ solid waste landfill post-closure permit. DEQ will continue to require that the landfill be managed under a DEQ solid waste post closure permit until there are no unacceptable environmental risks associated with the former landfill on the Property. DEQ will oversee and approve BAO's redevelopment on top of the landfill to verify that construction and operation of the BAO facilities are done in ways protective of human health and the environment.

What is the PPA Program?

DEQ created the PPA Program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that facilitates the beneficial reuse of contaminated property and its cleanup, and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing contaminated property. DEQ has approved many prospective purchaser agreements throughout the state since the program began.

What happens next?

Once the comment period closes, DEQ will consider any comments. If DEQ determines to enter the consent judgment, it will be executed by the parties and then filed with the Multnomah County Circuit Court. The court must approve the consent judgment for it to take effect.

Environmental Cleanup Site Information Database Site ID: 5118

For more information

Find more information about this project or if you have any questions concerning the PPA, please contact Lorenzo Danielson at 503-819-9247 or by email at Lorenzo.Danielson@deq.oregon.gov. If you have any technical questions concerning the Property, please contact Ryan Lewis at 503-915-4764 or by email at Ryan.Lewis@deq.oregon.gov.

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