



Oregon

Kate Brown, Governor

Department of Environmental Quality

Northwest Region Portland Office

700 NE Multnomah Street, Suite 600

Portland, OR 97232

(503) 229-5263

FAX (503) 229-6945

TTY (503) 229-5471

December 7, 2015

Walter C. Bowen
BDC/2100 Portland, LLC
c/o BDC Advisors, LLC
1331 NW Lovejoy, Suite 775
Portland, OR 97209

RE: Conditional No Further Action Determination
South Waterfront Lot 9
Portland, Oregon
ECSI #4423

Dear Mr. Bowen:

The Oregon Department of Environmental Quality (DEQ) has completed a review of the available information, including a letter entitled "Request for Regulatory Closure", prepared by Stantec and dated September 24, 2015, for property located at 2100 SW River Parkway in Multnomah County, Oregon in Multnomah County [Tax Map 1S1E03CD, Tax Lot 300 (the "Site"; Figure 1)]. The Site is referred to as "South Waterfront Lot 9" in DEQ Cleanup Program files.

DEQ has determined that investigation to address environmental contamination at the Site is complete, and no further action is required provided that conditions identified below are maintained. This determination is based on the DEQ regulations and the facts as we now understand them including, but not limited to the following:

- The Site property occupies approximately 1.2 acres in South Waterfront District about 150 feet west of the Willamette River, just north of the Marquam/Interstate 5 Bridge in downtown Portland. The majority of the property is occupied by a commercial office building. The Site and nearby area were historically filled with various materials including clinker ash, timbers, cables and other miscellaneous demolition waste including asbestos-containing materials.
- The Site property previously was part of a larger parcel (Parcel 3; Figure 2), which contained a steam power plant north of the Site property that operated from approximately 1917 until 1990, when it was demolished. Upon demolition of the steam plant in 1990, concrete debris, some coated with asbestos-containing paint, was stockpiled on the Site. A lumber company operated on the Site property from the 1800s until 1929, when it was destroyed by fire. An electrical sub-station was built on Site property sometime after 1930, and operated until 1989 when it was dismantled and relocated off-site.
- In December 1988, the City of Portland, acting by and through the Portland Development Commission (PDC), entered into an Agreement with DEQ referenced as No. ECSR-NWR-88-04 pertaining to an area in the City of Portland, Oregon which is commonly known as the "South Waterfront Redevelopment Area". For purposes of the Agreement, the area was divided into two parcels: Parcel 2 and Parcel 3. As described below, Parcel 3 was further divided in Parcels 3A and 3B. The Site property is commonly referred to as Lot 9, one of two lots that comprise Parcel 3B.

- Investigation completed in the early 1990s identified low levels of metals and petroleum hydrocarbons in soil. Polychlorinated bi-phenyls, volatile and semi-volatile organic compounds were not detected in soil. Shallow groundwater monitoring wells were not installed at the Site; however shallow groundwater at upgradient locations in Parcel 2 contained low or non-detectable levels of metals and volatile organic compounds. Low levels of metals, volatile organic compounds and phenols were detected in intermediate and deep groundwater samples collected at the Site. Based on these results DEQ approved separating the Site property from the larger parcel in 1993 for the purposes managing environmental issues. DEQ indicated that a final disposition of the Site could be incorporated into the remedy selection for the entire South Waterfront area. DEQ concluded that the Site remedy would include future management of the steam plant debris per a DEQ-approved plan, and that a deed restriction should be recorded to specify requirements for maintaining the debris.
- In 1998 DEQ issued a Record of Decision for Parcel 3. The decision for Parcel 3B reiterated DEQ's previous finding in 1993. The only action DEQ required for Parcel 3B under the ROD was preparation of a plan for permanent onsite disposal of the asbestos-containing paint coated debris, and memorializing this requirement in a deed notice. In 2001 a Draft Easement and Equitable Servitude (EES) for Parcel 3B Lot 9 was prepared by DEQ. It included a prohibition on groundwater use based on additional investigation completed on adjacent parcels, but did not discuss asbestos-related concrete debris management requirements. The draft EES was never finalized or recorded with Multnomah County.
- An amendment to Agreement No. ECSR-NWR-88-04 was finalized on August 2, 2000. The amendment includes a section indicating that an EES restricting groundwater use was required for Parcel 3B.
- In 2004, DEQ approved a PDC plan entitled "General Plan for Management of Asbestos-Related Concrete Debris, SWRA, Parcel 3, Portland, Oregon".
- On November 11, 2015, an EES between DEQ and BDC/2100 Portland, LLC was recorded with Multnomah County. The EES requires implementation of a management plan for asbestos containing materials in the event it is excavated or otherwise disturbed during site development. It also restricts groundwater use at the Site. Appropriate management of asbestos containing material and the groundwater use restrictions as outlined in the EES constitute the conditions of the Conditional No Further Action determination outlined in this letter.
- The Site property is zoned Central Commercial (CX) zone and is intended to provide for commercial development within Portland's most urban and intense areas. Residential use is allowed under this zoning. Historically, groundwater in the Site area was used for potable and industrial purposes. Potable water for the Site and surrounding region is now provided by the City of Portland. There are no wells on or in the immediate vicinity of the property, and water supply wells are not reasonably likely to be installed in the future. The Site is a developed commercial property with no ecological habitat. On this basis a formal ecological risk screening was not required by DEQ.

Based on the available information, site conditions are protective of public health and the environment. The Site requires no further action under Oregon Administrative Rules (OAR) 340-122-0205 through

Conditional No Further Action Determination
2100 SW River Parkway -Lot 9

340-122-0360, unless new or previously undisclosed information becomes available, there are changes in development or land and water uses, or new? contamination is discovered. DEQ will update the Environmental Cleanup Site Information System (ECSI) database to reflect this decision.

DEQ recommends keeping a copy of all of the documentation associated with this remedial action with the permanent facility records. If you have any questions, please contact me at 503 229-5587 or pugh.mark@deq.state.or.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Pugh', with a stylized flourish at the end.

Mark Pugh, Senior Project Manager
Northwest Region Cleanup and Tanks Section

Attachments: Figure 1. Site Location
Figure 2. South Waterfront Parcel Configuration

cc via e-mail: Brien Flanagan, Schwabe, Williamson & Wyatt, (BFlanagan@SCHWABE.com)
Len Farr, Stantec (Leonard.Farr@stantec.com)

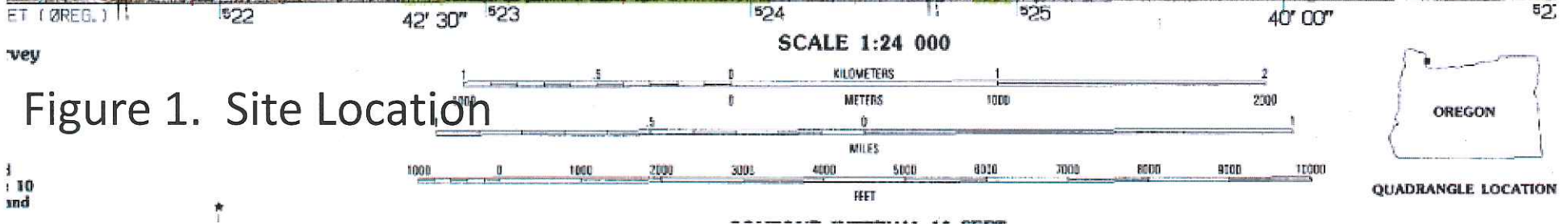
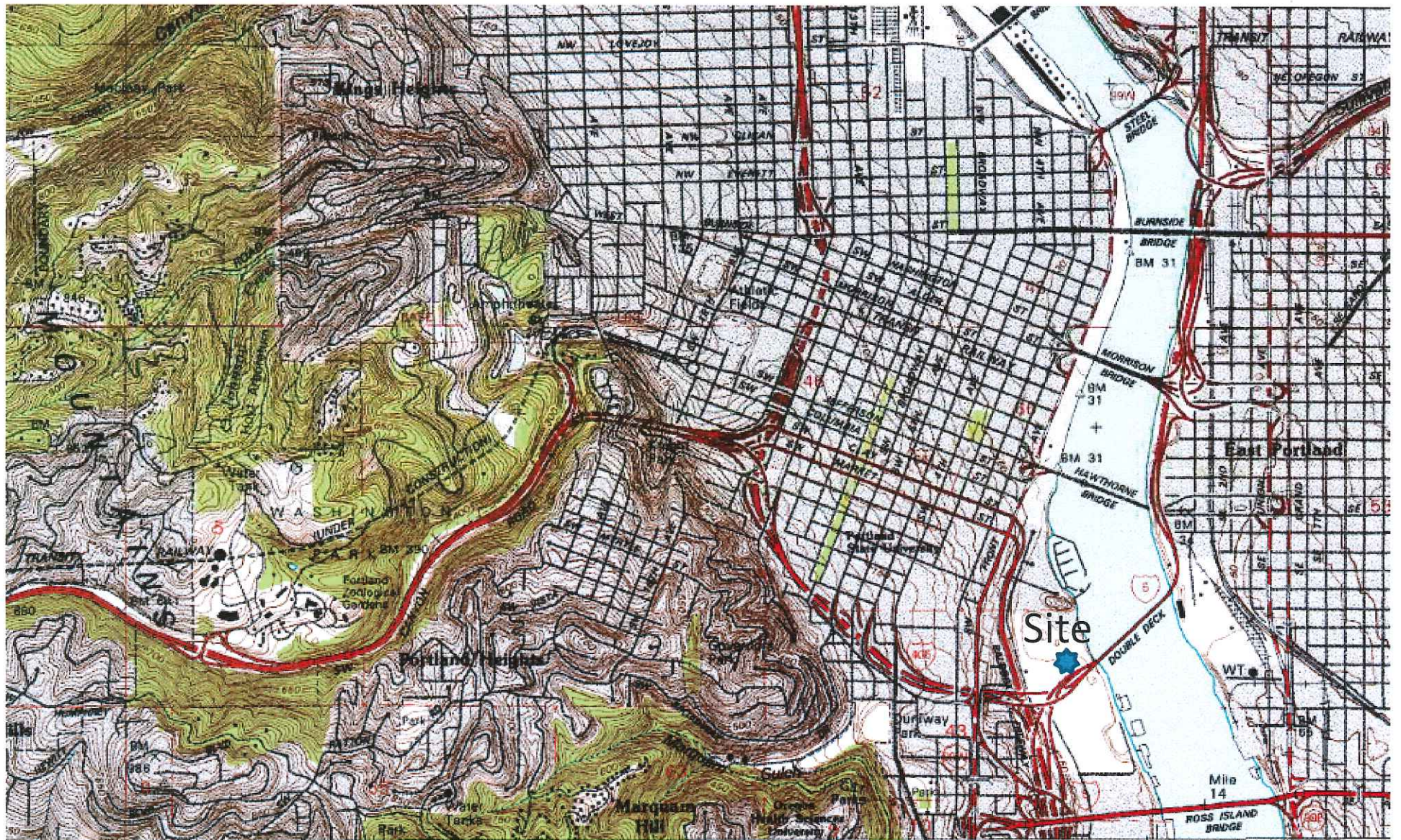
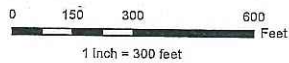
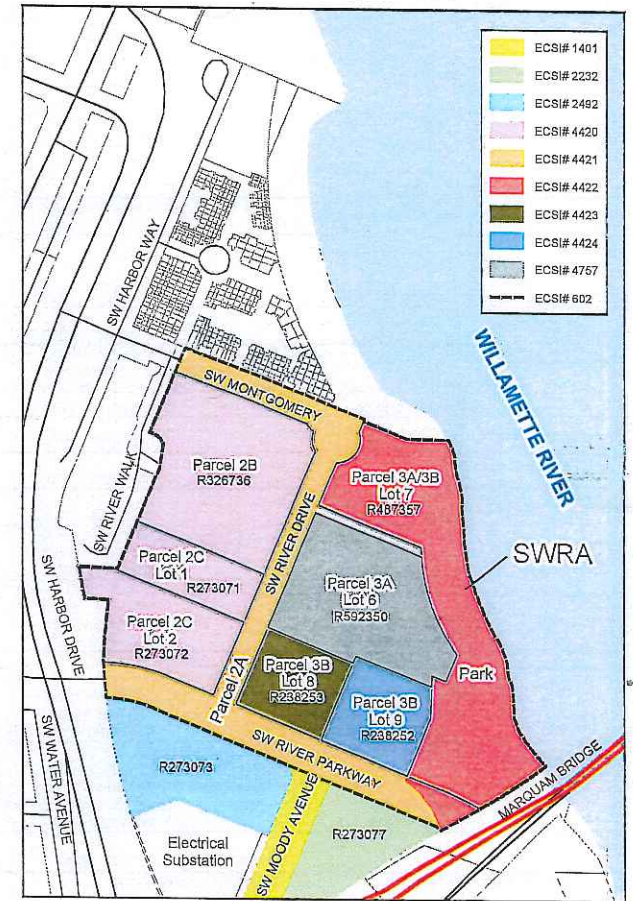
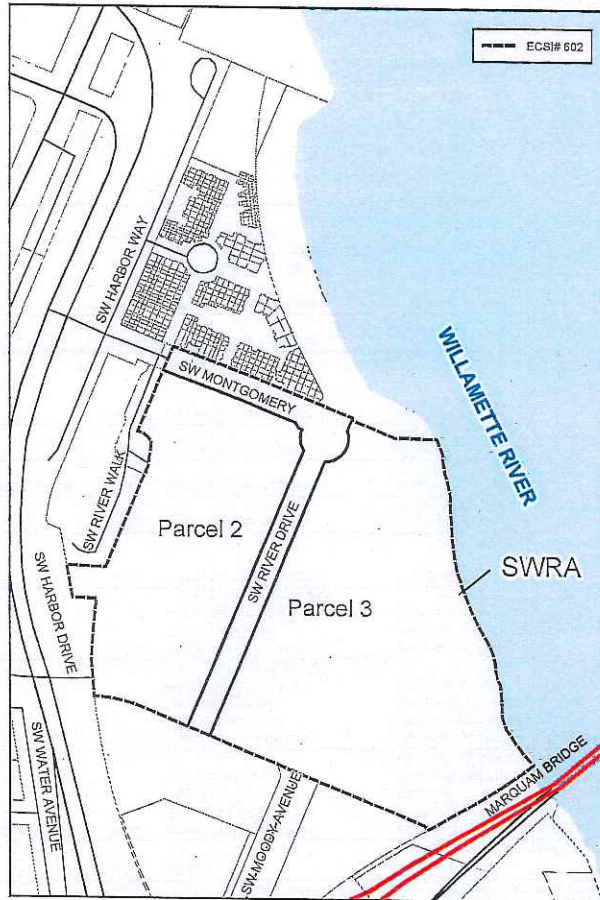
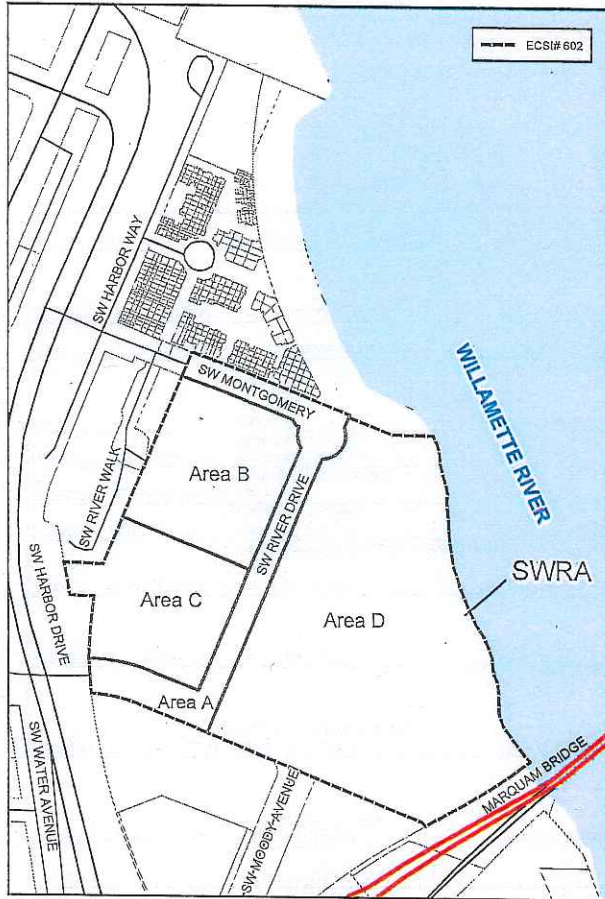


Figure 1. Site Location

1988 ORIGINAL CONSENT AGREEMENT

1994 ADDENDUM TO CONSENT AGREEMENT

CURRENT (2013) TAX LOTS



STREETS, RIV_FILL, and TAXLOTS layers from Metro Data Resource Recorder, 2013.

7376 SW Duham Road
Portland, OR, U.S.A. 97224



W.D. 1-61M-12435-0
DESIGN LF
DRAWN BRJ/SD
DATE MAY 2013

PORTLAND DEVELOPMENT COMMISSION
1900 SW FOURTH AVENUE, SUITE 100
PORTLAND, OREGON

SOUTH WATERFRONT PARCEL CONFIGURATION

FIGURE 2: