



# Oregon

Tina Kotek, Governor

Department of Environmental Quality

Eastern Region

475 NE Bellevue Dr #210

Bend, OR 97701

(541) 388-6146

June 21, 2023

James R. Uerlings  
Swan Lake Moulding Company  
P.O. Box 428  
Klamath Falls, Oregon 97601

RE: Conditional No Further Action Determination  
for Burger King 2710 South Sixth Street, Klamath Falls  
LUST #18-13-0476

Dear Mr. Uerlings:

The Oregon Department of Environmental Quality (DEQ) has completed a review of the available information for the Burger King 2710 South Sixth Street site. The site address is 2710 South 6<sup>th</sup> Street, Klamath Falls, Oregon, 97603, Tax Lot 1700 in Section 3-BB, Township 39 South and Range 9 East.

DEQ has determined that remedial action to address environmental contamination at the Burger King 2710 South Sixth Street site is complete, and no further action is required with conditions, as outlined in the attached Easement and Equitable Servitudes (EES). This determination is a result of our evaluation and judgment based on the DEQ regulations and the facts as we now understand them including the following:

- Current site use as commercial restaurant.
- Cause of contamination are petroleum releases from underground storage tanks.
- Affected media is subsurface soil, soil pore spaces and groundwater. A petroleum contaminant vapor plume exists across Washburn Way to the West of this site. This vapor plume is not associated with past site activities on this site.
- Remedial actions taken include removal of underground storage tanks, soil excavation and disposal.
- Contamination left in place include petroleum.
- Human exposure pathways remain incomplete as long as the EES is in full compliance.
- Easement and Equitable Servitudes (EES) includes requirement of passive vapor barrier installation on all new construction designed for human occupancy and habitation (commercial and urban residential). Restriction on groundwater use. Contaminated media management plan for any ground disturbing activity involving removal of contaminated soil or groundwater.

Based on the available information, environmental conditions at 2710 South Sixth Street are currently protective of public health and the environment in accordance with Oregon environmental cleanup law, and Oregon Administrative Rules 340-122-0205 through 340-122-0360. The site requires no further action unless new or previously undisclosed information becomes available, or there are changes in site development or land and water uses, or more contamination is discovered. DEQ has updated the Leaking Underground Storage Tank (LUST) database to reflect this decision. This letter only applies to the release(s) discussed above. If any contaminated media is encountered in the future, it must be handled and disposed of in accordance with local, state and federal regulations.

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 Charles Kennedy at Phone #541-633-2015, or via email at Charles.Kennedy@state.or.us

Sincerely,

*Ann M. Farris*

Ann Farris  
Eastern Region Cleanup Program Manager

Attachment(s): EES

cc: Scott Jerger, Field Jerger LLP