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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON, ex rel., LEAH  
FELDON, DIRECTOR OF DEPARTMENT  
OF ENVIRONMENTAL QUALITY,

Plaintiff,

v.

BNSF RAILWAY COMPANY, a Delaware  
Corporation, and HOYT STREET  
PROPERTIES, LLC, an Oregon limited  
liability company,

Defendant.

Case No. 0202-01268

**CERTIFICATION OF COMPLETION**

**ORS 20.140 - State fees deferred at filing**

**1. Findings**

A. On February 8, 2002, the Oregon Department of Environmental Quality (DEQ) entered into a Stipulation and Consent Decree with The Burlington Northern and Santa Fe Railway Company, now known as BNSF Railway Company (BNSF) and Hoyt Street Properties, LLC (HSP) and filed it with the Circuit Court of the State of Oregon for Multnomah County, Case No. 0202-01268 (Consent Decree). The Consent Decree required that BNSF perform remedial actions to address contaminated groundwater and HSP perform remedial actions to address contaminated soils at the former Hoyt Street Railyard site (the Site) in Portland in accordance with a Record of Decision (ROD) issued by DEQ on December 15, 2000.

B. Defendant BNSF had operated free-product recovery wells at the Site since 1976, and in 2001 BNSF excavated approximately 18,000 tons of soils from the center of the contaminated

1 area. BNSF installed groundwater monitoring wells and conducted confirmation groundwater  
2 monitoring at the Site from 2006 to 2013.

3 C. Under the terms of the Consent Decree, BNSF was required to submit to DEQ for  
4 review and comment a Project Closeout Report at the completion of groundwater remedial activities  
5 at the Site. Integral Consulting, Inc. submitted an *Updated Groundwater Project Closeout Report* to  
6 DEQ on behalf of BNSF in November 2014.

7 D. DEQ declined to issue a Certification of Completion to BNSF because mitigative  
8 measures for Tanner Creek had not been completed as required under Section 7.A. of the Consent  
9 Decree.

10 E. In September 2022, two concrete collars were installed in the backfill around the  
11 Tanner Creek outfall to the Willamette River, completing the required mitigative measures for the  
12 underground Tanner Creek combined storm/sewer pipeline.

13 F. The groundwater remedial actions are documented in the plans and reports in the  
14 Administrative Record for the site.

15 G. On December 1, 2024, DEQ provided public notice and opportunity to comment on a  
16 proposed Certification of Completion for the groundwater remedial actions for the Site in accordance  
17 with ORS 465.320 and 465.325(10)(b). Copies of the work plans and reports completed for the Site  
18 were posted and available to review electronically online. The public notice was published on  
19 December 1, 2024 in the *Oregon Secretary of State's Bulletin* and in *The Oregonian* newspaper.  
20 The comment period closed on January 3, 2025. Comments were received and considered as  
21 documented in the project file.

22 F. Based on the reports and other information submitted by Defendant BNSF and DEQ's  
23 inspection and oversight of activities, DEQ finds that Defendant BNSF has satisfactorily completed  
24 the Consent Decree scope of work for groundwater remedial actions at the Site.

25 **2. Conclusions**

26 A. Defendant BNSF has fully and satisfactorily completed remedial actions to address

1 contaminated groundwater at the Site as required under the Consent Decree.

2 B. No further groundwater remedial actions are required at the Site to protect public health,  
3 safety, and welfare or the environment.

4 **3. Conditions**

5 A. This Certification of Completion applies only to the satisfactory completion of the work  
6 conducted at the Site by Defendant BNSF pursuant to the Consent Decree.

7 B. DEQ’s determination that no further groundwater remedial actions are required at the  
8 Site may be withdrawn upon discovery of new information showing that public health, safety, and  
9 welfare or the environment are not being protected.

10 C. DEQ does not, by this Certification, assume liability for any claim arising from acts or  
11 omissions of Defendant BNSF or its officers, employees, agents, successors, subsidiaries, or assigns  
12 relating to actions pursuant to the Consent Decree.

13 **4. Notice**

14 This order constitutes Certification of Completion under ORS 465.325(10), and may be  
15 appealed by any aggrieved person in accordance with ORS 465.325(10)(c).

16

17 **Issued By:**

18 State of Oregon  
19 Department of Environmental Quality

State of Oregon  
Department of Justice

20 By:   
21 \_\_\_\_\_  
Kevin Parrett, Cleanup Manager  
DEQ Northwest Region

By: *Gary Vrooman*  
\_\_\_\_\_  
Gary Vrooman, OSB No. 075832  
Assistant Attorney General

22 \_\_\_\_\_  
23 1/28/2026  
Date

01/29/2026  
\_\_\_\_\_  
Date

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**CERTIFICATE OF SERVICE**

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I certify that on January 29, 2026, I served a true copy of the above Certification of Completion by depositing it in the United States mail, postage prepaid, and addressed to the following persons:

Shane DeGross, PG/LG  
BNSF Railway Company  
605 Puyallup Avenue  
Tacoma, WA 98421

- Hand Delivery
- Mail Delivery
- Overnight Mail
- E-Mail

*Gary Vrooman*

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Gary Vrooman, OSB #075832  
 Assistant Attorney General  
 Of Attorneys for Plaintiff  
 Department of Justice  
 100 SW Market Street  
 Portland, OR 97201  
 Phone: 971-707-8227  
 Fax: 971-673-1884  
 Gary.L.Vrooman@doj.oregon.gov

CERTIFICATE OF SERVICE  
GLV/smn:1012360789