

MEMORANDUM | December 3, 2025

TO Kevin Dana and David Lacey, Oregon Department of Environmental Quality (DEQ)

FROM Peter Shanahan, HydroAnalysis LLC (HALLC); Jennifer Hart and Gail Fricano, Industrial Economics, Inc. (IEc)

SUBJECT Five Tribe follow-up to DEQ’s “Response to Hoyt Street Railyard Groundwater Comments,” dated November 20, 2025

This memorandum, submitted on behalf of the Five Tribes,¹ responds to DEQ’s November 20, 2025, email to IEc regarding the *Response to Hoyt Street Railyard Groundwater Comments*. We also reviewed the *BNSF Railway Company Response to IEc 2/4/2025 Comments on the DEQ Hoyt Street Railyard, ECSI #1080; Staff Memorandum in Support of a Partial No Further Action Determination for Groundwater Contamination*, a memorandum prepared by Integral Consulting Inc. (Integral) on behalf of BNSF Railway Company (BNSF) (Integral 2025).

Comments

On February 4, 2025, the Five Tribes submitted comments to DEQ on the draft Staff Memorandum in support of a Partial No Further Action determination for groundwater contamination (HALLC and IEc 2025). Based on the information presented in DEQ’s draft Staff Memorandum (DEQ 2024) and referenced in other available supporting documents, we questioned whether DEQ could conclusively demonstrate that the groundwater cleanup at the Hoyt Street Railyard had successfully controlled upland sources of groundwater contamination.

The BNSF response (Integral 2025), distributed by DEQ by email on November 20, 2025, provides important additional information and references other site documents that were not available to us when we reviewed DEQ’s draft Staff Memorandum. This additional information does address our primary concerns relating to the adequacy of groundwater source control and protectiveness for the Willamette River. However, the BNSF response supports our conclusion that DEQ’s draft Staff Memorandum was not comprehensive in its summation of available information and characterization of the site to support a No Further Action determination. DEQ’s email indicates the Staff Memorandum has been revised to incorporate additional information provided by Integral, which we acknowledge. While we have not reviewed the latest revisions, we recommend the following specific changes to more completely document the justification for granting a certificate of completion:

¹ The five tribes are the Confederated Tribes of the Grand Ronde Community of Oregon, the Nez Perce Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Warm Springs Reservation of Oregon.

- The Staff Memorandum should include additional discussion of the reversal of groundwater flow, noting its importance to the overall conclusions regarding site groundwater. Integral’s (2014) groundwater contour map should be included in the Staff Memorandum, and site groundwater monitoring reports should be uploaded to the DEQ document repository.
- The 2024 Groundwater Monitoring and Contingency Plan (RETEC 2004) should be more thoroughly referenced in the Staff Memorandum and uploaded to the DEQ document repository. The Staff Memorandum should be updated to include a more complete discussion of the risk assessment completed by RETEC (2004), and Appendix C from that report should be included as an attachment.

References

Integral Consulting Inc. (Integral). 2014. 2013 Groundwater Monitoring Report, Former Hoyt Street Railyard, Prepared for BNSF Railway Company. August 29.

Integral Consulting Inc. (Integral). 2025. Memorandum: BNSF Railway Company Response to IEc 2/4/2025 Comments on the DEQ Hoyt Street Railyard, ECSI #1080; Staff Memorandum in Support of a Partial No Further Action Determination for Groundwater Contamination and DEQ’s Proposed Groundwater Certification of Completion. September 24.

Hydroanalysis LLC (HALLC) and Industrial Economics, Inc (IEc). 2025. Memorandum: Five Tribe review of “Hoyt Street Railyard, ECSI #1080; Staff Memorandum in support of a Partial No Further Action determination for groundwater contamination,” dated November 6, 2024. February 4.

Oregon Department of Environmental Quality (DEQ). 2024. Memorandum: Hoyt Street Railyard, ECSI #1080; Staff Memorandum in support of a Partial No Further Action determination for groundwater contamination. November 6.

The RETEC Group, Inc. (RETEC). 2004. Final Groundwater Monitoring and Contingency Plan. Prepared for The BNSF Railway Company. January 29.