



# Oregon

Theodore R. Kulongoski, Governor

## Department of Environmental Quality

Northwest Region Portland Office

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July 5, 2005

Gabrielle Bolivar  
Executive Director  
Port City Development Center  
2124 N Williams Avenue  
Portland, OR 97227

Re: Conditional No Further Action,  
Port City Development Center  
(Former Wagstaff Battery) ECSI # 1243  
2124 N Williams Avenue, Portland OR

Dear Ms. Bolivar:

The Department of Environmental Quality (DEQ) completed our review of the site investigation and cleanup activities at the Port City Development Center (former Wagstaff Battery property). DEQ appreciates the work that Port City Development Center (PCDC) conducted to date to ensure that the property is protective of human health and the environment. DEQ determined that no further action is warranted provided the property remains in compliance with the Environmental Notice and Easement and Equitable Servitude, discussed below. The no further action determination is a result of our evaluation and judgment based on the regulations and facts as we now understand them, including the following:

1. PCDC entered into a Prospective Purchaser Agreement (PPA) with DEQ on September 10, 1998 for DEQ Voluntary Cleanup Program oversight of additional investigation and cleanup at the facility as part of site redevelopment. The PPA requires PCDC to maintain protective caps over pockets of lead contaminated soil at a former dry well and two feet from the east wall of Building B (identified in earlier documents as Building #1) and over lead and petroleum hydrocarbon contaminated soil within Sump #1 beneath Building B. These contaminated areas are also identified in an Environmental Notice recorded with Multnomah County on January 14, 1998 while the property still operated as Wagstaff Battery. The PPA requires that contaminated areas remain isolated from human contact or that PCDC investigate and remediate any contaminated soils exposed or discovered during development, and that PCDC submit development plans to DEQ for review to ensure development actions will not exacerbate existing contamination.
2. Between January 2003 and May 2004, General Client Services, Inc. (GCS), on behalf of PCDC, conducted additional environmental investigations as part of site redevelopment. Sample data showed that lead was present in soil outside of Building B at concentrations that exceeded the U.S. Environmental Protection Agency Region 9 residential Preliminary Remediation Goal (PRG) of 400 mg/kg lead for protection of human health. A March 21, 2003 *Soil Sampling Characterization Report* prepared by Environmental Forensic Investigations, Inc. documented the detection of lead in soil from the eastern area of the property at concentrations as high as 14,500 mg/kg lead. Based on this new information

provided by PCDC, on March 4, 2004 DEQ withdrew a previous no further action determination for the property.

3. Between May 2004 and September 2004 PCDC poured additional structural concrete over the existing building floors (including over the Building B sumps) and conducted soil removals to address the lead contaminated areas outside of Building B. Following the soil removals, soil sample data showed lead concentrations to be below 400 mg/kg and protective of human health with the exception of previously identified areas beneath Building B, a newly identified sump (#1A) beneath Building B, and soil beneath an asphalt parking area outside the northwest corner of Building B. The results of this work are documented in a December 27, 2004 GCS report, *Remediation of Lead Contaminated Soil, Port City Development Center Facility*. The contaminated soil that remains in place is capped by concrete or asphalt, which prevents exposure to people working or living at the property.
4. The original 1998 Environmental Notice identifying contaminated areas beneath Building B still applies. In addition, on May 24, 2005 PCDC recorded an Easement and Equitable Servitude (E&ES) with Multnomah County that identifies site maintenance, hazard notification, and soil management requirements. These provisions apply to the known or potentially contaminated areas: 1) beneath the concrete of Building B, and 2) beneath the parking lot asphalt at the northwest corner of Building B. The restricted areas of Building B and the asphalt parking lot are identified on a figure attached to the E&ES. Under the E&ES, the property owner cannot expose soil in these areas without approval of DEQ, notification to workers of the potential presence of contaminated soil, and management as hazardous or solid waste of any soil excavated for disposal.

Current site conditions are protective of public health and the environment, as long as the property complies with the Environmental Notice and E&ES. No further action is required for the site, under Oregon Environmental Cleanup Law, ORS 465.200 et seq., unless additional information becomes available which warrants further investigation. The site will remain on DEQ's Confirmed Release List and Inventory of sites based on the conditions of the Environmental Notice and E&ES. The PPA between DEQ and PCDC also remains in effect. DEQ's Environmental Cleanup Site Information database (ECSI) will be updated to reflect this decision.

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Thank you for your participation in the Voluntary Cleanup Program. If you have any questions about this determination, you may contact the Project Manager, Tom Roick at 503-229-5502.

Sincerely,

*James M. Anderson for Keith Johnson*

Keith Johnson, Manager  
Cleanup & Lower Willamette Section

Cc: Tom Roick/ Tom Gainer, DEQ NWR  
Russ Goddard, General Client Services, Inc.