



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL
CLEANUP

November 20, 2014

Mr. Milt Brown
1610 North Pier 99 Street
Portland, Oregon 97217-01

Re: Notice of Completion of Work: 1610 North Pier 99 Street, Portland, Multnomah County, Oregon, 97217, Administrative Settlement Agreement and Order on Consent, CERCLA Docket No. 10-2013-0161

Dear Mr. Brown:

The Administrative Settlement Agreement and Order on Consent (AOC) entered into between you and the US Environmental Protection Agency (EPA) to conduct a removal action on your property located at 1610 North Pier 99 Street, Portland, Oregon (Site), calls for the EPA to provide a written notice to the Respondent after review of the Removal Action Report that all the removal work has been fully performed (Section XXVII - Notice of Completion of Work), with the exception of any continuing obligations.

The EPA has reviewed the Removal Action Report, dated November 13, 2014, prepared by Apex Companies, LLC. The Removal Action Report describes the removal action conducted and provides supporting documentation. The Removal Action Report is consistent with what the EPA observed during oversight of the removal work at the Site.

Based on the EPA oversight and review of the Removal Action Report, the EPA has determined that all the work has been fully performed in accordance with the AOC, with the exception of continuing obligations. Such continuing obligations include those specified under Section XI (Record Retention) and Section XV (Payment of Response Costs) of the AOC, and the Post-Removal Site Controls Letter, issued pursuant to Paragraph 21 of the AOC, and enclosed herein. Such continuing obligations will remain in effect until satisfied or modified in accordance with the AOC.

If you have any questions regarding this letter, please contact me at 206-553-2101, or Kris Leefers, Assistant Regional Counsel, at 206-553-1532. The EPA appreciates your timely completion of this work to ensure the protection of human health and the environment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Angelica Zavala", written over a horizontal line.

Angelica Zavala
On-Scene Coordinator

Enclosure: Post-Removal Site Controls Letter

cc: John Foxwell
Apex Companies, LLC

Kris Leefers, Assistant Regional Counsel
EPA Region 10 Office of Regional Counsel



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November 20, 2014

Mr. Milton Brown
8320 NE Highway 99
Vancouver, Washington 98665

Re: 1610 North Pier 99 Site: Post-Removal Site Control Requirements

Dear Mr. Brown:

As you are aware, a removal action was completed on your property located at 1610 North Pier 99 Street, Portland, Oregon 97217 (Site) from September 9, 2013 to November 14, 2014, pursuant to an Administrative Settlement Agreement and Order on Consent (AOC) dated October 15, 2013. The removal action was conducted pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604.

Based on sampling performed during the removal assessment, hazardous substances, as defined by Sections 101(14) and 101(33) of CERCLA, 42 U.S.C. §§ 9601(14) and (33), were present on the Site. The contaminants of concern at the Site include volatile organic compounds (VOCs) dibutyltin, monobutyltin, tributyltin, semivolatile organic compounds (SVOCs) (bis(2-ethylhexyl)phthalate, benzo(b)fluoranthene, and indeno(1,2,3-cd)pyrene)), chlorinated pesticides (4,4-DDD, 4,4-DDT, heptachlor epoxide), PCBs (Aroclor-1248 and Aroclor-1254), and metals (antimony, arsenic, chromium, copper, lead, mercury). These substances are hazardous substances, pollutants, or contaminants as defined by Sections 101(14) and 101(33) of CERCLA, 42 U.S.C. §§ 9601(14) and (33). Other hazardous substances may also be located on the Site.

The objectives of the removal action were to prevent direct contact by workers (industrial, excavation, and construction) to contaminated soil in excess of the EPA's Removal Management Levels (RMLs), and prevent migration of contaminated soil to the Columbia Slough.

The removal action included removal of the gravel filter and backfilling, cleaning and removing the discharge line from the gravel filter to the river bank, and bank stabilization. The bank stabilization consisted of clearing of unwanted invasive species and stabilization of the bank through grading and installation of reinforcing jute fabric netting combined with re-vegetation with grass species consistent with Peninsula Drainage District Number 1 (PEN-1) requirements. Additionally, a couple of areas in the bank contained soil contamination above the RMLs for lead. The goal to remove the contaminated soil was achieved with the exception of one area where concentrations of lead exceed RMLs. Removing soil in that area would have potentially jeopardized the integrity of the bank, so the contamination was left in place. The area at the toe of the slope was reinforced with Envirolok vegetated sand bags and the rest of the excavations were backfilled with a sandy loam-topsoil blend to prevent future human contact.

While the one area that presented high lead concentration in the bank is covered, and the entire bank is stabilized, there are certain Post-Removal Site Controls (as described in detail in the attached Monitoring Maintenance Plan) that must be implemented by you, as the property owner, to ensure that the integrity of the cover is not compromised. The Post-Removal Site Controls are as follows:

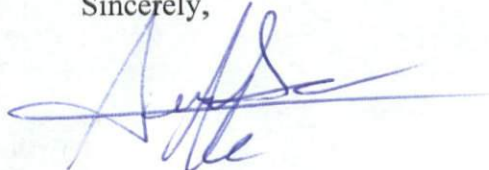
1. You must conduct monthly inspections on the Site and submit reports according to the Revised Proposal for Monitoring and Maintenance Plan dated November 13, 2014 to PEN-1 to the Oregon Department of Environmental Quality (Cleanup Program and Environmental Cleanup Site Information ECSI), on November 2015, November, 2016, and November 2021.
2. You are responsible for cutting down the blackberries if/when they return.
3. You are prohibited from engaging in any activity that damages or disturbs the integrity of the cover on the one area that has a high concentrations of lead, or otherwise results in the release or exposure to the environment of any hazardous substances beneath the protective cover. Examples of prohibited activities include, but are not limited to, digging into the cover, driving on the cover with heavy equipment that may disturb it, and planting trees or bushes with big roots that could disturb the cover. If you or the future property owner decides to build any type of structure on the bank, the contamination must be handled according to appropriate regulations.
4. You are responsible for restoring the integrity of the cover if it is jeopardized in any way.
5. You are responsible for coordinating with PEN-1 to conduct repairs if ground subsidence, slope movement, or channeling is observed. If these conditions are observed, they need to be remediated as soon as possible upon discovery.
6. You are responsible for coordinating with PEN-1 to conduct any erosion control, matting, limited grading, and re-vegetation necessary on the Site.

Please ensure that these requirements are met at all times during your ownership of the property and provide a copy of this letter to prospective purchasers. A copy of the Monitoring and Maintenance Plan which describes how to perform the Post-Removal Site Controls in detail is enclosed. Both the Monitoring and Maintenance Plan and this letter will be filed at the EPA and will be available to prospective purchasers of the property and the public.

Given that PEN-1's primary operation is to manage flood control system within the Columbia Slough, and their responsibility also includes the levee system management, the EPA considers it appropriate to coordinate future construction and major maintenance projects on the Site with them, as necessary.

If you have any questions regarding any work that needs to be performed at the Site, please contact Sunny Simpkins, PEN-1 Natural Resources Program Manager at (503) 281-5675.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Angelica', with a long horizontal flourish extending to the right.

Angelica Zavala
On-Scene Coordinator

Enclosure: Monitoring and Maintenance Plan.

cc: Sunny Simpkins
Peninsula 1 Drainage District

ECSI File Manager,
Oregon Department of Environmental Quality Northwest Region. W/enc.

Sarah Miller
Oregon Department of Environmental Quality (Clean Program)

Kris Leefers, Assistant Regional Counsel
EPA Region 10, Office of Regional Counsel