



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Western Region Eugene Office

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January 15, 2013

Douglas Foster  
Strapworks, LLC  
3900 West 1<sup>st</sup> Ave  
Eugene, OR 97402

**Re: Approval of Modifications to Deed Restriction  
Former Velco Site – 3900 West 1<sup>st</sup> Ave., Eugene, Oregon  
ECSI No. 319**

Dear Mr. Foster:

DEQ has reviewed the report titled, *Hazardous Waste Removal and Well Decommissioning Report*, prepared by Environmental Technologies Group (ETG), dated November 19, 2012. The report concludes that soil contaminated with elevated concentrations of metals related to the former paint manufacturing company (Velco) was removed, and that site contaminant concentrations are below DEQ's Risk-Based Concentrations (RBCs) for a commercial setting. In addition, six groundwater monitoring wells were removed as part of the site development activities.

The report also recommended that the property deed restriction (Easement and Equitable Servitudes [E&ES]) be modified based on the results of the soil removal and based on current DEQ RBCs for groundwater. DEQ agrees with the recommendations to modify the deed restriction. The E&ES recorded on 5/20/2008 and identified as Lane County Deeds and Records document number 2008-028239, has 2 restrictions that are no longer necessary to protect public health and the environment. The following restrictions are not necessary and can be removed from the E&ES:

- **Section 3.1 – Contaminated Media Management Plan (CMMP)**

*Reasoning* – Soil that had contaminant concentrations above applicable occupational RBCs was removed from the site. Historical contaminant concentrations in groundwater were reported below applicable current RBCs, since the E&ES was recorded. Residual contaminant concentrations in on-site soil and groundwater beneath the site do not pose a risk to occupational site occupants; therefore a CMMP is no longer necessary.

- **Section 3.3 – Buildings and Dwellings**

*Reasoning* – Volatile organic compounds (VOCs) benzene, toluene, or xylene in soil were historically above vapor intrusion RBCs. Buildings being placed over and near VOC-contamination may accumulate concentrations above acceptable risk-based levels. The type of use of a building may also affect human exposure to VOCs and thus the E&ES restricted construction of new buildings and certain uses of existing buildings. VOCs in soil and in groundwater are below current applicable RBCs. Residual

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Modifications to Deed Restriction

contaminant concentrations in on-site soil and groundwater do not pose a vapor intrusion risk to site occupants; therefore a building restriction and building use restriction is no longer necessary.

A new E&ES that supersedes the existing E&ES will need to be recorded. The new E&ES will need to maintain the existing commercial land use restriction for the site and the existing restriction on site groundwater use. Please provide a draft modified E&ES for DEQ review and approval.

Please let me know if you have any questions.

Sincerely,



Bryn Thoms, RG  
Cleanup Project Manager

Cc: Dan Landry, ETG