



# Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality

Northwest Region

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May 16, 2008

John Foxwell, R.G.  
Senior Associate  
Ash Creek Associates, Inc.  
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**RE: DEQ Response to Requested Modification of *Removal Action Workplan for the Willamette Cove Upland Facility*, Ash Creek Associates, Inc., September 2007.**

Dear John,

Thank you for your recent emails and attached information submitted, on behalf of the Port of Portland and Metro, supporting proposed modifications to the *Removal Action Workplan for the Willamette Cove Upland Facility*, prepared by Ash Creek Associates, dated September 2007. The DEQ approved this *Workplan* in October 2007, as presented, with the understanding that additional site soil characterization would be needed to permit and direct the excavated soils to either a Subtitle D landfill or a RCRA hazardous waste Subtitle C landfill. In the *Workplan*, soil was to be excavated and placed directly into trucks for landfill disposal.

Per the *Workplan*, the soil was to be further characterized using a minimum of three, five-point composite samples. Composite sample SW-4, collected and analyzed in October 2007, exceeded characteristic hazardous waste criteria for leachable lead. Proposed modifications to the *Removal Action Workplan* include excavation, treatment and potentially storage of soil containing hazardous waste on the Willamette Cove property. From your email, approximately 375 cubic yards of soil containing hazardous waste are proposed for stabilization treatment.

DEQ considers the proposal to treat hazardous waste on-site and to store potentially hazardous waste outside of tanks or containers to be a significant change to the *Removal Action Workplan* and will require a workplan addendum. Ex-situ treatment of hazardous waste and storage in waste piles are subject to Hazardous Waste Permits. While the on-site portion of removal or remedial actions is exempt from many permits and procedural requirements, the remedial activities are subject to the substantive requirements of the permits. A description of permit waiver provisions under ORS 465.315 can be found at <http://www.deq.state.or.us/lq/pubs/docs/cu/DescriptionPermitWaiverProvisions.pdf>.

The work plan addendum should provide an initial identification of the substantive requirements of the hazardous waste permits and how they will be addressed as specified

in 40CFR Ch 1 Part 264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities and EPA530-F-98-026, October 1998, Management of Remediation Waste under RCRA.

The workplan addendum should also include:

- A detailed description for soil treatment and logistical considerations for management of hazardous soils at the Willamette Cove property.
- Please provide a site-specific Health and Safety Plan to ensure worker safety and security and isolation of the site from visitors and environmental receptors.
- Please provide a project-specific Field Sampling and Quality Assurance Procedures for treated stockpile sampling and analysis and your methods to determine if soil stabilization efforts have been successful.
- Please provide a description of waste tracking documentation that will be retained to comply with RCRA record keeping requirements.

DEQ strongly encourages the Port of Portland and Metro to consider in-situ treatment of the site soils. From the information you provided, in-situ treatment methods have been successfully conducted by your treatment vendor in similar situations. In-situ treatment will avoid generating the hazardous waste, triggering the substantive permit requirements and fees, see:

<http://www.deq.state.or.us/lq/pubs/factsheets/hw/HWFeesForCleanups.pdf>.

Alternatively, treating the waste in tanks or secure containers is preferable to on-grade processing, treatment and storage.

Based on your approach presented in a Workplan Addendum, the DEQ will determine our level public involvement in conjunction with the Port of Portland and Metro. At a minimum, with excavation and soil hauling from the site, we will notify key neighborhood stakeholders. If on-site soil treatment and generation of hazardous waste is proposed, a public review and comment program will be implemented.

Please do not hesitate to call me with questions.

Sincerely,



Kenneth Thiessen, R. G.  
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