

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF WASHINGTON

STATE OF OREGON, ex rel.)	Consent Judgment
[Insert full case name])	
Plaintiff,)	Case No. C11-2792CV
)	
v.)	
)	CERTIFICATION OF COMPLETION
TUALATIN HILLS PARK)	
AND RECREATION DISTRICT)	
Defendant.)	

1. Findings

A. On May 31, 2011, the Oregon Department of Environmental Quality (DEQ) entered into a Consent Judgment Prospective Purchaser Agreement (PPA) with Tualatin Hills Park and Recreation District (“Tualatin Hills”) for the property located at 13660 SW Farmington Road in Beaverton, Oregon, (the Site). The Consent Judgment was filed with the Circuit Court of the State of Oregon (Washington County) as Case No. C11-2792CV.

B. Under the terms of the PPA, Tualatin Hills agreed to conduct the following cleanup activities at the Former Farmington Texaco property:

1) conduct removal and remedial actions for petroleum-contaminated soil and groundwater as specified DEQ’s Record of Decision (ROD), dated May 7, 2011;

2) develop a Remedial Action Work Plan, to be reviewed and approved by DEQ, for implementation of the removal and remedial actions; and

3) execute and record an Easement and Equitable Servitude with the

Washington County Circuit Court that restricts the construction of habitable structures, prohibits groundwater use, and requires worker notification and/or protective measures for excavation workers who might encounter soil or groundwater contamination at the site or in the adjacent right-of-way along the south side of SW Farmington Road.

C. The Prospective Purchaser Agreement designated the following work items as specified in the ROD:

1) excavation and off-site disposal of surface soil containing levels of petroleum contamination above recreational park user direct contact risk-based concentrations (RBCs).

2) excavation and off-site disposal of subsurface soil to a depth of 10 feet below ground surface (bgs) in the northeast corner of the site to remove source mass and address risk to excavation workers. As part of the removal work, application of a treatment compound to soil and groundwater to facilitate ongoing contaminant reduction.

3) decommissioning three groundwater monitoring wells (MW-4, 5 and 6), in accordance with Oregon Water Resources requirements.

4) recording of an institutional control with the property deed memorializing use of the site as a park, prohibiting use of groundwater, and requiring worker notification and/or protection measures for excavation workers who might encounter soil or groundwater contamination in the northeast corner of the site and in the adjacent right-of-way.

D. On June 3, 2011, an Easement and Equitable Servitudes (EES) was filed with the Washington County Circuit Court. The EES restricts the use of groundwater and prohibited the construction of habitable structures on the property. The EES also requires

the development of a contaminated media management plan to protect future excavation and/or utility workers from petroleum impacted soil and groundwater, and provide appropriate management and disposal of the contaminated material during future site work.

E. Remedial action work was conducted at the site between October 8 and October 29, 2012.

1) Monitoring wells MW-4 and MW-6 were over-drilled and backfilled with bentonite. Well abandonment logs were submitted to the Oregon Water Resources Department. MW-5 could not be located and is presumed to have been destroyed during construction of the engineered stormwater facility on the east side of SW Menlo Drive.

2) Approximately 50 yd³ of surface soil exceeding park user RBCs were excavated to four feet bgs at the former fuel island at the north side of the property. Confirmation samples collected from the limits of excavation were below applicable RBCs. The area was backfilled with ¾-inch-minus crushed rock and compacted to match the existing site grade.

3) Subsurface soil was excavated from a 900 ft² area up to 10 feet bgs at the northeast corner of the site. A heavy sheen was observed in the groundwater entering the excavation. Additional soil was removed and the excavation was dewatered into holding tanks and allowed to recharge. No sheens were observed following dewatering. Confirmation samples were collected from the limits of the excavation and were below applicable RBCs.

4) Approximately 90 yd³ of overburden soil were sampled and found to be below site re-use screening levels. The overburden soil and soil meeting clean fill criteria

from the Fanno Creek Bank Stabilization Project were used for backfill. Backfill from the bottom five feet of the excavation was amended with 300 pounds of Oxygen Release Compound[®] Advanced for long-term treatment of groundwater.

5) Five feet of ¾-inch-minus crushed rock was placed at the top of the excavation and compacted to existing grade. Excavated soils not meeting clean fill criteria were disposed of at Riverbend Landfill and groundwater pumped from the site was disposed of at licensed treatment facilities.

F. On June 21, 2013 a Contaminated Media Management Plan was prepared that presented protocols for soil and groundwater management during future site maintenance and redevelopment activities. The work is documented in the plans and reports in the Administrative Record included as Attachment A to this Certification of Completion and summarized in the Certificate of Completion and Conditional No Further Action Memorandum dated August 9, 2013.

G. On June 21, 2013 Tualatin Hills submitted a Removal Action Report to DEQ, documenting all work items and cleanup activities had been satisfactorily completed and requesting that DEQ issue a Certification of Completion as provided in the PPA Consent Judgment.

H. **On September 1, 2013**, DEQ provided public notice and opportunity to comment on a proposed conditional no further action determination for the facility and, in accordance with ORS 465.320 and 465.325(10)(b), a proposed Certification of Completion. Copies of work plans and reports completed for the project were available to review at DEQ's Northwest Region offices. The public notice was published on **September 1, 2013**, in the *Oregon Secretary of State's Bulletin*, and in *The Beaverton Valley Times* newspaper. **The**

or assigns relating to actions pursuant to the Certificate of Completion.

4. Notice

This order constitutes Certification of Completion under ORS 465.325(10), and may be appealed by any aggrieved person in accordance with ORS 465.325(10)(c).

Issued By:

State of Oregon

State of Oregon

Department of Environmental Quality

Department of Justice

By: _____
Wendy Wiles
Administrator
Land Quality Division

By: _____
Gary Vrooman, OSB No. 07832
Assistant Attorney General

Date

Date

CERTIFICATE OF SERVICE

I certify that on _____ I served a true copy of the above

Certification of Completion by depositing it in the United States mail, postage prepaid,

and addressed to the following persons:

Hal Bergsma
Director of Planning,
Tualatin Hills Park and Recreation District
15707 SW Walker Rd, Beaverton, OR 97006

Gary Vrooman, OSB No. 07832
Assistant Attorney General

Appendix A – PPA Administrative Record Index

Record of Decision, Selected Remedial Action for the Former Farmington Texaco Site, ECSI # 5546, Beaverton, Oregon; DEQ, May 6, 2011.

Prospective Purchaser Agreement, Consent Judgment, State of Oregon, DEQ, plaintiff v. Tualatin Hills Park and Recreation District; defendant; DEQ, May 31, 2011.

Removal Action Work Plan, THPRD Farmington Road Texaco Cleanup, Beaverton, Oregon; APEX, September 19, 2012.

Removal Action Report, THPRD Farmington Road Texaco Cleanup, Beaverton, Oregon; APEX, June 21, 2013.

Contaminated Media Management Plan, THPRD Farmington Road Texaco Cleanup, Beaverton, Oregon; APEX, June 21, 2013.

DEQ Northwest Region Cleanup files, ECSI# 5546:

<http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.ashx?SourceIdType=11&SourceId=5546&Screen=Load>.

DEQ NWR Cleanup files, ECSI# 5546.

DEQ NWR LUST files # 34-91-0083.