



Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

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September 16, 2011

Dennis McLerran, Regional Administrator
Office of Environmental Cleanup
U. S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle WA 98102

RE: State Concurrence on the North Ridge Estates Record of Decision for Operable Unit 1

Dear Mr. McLerran:

The Oregon Department of Environmental Quality (DEQ) has reviewed the U. S. Environmental Protection Agency (EPA) Region 10 proposed Record of Decision for Operable Unit 1/Final Remedial Action at the North Ridge Estates. North Ridge Estates is a residential subdivision located in Klamath Falls, Oregon that is impacted by legacy asbestos contamination. On August 31, 2010, Governor Theodore R. Kulongoski requested that North Ridge Estates be placed on the National Priorities List (NPL). DEQ recommended the nomination to the NPL because it recognized that these unsafe and blighted areas due to legacy asbestos contamination would not likely be restored without superfund status.

DEQ believes that EPA's remedy decision complies with state laws that are applicable or relevant and appropriate to the site, and will provide for remedial action that is protective of human health and the environment. Pursuant to CERCLA and 40 CFR § 300.515(e), I am pleased to advise you that the State of Oregon, by and through DEQ, concurs with EPA's Record of Decision.

Since DEQ's initial referral of this project to EPA in 2003, DEQ has worked in close collaboration with EPA Region 10 on all aspects of the North Ridge Estates project to advance both the EPA's and the DEQ's objectives for selection of a permanent, protective remedy. DEQ looks forward to providing support for future EPA efforts to finalize the design of, and implementation of, the remedy selected in the EPA ROD, which DEQ believes will result in environmental restoration of affected properties within Operable Unit 1.

DEQ acknowledges and appreciates the fact that EPA has utilized its Superfund Technical Assessment and Response Team (START) program to implement response actions at North Ridge Estates. DEQ believes that these actions have resulted in significant reductions in the volume and toxicity of residual asbestos contamination and have successfully mitigated unacceptable risk to current residents across multiple parcels at this facility. DEQ continues to advocate for EPA's use of the START authority in the future to further mitigate unacceptable exposure risk to current residents, consistent with remedial action objectives selected in the Record of Decision for Operable Unit 1.

From a broader, longer-term perspective, DEQ believes it is imperative that the North Ridge Estates Receiver remain solvent. The receivership is important for maintenance of existing property assets and for implementation of the remedy. Specifically, the Record of Decision for Operable Unit 1 relies upon institutional controls and the Receivership appears to be the logical and appropriate legal entity to facilitate and implement these controls in several specific circumstances. Although the specific

institutional controls that will be needed will probably not be completely established until after the RA/RD is completed, as one example, onsite repositories designed to consolidate excavated asbestos containing materials are presently constructed on Receivership-controlled properties, and these repositories are expected to be expanded in the future. These repositories will be subject to institutional controls, as will several other parcels whose fee titles are currently held by the Receiver.

DEQ appreciates and respects the tireless work to protect human health and the environment and the enormous resources EPA has, and will continue to, deploy at North Ridge Estates. DEQ looks forward to a similar constructive approach with EPA and other federal agencies to cleanup of Operable Unit 2 (Kingsley Firing Range Annex) of the NPL site.

The appropriate DEQ contact is Mr. Cliff Walkey, who can be reached at (541) 633-2003.

Sincerely,



Dick Pedersen, Director

C: Dan Opalski, EPA Region 10 Director of Environmental Cleanup
Denise Baker-Kircher, EPA Region 10 Environmental Cleanup
Clifford Villa, EPA Region 10 Office of Regional Counsel
Richard Whitman, Interim Natural Resources Advisor to Governor Kitzhaber
Linda Hayes-Gorman, DEQ Eastern Region Administrator
Wendy Wiles, DEQ Land Quality Administrator
Jeff Christensen, DEQ
Sheila Monroe, DEQ
Kurt Burkholder, Oregon Department of Justice