



Oregon

Tina Kotek, Governor

Northwest Region Portland Office, Water Quality

700 NE Multnomah Street, Suite 600

Portland, OR 97232-4100

(503) 229-5263

FAX (503) 229-6957

TTY 711

April 23, 2024

**RE: Response to Comments on 1200-CA Permit Application
West Property TASS 2 Erosion and Sediment Control Plan
DEQ YDO Submittal ID#68272
10505 N Portland Rd., Portland, Oregon, 97203
Multnomah County**

Dear Public Comment Respondents,

Thank you for your interest and comment during the public notice portion of the 1200-CA Erosion and Sediment Control Plan review for the West Property TASS 2 project in Portland, Oregon. DEQ values your input and interest in the project to ensure the site application materials are consistent with all the NPDES 1200-CA Construction Stormwater general permit conditions. Your input helps protect Oregon's waterways for current and future generations.

The 1200-CA permit regulates stormwater runoff to surface waters from public agency construction activities and is required for all projects in the state affecting one or more acres. The permit provides for a public review process for those projects that disturb five acres or more of land.

During the 14-day public review period (10 business days), the public may review the application, which includes the Erosion and Sediment Control Plans (ESCP), which describes how runoff and sediment will be controlled on the site. The public is instructed to only submit water quality-related comments regarding the permit application and ESCP. DEQ cannot act on land use-related comments because they are outside the agency's jurisdiction.

DEQ received three comments during the public review period. The comments mostly expressed concern about contamination at the site and how it will be addressed during and after construction.

The 1200-CA permit requires that registrants complete an Environmental Management Plan (EMP) for projects that meet certain higher risk conditions (see Schedule A.6.a-c.). For projects where with contaminated soils, contaminated groundwater or hazardous materials that will or have the potential to be encountered during construction activities, the EMP requirement is met through the development of a Contaminated Media Management Plan (CMMP). CMMPs provide detailed information on the nature and extent of the contamination (concentration, location and depth) as well as pollution prevention and/or treatment BMPs proposed to control the discharge of impacted soil, groundwater or hazardous building materials debris in stormwater. For this project, the City of Portland is working directly with DEQ's Cleanup program to develop a project specific CMMP. DEQ is hosting a public meeting on April 30, 2024 to provide information on the CMMP and risk assessment and to answer any questions or concerns from community members. More information on this public involvement opportunity can be found here: [Department of Environmental Quality: N. Portland Road Temporary Alternative Shelter Site](#)

See below for responses to your comments received by DEQ within the public notice period. The responses are limited to stormwater-quality related topics regulated by the 1200-CA permit (underlined):

Comment:

"I am writing concerning the West Property TASS 2 Stormwater Permit. I have a number of comments and questions.

Why is the stormwater permit in the approval stage when it hasn't been determined what toxins may need to be removed?

Where will the stormwater be removed to? The Columbia Slough? The soil and groundwater? The sewer system?

Why has the city already begun preliminary work when an Environmental Risk Assessment hasn't been issued by DEQ?

If contact with the soil is an issue, how much, if any, soil will need to be removed?

Why are workers not wearing protective gear on site?

There are dozens of known toxic chemicals in the soil and groundwater.

Why is such a polluted site even being considered to house hundreds of people for an undetermined amount of time?

Do we really want to house our vulnerable population on top of a toxic waste dump?

There's a level of absurdity to this project. It needs to be cleaned up, but people living on top of it?

The city should stop this project before any more time and money is wasted.

Or is this a case of "my mind's made up, don't confuse me with the facts.""

DEQ Response:

Thank you for your comment. The City of Portland is working directly with DEQ's Cleanup Program to develop a project-specific risk assessment and Contaminated Media Management Plan (CMMP). The risk assessment will outline the nature and extent of hazardous materials and determine whether there is contamination that will need to be addressed to protect future occupants. The CMMP outlines the protocols for properly managing hazardous materials that will or have the potential to be encountered during construction activities. DEQ requires the city to obtain stormwater construction general permit coverage in preparation for doing work at the site, but it alone, does not allow the city to do any ground disturbing work at the site.

Questions specific to the use of this property should be directed to the City of Portland.

Comment:

"What's in the Soil at the N. Larsen site? BES has turned in 2 rounds of soil tests to DEQ. What are the test results?

This CMMP does not address the location or concentration of pollutants on the site, therefore it does not substitute for an Environmental Management Plan (EMP). When will the EMP be completed, published, and available for comment?

Is BES only required to clean up contamination on the 7.65 acres of proposed development? How will people be protected from the rest of the contaminated, 22.5 acre site?

The CMMP shows drains near the entrance, close to N Portland Rd and drains in bioswales near the Columbia Slough. The two bioswales are shown and indicated as "features not intended or designed for infiltration". Where will water be filtered? Where will the water drain to? Will it drain into the Slough?

How will the Slough be protected?

Will the industrial site be cleaned up to people standards? How are people permitted to live on a toxic site such as this one?

From Dec - March, much work was done without permits. Why did contracted workers not wear any protective gear? Work Performed included: Demolition of building; Removal of hundreds of tires; Removal

of barrels and debris, Removal of trees, Installation of sediment fencing done through trenching 3-4 ft deep and installing plastic permeable sheeting; trench dug along west perimeter to drain towards slough; Installation of fence posts; A new water pipe installed under N Portland Rd to N Larsen Site; Fenced area and monitors installed to house equipment, etc.

Is it true that the city uses subcontractors and does not caution them to follow basic protections required by OSHA?

What about the easement next to the Slough that is reserved for the '40 Mile Loop'; is there a plan to remediate that??

In reading through the CMMP plans, it is clear that a great deal of concern is being taken to plan for Cleaning the tires of trucks and vehicles coming in and out of the site. Is this a recognition that contact with the soil is bad for human health? If not, why is there so much work put into tire washing?"

DEQ Response:

Many of the questions within this comment will be addressed through the Cleanup Program's assessment of the site, or may need to be directed to the City of Portland.

Per the Erosion and Sediment Control Plan, stormwater will be routed through two lined swales; the swales will contain bio-bags (or bio-filter bags) and filter fabric protection at the outflow. Biobags slow water sufficiently to trap sand, silt and clay in and upstream of the bag and they fit the contours of the swale. Filter fabric serves as a barrier to prevent the flow of smaller particles sediment into a storm drain. The city is required to maintain and replace these protective measures as necessary to prevent sediment or turbid water from leaving the site. These measures will be folded into a Contaminated Media Management Plan to ensure contamination does not reach the Columbia Slough. The DEQ Cleanup Program would review the Contaminated Media Management Plan as part of the process described above.

Comment:

"DEQ should help conduct an environmental justice analysis before approving any further permits for this site, as the one of the most vulnerable populations in the Portland area will be residing near or on this property, and because the City of Portland is contesting a legal decision by a Multnomah County Judge to further criminalize people experiencing homelessness. The City of Portland is ethically and morally compromised -- community/residents do not trust that the City has the best interest and the health of it's future residents as their priority."

DEQ Response:

Thank you for your comment. Decisions about where certain property uses are sited is determined by local land use agencies and property owner – in this case, both the local land use agency and the property owner are the City of Portland.

Thank you for your comments and for your interest in helping to protect Oregon's natural resources. If you have any questions about the content of this letter, contact me by email at daria.gneckow@deq.oregon.gov.

Sincerely,



Daria Gneckow
Stormwater Program Coordinator
Oregon Department of Environmental Quality – Northwest Region