

Appendix E
DEQ NFA



Oregon

Theodore Kulongoski, Governor

NFA

Department of Environmental Quality

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October 15, 2007

Bill Palmberg, Jr.
Palmberg Paving Company, Inc.
499 Ridge Dr.
Gearhart, OR 97138

Re: No Further Action Determination
Former Palmberg Paving Company, Inc.
Gearhart, Oregon
BCSI #3262

Dear Bill:

The Oregon Department of Environmental Quality (DEQ) reviewed an *Independent Cleanup Pathway Final Report* dated September 1, 2006 and sampling data from subsequent additional investigation at the former Palmberg Paving site located at 448 McCormick Gardens Road in Gearhart, Oregon.

DEQ previously issued a no further action (NFA) determination on January 5, 2004 following multiple site investigations and removal of petroleum-contaminated soil from the former Palmberg Paving Company operational area in the north central part of the site. In making the previous determination DEQ evaluated the site under industrial and occupational risk scenarios, and did not consider residential land use based on proposed land use information provided at that time.

Additional investigation was conducted in summer 2006 under DEQ oversight to determine if the site was protective for residential use. Additional soil sampling was conducted to confirm that residual petroleum impacts in the main plant area in the northern part of the site were localized and/or at levels below risk-based standards. Sampling was also conducted in the former automobile wrecking yard in Tax Lot 1000 to provide better sampling coverage and to refine the nature and extent of contamination, in addition to a relatively small (30 feet x 5 feet) burn pile area located just north of the lake to assess the presence of contamination.

Based on that additional investigation DEQ concluded that the majority of the site, with the exception of tax lot 1000, did not present a significant threat to human health or the environment, and issued a partial no further action (NFA) on December 20, 2006 that applied to all tax lots comprising the site with the exception of Tax Lot 1000.

To better characterize the extent of contamination on Tax Lot 1000 an additional investigation was conducted in September 2007, based on DEQ sampling recommendations. DEQ reviewed the results and determined that a NFA determination is warranted for Tax Lot 1000.



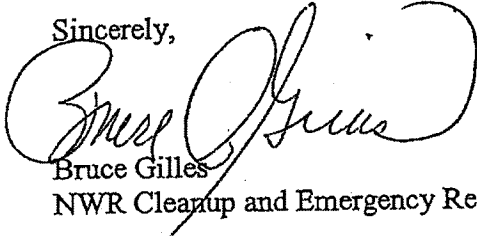
The NFA finding is consistent with Oregon Revised Statutes (ORS) 465.200 through 465.455 and Oregon Administrative Rules (OAR) Chapter 340, Division 122, Sections 010 to 115.

There are localized areas of residual soil contamination in the former operational areas of the site and Tax Lot 1000. DEQ regulates soil contaminated with hazardous substances as solid waste and it needs to be managed accordingly. As such, soil excavated or moved on-site during development work must not be placed in proximity to wetlands. Soil transported off-site needs to be characterized and managed according to all applicable local, County, State and Federal regulations.

DEQ files and the Environmental Cleanup and Site Information (ECSI) database will be updated to reflect the NFA determination upon complete payment of DEQ oversight costs. DEQ will initiate project closeout activities and issue a final invoice to you within 60 days.

If you have any questions or comments about the information presented in this letter, please contact Mark Pugh at (503) 229-5587. Thank you for your participation in DEQ's Cleanup Program.

Sincerely,



Bruce Gilles
NWR Cleanup and Emergency Response Section Manager

cc: Mark Pugh, DEQ NWR
Tim O'Gara