



Oregon Department of Environmental Quality

# Transcript from June 11, 2024 Public Meeting

## Portland Water Bureau Beneficial Use Determination

The City of Portland Water Bureau has submitted two beneficial use applications to Oregon DEQ for a water filtration system. One beneficial use application is for the water filtration facility, and the other is for the water pipeline. The City is requesting DEQ approval of the proposed beneficial use of soil, with several chemicals above the clean fill screening levels, as construction fill placed on shoulder surfaces adjacent to the roadway, as backfill within the pipeline excavation, or placed upon the 94-acre property that the city owns at tax lot 400 and tax lot 100 within Section 22 of Township 1 South, Range 4 East adjacent to SE Carpenter Lane near SE Dodge Park Boulevard in Gresham.

On Jun. 11, 2024, DEQ staff attended the Cottrell Community Planning Organization meeting to discuss the application for two beneficial use determinations of soils with the community. Below is a transcript from the DEQ portion of that meeting.

### Transcript

**Audrey O'Brien DEQ** - Is this on? Hi. I'll stand here, but we're happy to move around and help answer questions when we get to the question and answer session. So good evening, and thank you very much for coming here and thank you very much for inviting DEQ.

As Charles said, my name is Audrey O'Brien and I am DEQ's Materials Management manager out of our Northwest Region office.

So I will be facilitating the DEQ portion of tonight's meeting and also joining me, as Charles just said, are Ryan Lewis, Michael Locke, Alex Bertolucci, Heidi Nelson, Mike Poulson, and Emily Kennedy. And Ryan is going to be giving a short presentation and then all of us are available to help answer the questions. And because the community gave us a list of prepared questions, Charles is going to read some of those and then I'll respond, and then we're very happy to take other questions and just be able to try to explain our process and what we're doing.

So before we get into the presentation, this is a hybrid meeting, and thank you very much for asking us to set that up.

So we have a Zoom Webinar and there are some folks online, and we're also in person here. And so it gets a little complicated but we just appreciate your patience as we try to work through trying to hear from everybody, either online or in person. So I'll give a quick technical review for the folks on the Zoom Webinar. Alex is going to be running that. And we want to make sure people online know how to ask questions it. So because you're online, it's a webinar, which means you can't unmute your own self, and you can't use your camera. But along the bottom of the screen there are 3 buttons which are the chat, Q&A, and raise your hand and people online can use any of those methods to ask a question. They can raise their hand and Alex will then unmute them or allow themselves to unmute themselves and they can then ask a question. Or if you're online and you're only on the phone, and you're not in the on a camera or on your own laptop, you can press star 9 to raise your hand, and then Alex will allow you to speak, and then you can press Star 6 to unmute yourself and ask your question.

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800-452-4011 | TTY: 711 | [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov)

So back to everybody, we recognize how much time it takes to prepare and learn about DEQ's regulations and requirements. Thank you very much for taking that time, and thank you for taking the time to be here tonight. So some specifics. We are in our public comment period for the proposed beneficial use approvals, as Charles mentioned, and tonight is an opportunity to.

Oh, am I not? Oh, thank you. You know it's fear of microphones, right? So you can share with us your questions and we can help answer them for you. Ryan's gonna talk about the application process and how DEQ went through our review and what some of the terminology we use in that review means.

So if you can please save your questions till after Ryan presents that would be great.

And because this is a hybrid meeting, we're going to try to do our best to go back and forth between people in the room and people on the--I'm pointing back to Alex--on the Zoom Webinar, so we can take turns getting people's questions.

And there's 2 microphones so we'll be running around the room to give the microphone to whoever in the room has a question. And then with all public meetings we ask that people just be respectful of all the attendees and please remember to speak only one person at a time.

We did extend the comment period again so it has been extended until Friday Jul. 26 at 5pm, and we're updating the public notice that's online, and that'll be updated tomorrow.

So the public notice and the draft approvals are published on DEQ's web page and DEQ created a project web page also where we will provide updates regarding this project. And I believe the 2 community organizations have shared that information on where our web pages are with your email groups so thank you very much for doing that.

We also have the ability to sign you up if you do want to receive information on our beneficial use approvals or our solid waste permits. Alex is going to put that information into the chat for the Zoom Webinar, and you can find any one of us and we can show you how to sign up for ongoing mailings from us.

Ryan is going to talk about the beneficial use applications, our review and the proposed approval, and then we'll move to the discussions. So I'm going to turn it over to Ryan now.

**Ryan Lewis DEQ** -Thanks Audrey. Good evening everyone. Can you hear me? My name's Ryan Lewis and I'm a solid waste engineer for DEQ in the Northwest region.

Thanks, Alex.

First, I would like to describe what a beneficial use determination is. DEQ supports beneficial use of solid waste such as these contaminated soils in lieu of disposal at permitted solid waste facility as long as the proposed reuse meets conditions of the rule and is adequately protective of human health in the environment.

DEQ has evaluated the applications and proposes to issue approvals of the proposed beneficial use requests. Beneficial use determinations are also referred to as BUDs.

Next, I would like to discuss what clean fill screening values are. Clean fill is defined in DEQ regulations and means material consisting of soil, rock, concrete, brick, building block, tile, or asphalt paving, which do not contain contaminants that could adversely impact the waters of the state or public health.

Clean fill screening values determine whether waste material is clean fill or needs to be regulated as solid waste. Clean fill screening the levels use background metal concentrations or the lowest of human or ecological screening values. Typical ecological screening levels are used as these are generally the most conservative concentrations.

Next thing I would like to talk about is the risk based concentrations or RBCs. Oregon environmental cleanup law and regulations require a risk based approach for assessing and managing environmental contamination. The risk based decision making guidance assists evaluating risks to human health in the environment.

RBCs are based on exposure scenarios which include residential, occupational, ecological, pathways, so volatilization, leaching to groundwater and roots, so incidental ingestion, inhalation, and dermal contact. The calculations of RBCs are updated continuously.

So a summary of important and typical exposure scenarios include the residential exposure scenario. The residential exposure scenario includes contact with soil 350 days a year for 26 years. A portion of that time includes a child playing in the backyard with greater contact soil.

The occupational exposure scenario includes adults working 250 days per year for 25 years, which is evaluated for this beneficial use.

The construction worker scenario includes 250 days per year for one year.

The excavation worker scenario includes 9 days of exposure.

And the leeching to groundwater scenario assumes groundwater would use for residential greetings for 2 liters per day for 365 days per year for 26 years.

This picture shows a general area of the property, of course. The estimated quantity of surface soils, as described, is 116,000 cubic yards estimated.

The total facility project will be moving around 1 million cubic yards of soil, which includes the clean fill soil of that 116,000 cubic yards is contaminated. 110,000 cubic yards of the material is from the filtration facility construction, and 6,000 cubic yards is from brawl water, pipeline.

The soil was assessed in two depth intervals, 0 to 1.5 feet and 1.5 feet to 5 feet. The property was split into 50 areas with soil. Probes were completed in each area in Tripolit for a total of 150 soil probes. The samples were collected from the upper was 0 to 1.5 feet interval, and the lower 1.5 feet to 5 feet interval.

This picture shows a general alignment which you're also aware of. The estimated quantity of the shallow soil is 19,000 cubic yards that has contamination with an additional 250 cubic yards around the intersection widening at Southeast Dodge Park Boulevard and Southeast Cottrell Road.

The pipeline divided into stretches. Each stretch was sampled for their own constituents so these stretches were finished water north, finished water center, finish water south, and then the intersection.

Similarly to the filtration facility, the soil was assessed in 2 depth intervals, 0 to 1.5 feet and 1.5 feet to 5 feet. So the soil sampling was performed in 2023 and reported to us in 2024. The soil samples were analyzed for chlorinated pesticides, agricultural metals, and diesel and were identified as potential commandments of concern.

Pesticide concentrations in the upper interval were from 0 to 1.5 feet were found to be above the clean fill screen level, but below occupational RBCs, so risk based concentrations. These pesticide concentrations do not exceed ecological screening levels, protective or potential receptors, such as burrowing mammals.

One concentration of dieldrin slightly exceeds the leeching to groundwater RBC or when evaluated as a mean of the surface soil samples it is below the leeching to groundwater RBC.

So soils at depths greater than 1.5 feet meet the clean fill criteria.

As we mentioned earlier, RBCs are continually changing. EPA has presented new residential RBCs for lead, which will either be 100 or 200 milligrams per kilogram.

The service soil samples are below the updated RBC as well. So again, these samples were also performed in 2023, 2024 for the finished water pipeline. The soil was sampled for chlorinated pesticides, but metals and diesel that were identified as potential commandments of concern.

17 metals were included in the analysis. There is a minor exceedance of the lead CFSL, but is within the expected, naturally occurring background conditions.

So DEQ uses background concentrations instead of risk based concentrations when naturally occurring metals are above risk based concentrations.

So pesticide concentrations. The upper 0 to 1.5 foot interval were found to be above the clean fill screening level, but below occupational RBCs samples in the intersection at Southeast Dodge Park Boulevard and Southeast Cottrell Road were found to be above clean fill screening levels down to 5 feet.

So these pesticide concentrations also exceed ecological screen levels protective of receptors, such as burrowing mammals.

The final point. So that the pesticide concentrations also exceed ecological screening levels protective of potential receptors, such as burrowing mammals. And then again, soil depths at greater than 1.5 feet meet

clean fill screening criteria except for the samples found at the intersection of Southeast Dodge Park Boulevard and Southeast Cottrell Road, which will be included in the BUD.

So reuse at the filtration facility. The contaminated surface soil will be used as non-structural construction fill material in the area is shown in red. To mitigate the clean fill screening level exceedances, a protective cap will be placed over the pesticide impacted shallow soil.

The contaminated soil reused on the property will be placed under a 3 foot clean a cap of 3 foot clean soil, or a 1 foot of clean soil with a geotech style fabric barrier.

The material will be used in a manner that does not adversely infect groundwater or surface water resources on the site. Under the 1,200 CA and CMP the stock piles will need to be covered.

So reuse along the finished water pipeline will consist of 4 methods described by the application. One, use the soil as non-structural construction fill within the excavated pipeline trench, use of the soil as non structural construction fill on the shoulder surfaces immediately adjacent to the roadway, or as use of top soil as part of a trench restoration in a farm field as specified by landowner.

The owner between Southeast Dodge Park Road and Southeast Lusted Road. And the 4th option is a use of the soil as non structural construction fill on the filtration property according to the filtration property BUD. So beneficial use conditions include the contaminated soils will be managed to prevent at all times wind blown dust, runoff and erosion releases to the environment are nuisance conditions.

The contaminated soils will not be placed where they can come into contact with or adversely impact surface water or groundwater. The contaminated soils will be used as non-structural fill, and will be stockpiled during the filtration facility construction according to the requirements of the stormwater general construction permit 1200 CA.

The contaminated soils will be placed away from environmentally sensitive areas to protect the waters of the States, such as wetlands, wildlife refuges, and parks. The non-structural fill on the property reuse will be covered with a protective cap using one of the 2 following options.

So the first option is a geotextile fabric will be placed over the contaminated soil upon completion of the construction of the facility. Fabric will be specified to restrict burrowing mammals. Additionally, a cap of one foot of material meeting the DEQ definition of cleanfill will be placed over on top of the contaminated soil and geotech cell barrier, or a cap comprising of 3 feet of material that meets the cleanfill criteria is placed over the contaminated soil.

So the protective cap will be maintained and vegetated upon completion of the construction of the facility in a manner to prevent erosion.

So if the conditions of the approval cannot be met, the soil must be disposed of at a DEQ permitted landfill or DEQ approved facility and DEQ will rescind the BUDs if the lieu reverses the county land use approval.

Thanks so much.

**Audrey O'Brien DEQ** – Okay, so thank you. We will make the presentation available cause I know we went through it really quickly, so we will share it so it can be shared with all of you.

Should I stand this phone interact, right? No, we can fight over the podium. Okay, so thank you very much. The neighborhood community sent us a list of prepared questions and so what I've asked is Charles is going to read the questions that you would like to hear from DEQ tonight and then we will take.

Oh. See I was wondering if that might happen. I'll stand over here. And so then we'll post all of the questions and the answers on our website as well. And then if I'm not giving a complete answer, everyone at DEQ is gonna step up and help me give a complete answer.

**Charles CPO** - Very good. Okay, yeah. So I have these prepared questions, but I want to throw one in myself real quick. Based on that photo I had up earlier that they have broken ground, they have equipment on site is that does that fall. The work they're doing this minute, is that the kind of work that would fall under the beneficial use designation?

**Audrey O'Brien DEQ** – No, the current work that is happening at the site right now has to be covered under DEQ's stormwater construction permit. And do you want to speak to that anymore Heidi?

**Heidi Nelson DEQ** - Yeah, they applied for a stormwater construction permit. It's a 1200 CA. It's a national pollutant discharge elimination system permit. So it's a national permit that the DEQ issues and the components of the 1200 CA permit require the city to do the work using best management practices and following their erosion sediment control plan, which we've posted copies of online. Also, if folks are curious what management practices they are required to use during this interim part of the work, so the soil won't be reused on site at this point, but they are allowed to stockpile soil on site and that top one and a half foot that has impacted, it's got some impacts with the pesticides, that material has to be covered on a daily basis. And then we're not as restrictive for the clean fill that they'll be moving around, and there's a certain amount of time that they can leave those piles uncovered, but they still have to do dust management. So there shouldn't be any issues, and the dust has to be suppressed.

The other best management practices would include the construction entrance, the wheel wash, the silt fencing that will prevent any silt or soil material from moving off site. And so yeah, under the 1200 CA they are allowed to begin the construction and the earth moving that they're doing on site now.

**Charles CPO** - Okay, very good. Thank you. So first question, it appears in materials provided on the project web page that DEQ has already decided to approve this application. It appears that way. Has DEQ indeed already decided to approve the application? And what options would opponents have to appeal this outcome?

**Audrey O'Brien DEQ** - To answer the first question, DEQ has evaluated and proposes to approve the 2 beneficial use applications we received from the city of Portland. We initiated the public comment period to inform the public of the proposed approvals. We've evaluated the applications and the request does meet our regulatory requirements for beneficial use approval as identified in our regulations and there are conditions in the proposed approvals to ensure that the rules are met.

For the second question, a beneficial use approval is different than a DEQ issued solid waste permit, so the options for opposing a beneficial use approval are different than a permit. So we don't have a good set of abilities to contest through our process and we can't really advise the neighborhood about your options. But we do recommend that you look at the Administrative Procedures Act, which is in Oregon Revised Statute 183 because that is what controls challenges to agency decisions and approvals.

And then Michael, do you want to remind people of our public process?

**Michael Locke DEQ** - Yeah. So to add on to what Audrey was saying, just because we have put out some proposed approvals for the two BUDs, it doesn't mean that public comment can't sway things. So in our public comment processes there are times where the public comments that we receive do result in whatever the draft is so in this case would be the two BUDs. Public comments could lead to us changing the proposed draft BUD approvals.

And just one example of how public comment has changed or helped us change our process was the first time that we had that public comment go around there was folks that wanted us to expand the public comment period, have us come out here and meet with you all, and that is something that we listen to. And so I just wanna let you all know that we are definitely listening to the public comments.

We very much encourage you to submit the written comments, either through email or snail mail as well by that late July date, I believe that was Jul. 27?

Jul. 26. Okay, sorry about that. But yeah. So the public comments that could lead to us when we evaluate them, it could lead to those proposed BUDs being altered. Thank you.

**Charles CPO** - And to clarify in my talk I said it was Jun. 28, I was incorrect. It's Jul. 26 which is even longer. Fantastic. Next question. PWB applications assert that needs of the filtration site or the road shoulders where contaminated soils are proposed to be placed are likely to result in risk to ecological receptors. Can you direct us to, number one, the inventories that document the potential ecological receptors for the filtration plant site, the road shoulders in question, or the county designated SEC areas adjacent to the

pipelines. And number two, the research papers or applicable studies that might document the PWB's unsubstantiated assertions.

**Audrey O'Brien DEQ** – So the screening values that Ryan showed up on the screen that we use to evaluate whether a material is clean fill and doesn't need to be regulated versus material that does need to be regulated is very conservative. We use the most conservative values we have available and so we use the ecological risk values for that screening value and when we evaluate the materials we evaluate those against those.

So in developing the risk based concentrations, ecological effects are evaluated for plants, invertebrates, birds and mammals, and both threatened and endangered species, and non-threatened and endangered species are considered. So by screening, using these lowest values, and not just for the scenarios relevant to the site. All ecological exposure scenarios will be protected based on the conditions that we've put into the proposed beneficial use approvals.

So Portland Water Bureau used ecological screening values rather than conducting detailed studies, which is what you asked us for, and that's not something that we have because we've relied on the information based on our very conservative screening values.

And so you would need to ask Portland Water Bureau if they have additional studies.

And I was wondering, I think Heidi did a little bit of an evaluation of the mammals and receptors in the area. Would you mind speaking to what you observed and talked to me about today?

**Heidi Nelson DEQ** - A lot of the animals that are in this area, you can go online and there's a number of databases that you can pull a report to see exactly what is in a 2 mile radius for instance, or you know you can do it however far you'd like to see. Most of the threatened endangered species would be those salmonids, and that's associated with the Sandy River, so outside of the impacts of the project. And then on site there's a number of bird species that are nesting birds and then there's also a number of burrowing mammals including shrews, and voles, and then the other very common mammal is the fox in this area. So for the most part we didn't see, except for the salmonids threatened and endangered species. So our values that we're screening against do take into account any of those critters that could be out there.

**Charles CPO** - Very good. Thank you.

**Audrey O'Brien DEQ** – I was also wondering if Mike Poulsen, who is our toxicologist and is online, if he wanted to add anything to my answer.

**Mike Poulson DEQ** – Actually, I don't think I need to add anything. You did a very good job of explaining that but I can be around answer any questions that people might have if they want us to go into more detail. But I definitely want to reinforce that we set up the screening numbers and they come from the cleanup program where we have a wide variety of exposure scenarios like human health, residential, occupational and so on, and then for the ecological, the plants and invertebrates, birds and mammals including the T and E, and we rarely see the threatened and endangered species which we rarely see on sites. So when the Materials Management program came up with their clean fill they just picked the lowest number from any of the categories and put that in there.

So that means that a site rather than do an extensive study and determine what the appropriate exposure scenarios are at the site, if they just use the lowest one then we cover all the scenarios and we're protected. And if they exceed that on a cleanup site then they could do additional investigation but you can also just decide to okay we're just gonna deal with it, which is the case here. They're going to handle the soil in an appropriate manner to prevent exposure to the levels to the concentrations that exceed the protective levels.

**Charles CPO** - Very good. Thank you, Mike. So how is it that the Portland Water Bureau can state that Multnomah County has approved placement of this contaminated soil, either on the filtration plant site or in public road right of ways, when the record is devoid of any mention of contaminated soils in the PWB application, planning staff report or the hearing officer's decision.

**Audrey O'Brien DEQ** – So I think the purpose of that question is to ask if Multnomah County would have approved this land use if they had this information about the soil, and DEQ really can't speak on behalf of either the Portland Water Bureau or Multnomah County.

What we can do is reassure you that if the land use approval is overturned then the beneficial use would be rescinded.

**Charles CPO** - Great. Quick question on that as a follow up. Would it normally be the case that if I was going to build that plant that I would seek the county's approval for reuse of that soil first or the DEQs approval first?

**Audrey O'Brien DEQ** – I can't answer that. I don't know the answer to that.

**Charles CPO** - Okay, I'm just wondering within the DEQ rules. Is there a, you know? Do you guys have to clear it before the county can or I mean, who's at the top of the stack?

**Audrey O'Brien DEQ** – We don't require for beneficial use approval that there's a land use compatibility statement, which is what I think you're asking about. We do for our permitting program, but not for a beneficial use application.

**Charles CPO** - Okay. Gotcha. So beneficial use is.

**Audrey O'Brien DEQ** – Of course we don't want to be approving something that doesn't meet land use requirements and so if we learned that, that would be some information we would take into account.

**Charles CPO** - Okay. Fantastic. So regarding the preferred method of dealing with contaminated soils along the pipeline routes that is placement of the soil and shoulder services immediately adjacent to the roadway. Can you explain in detail what that would entail? The depth, the capping method, etc? Or is it just kind of like left on roadways so you drive by it?

**Audrey O'Brien DEQ** – I think that what we tried to do with the conditions of the beneficial use proposed approvals is to outline conditions there requiring the capping of the material and evaluating the four uses that were proposed for the pipeline and what we can do in follow up as the project proceeds is conduct inspections and site visits to verify that those conditions are being met.

**Charles CPO** - Okay so within the beneficial use determination there is a place for DEQ to build in inspection requirements? Oh, fantastic. Okay, I didn't understand.

**Audrey O'Brien DEQ** – I think, as Heidi mentioned, there's the erosion control plans and methods that the city has to carry out as part of their stormwater construction permits and we do conduct regular inspections for those types of projects.

**Charles CPO** - Okay so that's the inspection, then what happens? What's the stick? If they aren't following through?

**Audrey O'Brien DEQ** – If someone's not complying with the beneficial use approval we can rescind the beneficial use approval and the soil would have to be managed as solid waste, and that would mean it would have to be disposed of at a permitted facility or at a DEQ approved facility.

**Charles CPO** - Okay and in this case that would be Hillsboro?

**Audrey O'Brien DEQ** – Is that most likely correct? Hillsboro Landfill can accept this type of soil. And then, one of the other questions asked us about, could this soil be beneficially reused at other locations? So we would consider another location and evaluate its appropriateness of its use at that location. There are other DEQ permitted facilities that can accept soil, Wasco Landfill and Wasco County, Hood River Landfill. So there are other DEQ permitted landfills that can accept this material.

**Charles CPO** - Though PWB would probably like to put it in somebody else's backyard. Okay. I'm being snarky. Right so do we have one more question?

**Audrey O'Brien DEQ** – Anything else from others?

**Charles CPO** - That's about it. Now did you guys want me to go into this here? Right okay. So here's another question. Given that joining property owners, the CPO representing hundreds of residences, agencies, and organizations are appealing PWB's land use approval to Luba.

Why was there no effort in notifying the public of this application?

**Audrey O'Brien DEQ** – So we don't usually notify people when we receive an application. We notify people when we're about to take action. And we actually in our rules don't require a public process for beneficial uses, but when we learned that this that there was a Luba appeal we initiated a two week comment period. And then once we learned that there were people very interested in this we extended the comment period and we've

reached out and asked for your input. And thank you very much for agreeing to host this meeting so we could come and attend here. So that's the process that we normally use in our Solid Waste program.

**Charles CPO** - Cool. Quick question. Had anybody here heard about the two week comment period before tonight? Yeah.

**Audrey O'Brien DEQ** – Well. Thank you. At least a couple of people heard and let us know that we hadn't done as best outreach as we should be doing and that's why we're here because we recognized that we needed to do more outreach and we needed to be more responsive to the request from people here.

**Charles CPO** - And you know of course, personally, I do want to pick on DEQ some. That's my nature. But we really need to pick on PWB. Portland Water Bureau has provided promise after promise after promise. How many people here signed the good neighbor agreement they claim they have in hand. Yeah, that's bunk. And they published it. They publish that notification that we have a good neighbor agreement in place. An agreement means two parties. Not one. Sorry. Mike. Oh, I'm gonna get a mic back here. Thanks. Get a mic to Mike.

**Community member** - I have to apologize because I'm getting old so I'm forgetting things. But is this considered farming the dirt?

**Charles CPO** – Is it farm use?

**Community member** - No, no, no. Farming is a way they clean the soils or let it go. Because if this is contaminated soil with DDT, and I live the closest, so if this is contaminated soil and you're gonna backfill with this soil, is the liability going to run with the property forever?

**Charles** – No, no, actually. Let Audrey. Hang on a sec. Let's let Audrey answer the question or DEQ because they're the ones it's being asked of.

**Audrey O'Brien DEQ** – So the conditions of the proposed approval will make sure that the top layer soil, which is where the contamination is, is not exposed. The concentrations in the soil will be what they will be forever. And what I hear you asking is, I'm not sure what you mean by liability? If what you mean is does the property owner have to recognize that they have contamination on site? They would. They have the information and they have that information and they know it.

I don't know what it means when you're asking about liability into the future. If someone else were to buy that property they would have to provide that information to the homeowner or the proposed buyer I suspect.

**Community member** - If you take the soil off to Hillsboro your liability is done. But if you farm, cultivate, farm it, clean it up on site, the liability for that soil is forever on that property. Is this the case? Because there is heavy metals, DDT, and everything, and even though they're going to cap it, we the liability, is going to run with that. I'm 300 feet away from the back door. I have to worry about the contamination on that soil forever. And the Water Bureau, they have to take that liability forever, as I understand. Am I wrong?

**Audrey O'Brien DEQ** – I don't know how to answer that question. We don't consider the risk to be high for residents. The values that were observed in the samples that we evaluated are below risks for residents, for people.

**Community member** - Perhaps Peters can answer that question.

**Charles CPO** – Yeah, David. Can you jump in here?

**David Peters PWB** – The question, as I understood it, is you're asking if we keep the liability for that or if it stays on the property?

**Charles CPO** – Yeah. Yes.

**David Peters PWB** – I'm not an attorney, but I'm assuming that it's on the property now. We have to deal with it in some manner, either haul it away or find a beneficial use for it that we've applied for here. If we choose to keep it on the property, that becomes our responsibility to maintain the property. So I think that's the best I could say at this point. I think we're following DEQ's guidance, as Audrey just commented, that it's not a health effect to the residents in the area. It's below those levels. It won't increase as we look to the future and having it capped, there's going to be less outlets from it leaving our site. So those are the thoughts I have. Does that get at your question?



**Community member** - But if you disturb it, bring it fully up to the surface, even if you cap it, it's there, and you don't haul it off, That liability is still on the property. I want to know if it's like, I understand if you farm soil on your site it's cheaper, but you run the liability of that farming that soil meaning tilling multiple, doing all those things that you can do. DEQ will let you do it. But the liability runs with the land and you'll have that liability forever.

**Charles CPO** – Right.

**David Peters PWB** – We recognize that.

**Charles CPO** – Mike. What do you think? I got a response here from DEQ.

**Michael Locke DEQ** - Yeah, this is Michael Loch over at DEQ. So I think to better answer a question, and I know this might not be.

You want a full response now but none of us on this meeting are lawyers, and I do think I wanna take this to folks on our legal team to be able to answer this and that we would like to answer this question when we do provide some more written responses to the questions and answers here. I think that's a very important question and I would love to get a complete answer to you. I just know none of us are lawyers.

I don't want to speculate on what the legal landscape is on that, but I do want to get that answer to you and we'll commit to that.

**Audrey O'Brien DEQ** – I also think I understand a little bit better. Thank you for spending so much time explaining it to me, but any property owner is responsible for any contamination on their property.

**Charles CPO** – So we have another question over here.

**Mike Poulson DEQ** – May I add to that, Audrey? And not from a legal standpoint, but from a risk standpoint. As we were describing, the risks to human health here are very low which is why the conditions are really set for threaten an endangered species, which I don't even think are in the area. And you know, the metal and the inorganic concentrations are essentially background, which is probably the same as I have in my backyard and the risk from the pesticides to people is very, very low.

So from that perspective, I just wanted to make that point to perspective here because when we're talking about risk, we want to make sure people pay attention to important big risks but we also don't want to alarm people unnecessarily with low risk. And sorry. I'm trying to get the perspective here.

**David Peters PWB** – I guess I had one other thought that came to mind also. You mentioned bringing the materials up to the surface but what we're talking about on our side are the surface materials, the top 18 inches, and those if approved would be placed lower so they aren't at the surface.

So that's probably a topic DEQ could explain better. but that's what we're asking for to try to improve the conditions that are on site.

**Charles CPO** – Well yeah, we need to move along. And Mike, I suggest that you write your comments up and submit it. Also let the CPO know so we can back that up as well.

**Community member** – [Inaudible]

**Charles CPO** – Correct.

**Community member** – [Inaudible]

**Charles CPO** – I'm sorry. Okay, in the fellow in the orange over there had a question a long time ago.

**Michael Locke** - Do you mind if I hand you the microphone for the folks online? here gets recorded? Thank you.

**Community member** – So with the restrictions and processes that have been put in place by DEQ to regulate the handling of this soil on this construction project, who is in charge of enforcing those conditions? And will somebody from DEQ be on site daily to make sure that the criteria is followed and that the rules are enforced? I'm hoping that we're not relying on self enforcement here, or self reporting, because Kuwitt Construction, who's been awarded the contract, has a long record of violating processes through multiple projects all over the world. So who's in charge of that?

**Audrey O'Brien DEQ** – We can't be out on site every day. There are a couple options. If you observe something that. Oh, thank you. If you observe something that you're concerned about, you can file a complaint

with us. We have a pollution complaint form on our web page that people can fill out and send to us. We will inspect periodically but we can't be out there every day. We don't have the resources to do that. And we are relying on reporting to us as well from the city.

**Community member** – So can you give me an example of a timeline. From the time when somebody reports a violation to when DEQ would respond, turned to be up on site.

**Audrey O'Brien DEQ** – We have time frames for responding to complaints and generally we try to respond to them within one to two days.

**Community member** – One to two days.

**Charles CPO** – And I have a quick sort of follow up on that. Does the DEQ have any ability to build in a citizen review of the site so that those of us who are affected can actually see the site, because right now they have guards and are preventing us even from driving down a public road without being interrogated about your business.

**Audrey O'Brien DEQ** – We have worked with other communities that have kept logs and informed us regularly of what they have done for odor complaints. So that is something we could probably work out. I can't guarantee it though, but I'd like to. I know we have done that in the past. And we've set up emails for getting information from people. So we would be open to looking at something like that.

**Charles CPO** – Great. We'd love to get on site.

**Community member** – [Inaudible]

**Charles CPO** – Yeah, I do have a couple more prepared questions. Sorry we'll get right back to you in the audience here. Nope, alright. Next question. Here, let's get the mic that way it gets recorded on the Zoom.

**Community member** – Initially there were samplings taken in 2023. Who did that?

**Ryan Lewis DEQ** – PBS, the consultant for Portland Water Bureau.

**Audrey O'Brien DEQ** – That's always how we do it. We have to rely on applicants to do their sampling and then we evaluate the information to identify whether we think they did it properly. We looked at how they did it, we look at what they did, but that is the way it's always done.

**Community member** – Okay. But the samplings were done by basically Portland Water Bureau to decide. That's the end result.

**Charles CPO** – By an agent of—

**Community member** – Yeah, yes, I understand. Yup. The second part of my question is you issued a 1200 CA permit for them to begin this construction that they started yesterday, and the initial things that they're doing here. I recently built an addition to my home. I couldn't start any work until it was completely approved. This filtration plant is not completely approved, yet you issued a permit for them to start working and disposing of materials. Is that normal? That just seems like you got the cart before the horse there?

**Heidi Nelson DEQ** - Yeah, the agency permit is I guess that's just the process that we do. They follow an erosion sediment control plan and the application that they presented with their stormwater management. So we're not a county issuing another permit but the CA is issued by DEQ.

**Community member** – Wouldn't that be also under review by the Luba, or wouldn't that fall to somebody else? I mean Portland Water Bureau does a test. They take the samplings, they send you the recommendation, they send you the application for a permit based off the work that they've done. And you approve that permit for a project that is not approved.

**Heidi Nelson DEQ** - Let's see. The Multnomah County will issue something like a grading permit or something of that nature. So they ask for an erosion sediment control plan when they review that and they give that, so I'm assuming they have their grading permit. But that's not issued by DEQ.

**Charles CPO** – Very good. Right across the aisle.

**Community member** – I'll try to be brief. This is right up my alley. My background professionally is land use and material handling. And the definition of irony is that we're spending two billion dollars on a parasite and it seems like we're trying to go the cheap route or we're barking up the wrong tree given that all of this is about

our health to begin with. I have a couple quick questions. One. When was this permit applied for? Could we get that date? Good question.

And if you don't have it right now, I'll ask my second question.

**Audrey O'Brien DEQ** – We received an application for a permit exemption in January and we informed the Portland Water Bureau they needed to apply for--they needed to do a different type of request, and they chose to apply for beneficial use. And in, I think April is when we received that. I think we have that on our web page but I'm not sure about that.

**Community member** – Thank you. And then the other thing I wanted to make a quick statement and ask is that I testified in writing twice, and at the hearing verbally. One of the questions and concerns I had was about the traffic safety, the number of trucks, and whether the trucks would be singles or they'd be towing trailers, what size and how many truck trips.

**Charles CPO** – That's outside the purview of this meeting.

**Community member** – Well I guess my question really is if the approval to keep the material on site doesn't hold and the applicant is required to haul it all away, I think that's a deal killer.

**Charles CPO** – Yeah. Paul up here?

**Michael Locke DEQ** - Real quick. I want to see, are there any questions online that we can go to? One or two of them?

**Charles CPO** – Okay.

**Alex Bertolucci DEQ** - So we have two questions online. One asks about what the total acreage covered by the 50 sample areas was? Do you know the answer to that Ryan?

**Charles CPO** – Total acreage of the tested area.

**Alex Bertolucci DEQ** - So you said there was the 50 samples. Do you know what the acreage was? Okay.

**Audrey O'Brien DEQ** – We can get back to you with that answer but we don't know it off the top of our heads.

**Ryan Lewis DEQ** – 46 acres. Okay, thanks.

**Alex Bertolucci DEQ** - Alright. Thanks.

**Charles CPO** – Well the application covers 46 acres but did they test the 46 acres?

**Community member** - First test.

**Alex Bertolucci DEQ** - If we could use a microphone so everybody can hear.

**Community member** - Got it. In 2019 actually, the first sampling happened and it was across the entire property which is 96 acres. And then in 2023, the second consulting group came in and did another sampling on 46 acres. So where the footprint of the plant is where they did. They're basing the numbers that Ryan presented tonight is based on those results.

Not the results of the 2019 study.

**Alex Bertolucci DEQ** - Excellent.

**Charles CPO** – Thank you, Lauren.

**Alex Bertolucci DEQ** - Thank you for that.

**Charles CPO** – We have another one online.

**Alex Bertolucci DEQ** - Yeah. There was one more question this person said. Being that the area is a nursery or was a nursery, it's not surprising that pesticides were identified. I'm also curious about what other pesticide analysis were conducted in addition to the organochloride pesticides. Were organophosphate pesticides, herbicides, or others tested for?

**Audrey O'Brien DEQ** – We don't have that information off the top of our head so we can answer that in writing.

**Charles CPO** – Very good. Paul Oberus had a question upfront here. We're getting the mics there. It's coming! It's coming right behind you.

**Community member** – How thick does the cap have to be that's going over the top of the contaminated soil?

**Ryan Lewis DEQ** – There's two options. So it's three feet of clean fill or a geotextile fabric to prevent burrowing and then a foot of clean fill on top of that. So a foot. Okay. So that's the final positioning of the soil. We'll have

to have that three feet of cover and/or a. So that's for the 1200 CA permit will require them to manage their stockpiles according to BMPs, but for the final placement that's the cover.

**Community member** – So my question then, was that it's going to be vegetated. Correct?

**Ryan Lewis DEQ** – Yes.

**Community member** – So if this entire site is getting stripped of all top soil, which is the bad stuff foot and a half, and they need to bring three feet of vegetated material in more than likely needs to be top soil which means we're going to import 200,000 cubic yards potentially, if they put a three foot cap.

**Charles CPO** – Yeah cause they're taking 110 off which is in cap with three times. Twice as much.

**Heidi Nelson DEQ** - No, it kind of depends on how they manage it but the top one and a half feet is where the impacts we're seeing below that does meet clean fill so they could remove material from below, stock pile that as clean fill, replace the impacted soil lower, and then pull this material back over the top to meet their clean fill.

**Community member** – Most farmers know that lower soil doesn't grow very much though. Correct? It's clay.

**Charles CPO** – It's not vegetative supporting.

**Community member** – Correct.

**Heidi Nelson DEQ** - Well they may have to bring in top soil sure, to support the grass or the vegetated cover, but they don't necessarily have to import three feet of clean fill. Yeah.

**Community member** – So yes. But my point though, is they're gonna have to import a bunch more now to be able to cover this up.

**Charles CPO** – And that will require a bunch of truck trips.

**Community member** – Yeah okay, that's it.

**Charles CPO** – Question over here.

**David Peters PWB** – Could I add to that last question? This is David Peters.

**Charles CPO** – Thank you, Dave.

**David Peters PWB** – You're asking about whether we're going to import 200,000 cubic yards of material to produce the cap but no, that's not options that we're considering. We realize there's lots of truck trips already with the disposal needs that we have. So we're looking at options that are going to allow us to use the soils that are on the site.

So yeah, we're not talking about bringing in. In fact, that is one of the items that's discussed in the land use application. So there are limits on what we can bring in as non structural fill.

**Charles CPO** – So if the testing was done over the 46 acres and the top one and a half feet was contaminated over the entire 40 acres, which is 110,000 cubic yards that you'd be needing to ameliorate or deal with.

That means if you're going to stockpile that and cap it, you're going to need enough vegetative supporting soil to cover the cap and there would not be any left on the entire 40 acres. So where would that soil come from?

**David Peters PWB** – So we're looking at what options we have available to do that.

**Charles CPO** – Which are?

**David Peters PWB** – We don't know that. We don't have all those answers yet. And I'll say up front as the program director, I don't know the details of all the efforts that we have going on but we do have team members that are working on those answers and we could provide some feedback and written responses to you.

**Charles CPO** – And when would we see those written responses?

**David Peters PWB** – I don't know.

**Charles CPO** – Keep in mind this is being recorded. When would we get those written responses?

**David Peters PWB** – I will have to get back to you on that question.

**Charles CPO** – Thank you. So we're getting a little bit far field from DEQ.

Yeah. We got a.

**Community member** – So first of all, thanks for appearing in front of us and we're pretty passionate about this project, as you can imagine. So can you please explain beneficial use? Are we talking use of the soil, the use of

the project as a whole? Is it under the same requirements and scrutiny as any private business that's located on the banks of the Willamette River that has contaminated soil, and how they have to deal with it?

**Audrey O'Brien DEQ** – Yes. So if we are working with a company that is planning to reuse soils on site, if those soils are clean we don't need to be involved. If it's a cleanup site, they will be complying with whatever they're doing through the Cleanup Program.

And if they are contaminated soils and we would then review it through a beneficial use approval, or we also have a couple of other options to evaluate contaminated soil on site.

Yes. In many cases, we have posted the beneficial use approvals we've provided in the past and often use of soil that contains contaminants for construction fill is a proposal we receive frequently.

**Charles CPO** – And to clarify also on that project list, there is a beneficial use of a human sewage sludge which was issued and Maine right now has a significant problem with organic farms going out of business because of PFOs or PFAs being found in the soil which has driven directly out of business because it's in the groundwater. Anyway, let's move on.

One more. Sorry we gotta wrap up. We're a half hour over already.

**Community member** – [Inaudible]

**Charles CPO** – Well we do need to be respectful of Mike Johnson's time, who's come on his personal time to open the building for us.

**CPO member** - Let's keep you going for another 5-10 minutes. Yeah, I quickly thank everybody who's doing the work on the ground here.

**Community member** – Thank you so much for debt of gratitude I have to y'all. The geotextile fabric that will be placed foot below. Obviously, we're capping the soil because it's dangerous. How long would that geotextile fabric last?

**Ryan Lewis DEQ** – Yeah. 10 to 50 years.

**Community member** – Yeah, 10 to 50 years.

**Ryan Lewis DEQ** – Yeah, it depends on the product that they specified.

**Community member** – Okay. And what's the process after that period of time? How is that monitored?

**Charles CPO** – You just look away.

**Ryan Lewis DEQ** – Not sure.

**Audrey O'Brien DEQ** – Once the construction and the project is complete, DEQ will not continue to provide oversight.

**Community member** – Okay. Something to think about.

**Charles CPO** – Question up here. Yup in the red. And yeah, right there. Thanks, Mike.

**Community member** – My question arises out of the paperwork that was on file for this application. And I'll just read the paragraph that is the basis for my questions. It says, as shown in the application, the concentrations of the pesticides in the surface soil and within the intersection widening are below human health risks. They exceed the T and E and non T and E, that's threatened and endangered, I understand, the eco RBC. The eco RBC pertains to ground feeding birds and mammals and top consumers, birds and mammals. The presence of threatened or endangered species that utilize the site is not confirmed or discussed in the application. The first question is why doesn't Portland Water Bureau have to address this? I realized that the staff went and looked at things and made some conclusions, but nowhere are those conclusions part of this record. We were given that information at this meeting but it's not part of the record. And so the the paragraph goes on to then ignore threatened and endangered species. It says the exceedances of the non threatened and endangered eco risk based concentrations are addressed by the protective cover outlined in BUD 20 to 4402. The trench pipeline corridor right of way and the shoulder soils and the restored trench in the active farm field do not provide a suitable habitat or resources for mammals and birds. And my first question is again, why do you conclude that? Because certainly any open trench on a farm is a resource for all kinds of wildlife. They use it as a water source, whether you want them to or not, and secondly, all of the shoulders around here are used by the birds.

Quail are constantly there. They're like little chickens getting stuff where they're cropping right? And so it's not like they're not going to be walking around on these contaminated shoulders. They are so I don't see any stated basis for that conclusion.

And my own personal observations would say that is wrong and that may be something that Portland Water Bureau asserted and therefore got put into this application. But I'm wondering if the DEQ ought not to look at that assumption.

And the conclusion is the proposed placement and reuse of contaminated soil is not anticipated to adversely affect any plant or wildlife species. And again, I don't see any basis for saying that, especially since open trenches on farms and roadsides are habitat around here.

You'll see pheasants and quail on the roadside as well as more ordinary birds. So there you go.

**Audrey O'Brien DEQ** – The trenches are not going to remain open. So they're going to dig a trench, put the pipe in, and then put the soil back in there. So is that what you're asking about for open trenches or are you asking about.

**Community member** – It says in the active farm field which is different than the pipeline trench.

**Audrey O'Brien DEQ** – But the pipeline is still going to be covered up on the active farm field. So it's not gonna be an open ditch. It's gonna be covered.

**Community member** – [Inaudible]

**Community member** – it within an hour or day. The construction process, you guys should know they're gonna expose the soil over a period of time and then install what happens so the ditch will remain open.

**Charles CPO** – So this sounds like the question is, does DEQ oversee amelioration of the hazard during construction both of the trenches and on site?

**Audrey O'Brien DEQ** – Well so they'll have to follow their erosion control management plan during construction. And if Mike is still on, I'd like you to talk about the risks because we consider the risk screening values we used, as we talked about in the presentation, to be very low. And we're not anticipating that we're going to see threatened and endangered species in this area. Also, if there are mammals and birds already on the roadside, they're already sitting on top of the top one and a half feet that's being evaluated. So we're not seeing an increase in risk and we will most likely see a decrease in risk by how the soil's going to be managed. Mike, do you have anything that you can add?

**Mike Poulson DEQ** – Well I think that's the key is that the soil is going to be managed and it was evaluated as if there were threatened and endangered species there, and the decision was rather than evaluate whether there are threatened endangered species, they'll just manage the soil appropriately so there's no exposure. So we eliminate the exposure. We eliminate the risk or minimize the risk.

**CPO member** – There's one question here. And then, Mona, did you have a question? Can we get a mic back to Mona? I saw her hand first. I'm sorry. Over there. Y

**Community member** – Okay. So I read through this stuff that I found online and you know admittedly, a lot of it's over my head. But am I correct in understanding that the dirt that's going to come off of the Portland Water property is going to be distributed along the pipeline route?

Is it going to be filled in? Is that where some of this dirt is going?

**Audrey O'Brien DEQ** – The dirt from the pipeline is going to be reused at the pipeline or taken to the filtration plant. Soil from the filtration plant is not going to be used in the pipeline area.

**Community member** – Okay. And then was Clackamas County brought in on any of this stuff? The DEQ stuff?

**Audrey O'Brien DEQ** – No.

**Charles CPO** – We have a question over here.

**Community member** – This question's for Dave. If I could ask you a couple questions. First of all, it's pretty clear that the environmental impact obviously is of great concern. And also yes, you do have to disclose. I sell real estate. You do have to disclose everything that goes on with the land from here forward to whoever the owners are. Dave, have you considered the fact that real estate property values around here with contaminated soils is going to be affected for the long run? And why, when the public is clearly opposed to this project. I just

got off the campaign trail running for Commissioner and the one common denominator within the county at Multnomah, Clackamas, is the government pushes forward and shoves the public in the backseat. I appreciate people being here. But why are you pressing forward with this when it's of deep, deep concern and opposition with the public?

**David Peters PWB** – So we're here tonight to talk about the DEQ's proposed response to the BUD. If you want to submit that question to us online.

**Community member** – Could you please answer the question, Dave? Really appreciate it. People are taking time and energy to say they don't need it, they don't want it. Why are you continuing with all the hazards with the contaminated soil? Why are you guys continuing? Why?

I mean, obviously you signed contracts. You have people starting work. Permits haven't been approved. I'm just curious.

**David Peters PWB** – The permits have been approved, so.

**Community member** – A portion of the permits. A portion.

**David Peters PWB** – To get started with the work.

**Community member** – I just really want to know.

**David Peters PWB** – This is the right spot for this facility and we've got the permits.

**Audrey O'Brien DEQ** – I'm not sure that's relevant to the beneficial use discussion we're having tonight so I'd like to ask that if you really want to submit that question to DEQ.

**Community member** – Thank you. I will be submitting testimony. Thank you so much. And I know DEQ cares about the environment and I hope they make the right choice.

**CPO member** – Thank you so much. In the middle here, and then the gentleman up against the wall.

**Community member** – Hi. I live on Dodge Park. We have about 2,000 feet along Dodge Park that is east of Katrell so that full 2,000 feet will border where the main pipeline is going through. And I'm just trying to picture what Dodge Park will look like, or what will actually happen on the south side you'll be taking out that lane and putting in those two pipes replacing it.

You're going to have to pull the soil out and I can't imagine where that soil would go along the road right now. Alongside the road we have little ditches. They're very shallow and that's where the rainwater goes, the run off from the road. And I can't imagine using that soil there. So I just need somebody to kind of paint a picture for what our property is going to look like along Dodge Park.

**Audrey O'Brien DEQ** – I can't answer that as a question. If you want to submit that in writing we can provide information on their erosion control that have to comply with as they're constructing the pipeline. But that's not a question we could answer tonight.

**Charles CPO** – Yeah, that falls outside DEQ's purview on this one. Sorry.

**Community member** – Well, if they're pulling out the soil to put those pipes in, is that contaminated soil and where is that going to go?

**Charles CPO** – And again, David Peters would be the guy to answer that but so far have we heard any answers? No, so.

**CPO member** - question over here, and then one at the back.

**Audrey O'Brien DEQ** – We did post all of their erosion control plans on our website and we just did that this morning so if you want to go in and look at what they're proposing to do along the pipeline, you can do that.

**Charles CPO** – Good. Thank you.

**Community member** – Mic. It's on. Okay. This is just my own edification. This land that they're planning to build this on, that was a nursery land, correct?

**Charles CPO** – Correct.

**Community member** – And my properties on the south side of Carpenter Lane so like everybody else in Carpenter Lane, I'm bordered by nursery. Now is this bill. I don't know that's why I'm asking. Is this construction site, has this been treated differently over the years than all the other nurseries behind us? Because forgive me, this is gonna make me sound like I'm in sympathy with their project. I'm not. But I've watched houses be built

and basements dug up, and trenches for other nurseries to run their irrigation processes. Did they have to go through all this too? Or is it just because of the size and the scope of the water plant?

**Charles CPO** – I would assume, and I'm not a lawyer or anything, the size scope and also a different type of usage than the ongoing farming in the residential building in the area.

**Community member** – Okay because if I'm trying to decide if I have to be nervous when my neighbors starts digging trenches now. So okay, thanks.

**CPO member** – Question at the back. Pat, you got a question?

**Community member** – Joe [Inaudible] property he farmed it. It was vegetation, vegetables, and things of that, and at that time DDT was an accepted use. Most of the farmland is nursery at, and I don't think they use that product. Question for future reference DEQ, when you say that you provide public notification, could you tell us what that is so that we know what we're supposed to be looking for?

**Audrey O'Brien DEQ** – When we issue a public notice we will place it on our web page. We have a very specific page that says public notices on all of the proposed actions that DEQ is asking for public comment on. And we also have the ability for people to sign up to receive notifications in the future because we use an email system called Gov Docs, and so we will send out a link to that notice on our web page to everybody on that Gov Docs mailing.

**Michael Locke DEQ** - And I just wanna add a little bit to that, and sorry for the correction, Audrey. It's Gov Delivery and that link should be on the project page for the site that we have already. If it's not, we'll have that subscription link up there. But in addition to just the normal process of putting up a public notice on our public notices page with just the amount of interest that the community has here and what the feedback that we've gotten, especially from the last go around with the public comment period, we're gonna want to very much be in touch with members of the community so that we're passing this information along and that it's getting out to the right people. It's getting out to the folks here through the conduits of information where you get your news and your information about what's going on here. So that's something that we're going to commit to moving forward.

**Charles CPO** –Thank you.

**Community member** – Sorry. Just thank you very much.

**CPO member** - One more question over here. Gentlemen in black.

**Charles CPO** – One more.

**Michael Locke DEQ** - Oh, I'm bringing the mic over to you.

**Community member** – I saw a photograph on the screen of them digging up dirt today that he put up and my wife and I were out working our garden all day today. It's a hot day, it's windy day. Have we already been exposed to these chemicals because I didn't see any water. I didn't see any spray. I just saw big trucks digging up the top soil. And is that going to be indicative of the way they do the rest of the projects? Completely ignoring safety factors because you got to cover stuff up sometime but you can't cover it up quick enough to keep the dust from blowing down to my house, nor can you keep the water from running down the hill to where I live. What's going to happen?

**Audrey O'Brien DEQ** – I can't answer your question on whether you've been exposed. What I can say is if you observe that they're not following the erosion control procedures that they're supposed to be following, please file a complaint with us and we'll follow up.

**Community member** – [Inaudible]

**Audrey O'Brien DEQ** – I'm not asking you to go prove that they're violating it. If you observe dust off site, you can file a complaint with us and we will follow up.

**CPO member** - We're gonna start wrapping it up here. Could I get it one of the handheld mics up here, please. Thank you.

**Michael Locke DEQ** - And before we move to the next part of the meeting I just wanted to reiterate that we wanna stay in touch with you all. This isn't gonna be the first time that or the last time that you hear from us. And we've definitely taken the feedback on our community engagement process pretty seriously here and



we're still open to hearing more about how you would like to hear from us moving forward so we could keep the conversation going.

And we'll be in touch with folks in the room here for sure. We also have a stack of business cards here for Ryan so if you have any more technical questions about what's going on with the project, you can still shoot those our way and we can answer those questions throughout the course of this timeline here. We're not limited to just tonight. And then otherwise, please provide the written comments by Jul. 26 either email or USPS.

**Charles CPO** – Very good. Well, I want to thank the DEQ for being here, and thank you all for being here.

## Contact

Learn more by visiting DEQ's Bull Run Filtration Project [website](#).

**Technical Contact:** Ryan Lewis, 503-915-4764

**Media Contact:** Michael Loch, 503-737-9435

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