3.16 HAZARDOUS MATERIALS

3.16.1 Regulatory Setting

Many state and federal laws regulate hazardous materials and hazardous wastes. These include not only specific statutes governing hazardous waste, but also a variety of laws regulating spill cleanup, air and water quality, human health and land use.

The primary federal laws regulating hazardous wastes/materials are the Resource Conservation and Recovery Act of 1976 (RCRA) and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). RCRA provides for “cradle to grave” regulation of wastes as well as regulating underground storage tanks, which are a common source of contamination. The purpose of CERCLA, often referred to as Superfund, is to clean up contaminated sites so that public health and welfare are not compromised. Other relevant federal laws and regulations include:

- Community Environmental Response Facilitation Act (CERFA) of 1992
- Clean Water Act (CWA)
- Clean Air Act (CAA)
- Safe Drinking Water Act
- Hazardous Waste Operations and Emergency Response (HazWOPER) regulations
- Toxic Substances Control Act (TSCA)
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Waste management, hazardous waste, cleanup and underground storage tanks in Oregon are regulated under the authority of RCRA and CERCLA, and the Oregon Revised Statutes: ORS 459, and 459a, ORS 465m and ORS 466, respectively. Other Oregon laws that affect hazardous materials, hazardous waste, and hazardous waste are specific to water quality, transportation, emergency planning, community right to know, and worker health and safety requirements.

Health and safety for both workers and the public are key issues when dealing with hazardous materials and hazardous waste. Proper management of hazardous materials and disposal of hazardous waste are vital if it is disturbed during project construction.

The type of hazardous materials/waste assessment required is dependent on existing site conditions. Part 3 of the ODOT Project Prospectus provides an initial project review to identify preliminary hazardous materials concerns. A Prospectus Part 3 is prepared for each proposed ODOT project and provides an initial hazardous materials review that highlights preliminary hazardous materials concerns. This includes known sites that use hazardous materials, generate hazardous waste or have become contaminated. It is only a cursory look at such evidence and should never be relied upon as the sole source of information.

The first type of assessment that could be required is known as a Level 1 Initial Site Assessment, and is the equivalent of a baseline report for other disciplines. A Level 2 Preliminary Site Investigation is a more in-depth look at potential contamination that could impact the project and typically includes soil and groundwater sampling. Other issue-specific hazardous materials reports may include an asbestos survey, lead-based paint...
testing or other hazardous materials and waste inventories, depending on the findings of the Level 1 Site Assessment.

Although the Part 3 for the project should identify the major concerns, a Level 1 Site Assessment includes more in-depth research and is required for any project which includes potential excavation, structure demolition or renovation, or property purchase. The Level 1 Site Assessment is intended to identify known and potential hazardous materials issues, within the Area of Potential Impact, such as contamination, abandoned waste and other hazardous materials. To that end, a hazardous materials specialist will review existing databases for contaminated sites, hazardous waste generators, and spills; will review historical maps and aerial photographs to determine past land use; and will conduct a site visit to confirm current land use. The Level 1 Site Assessment documents information that will serve as the basis for the Affected Environment section of the Tier 2 DEIS and Tier 2 FEIS.

The Level 1 Site Assessment should be sufficient to determine whether there are any red-flag issues. A key determinant is whether known hazardous waste sites are significant enough to be a major deciding impact on alternative selection. Such determination should be based on the region’s hazardous materials coordinator’s input. At this point, risk management enters the decision process.

If the Level 1 Site Assessment identifies potential sources of contamination that could impact the proposed action, a Level 2 Preliminary Site Investigation will be conducted to confirm and delineate the contamination within the proposed project boundaries. In most cases, however, the Level 1 Site Assessment will contain sufficient information to inform the alternative selection. The Level 2 Preliminary Site Investigation will not be conducted until the Preferred Alternative has been identified, the ODOT Right-of-Way Section has determined which properties will be acquired, and the design is sufficient to identify the approximate project boundaries and likely depth of excavation.

In addition, the Level 1 Site Assessment should identify the potential presence of hazardous materials associated with structures, such as lead-based paint, mercury lamps, asbestos-containing materials, treated timbers, polychlorinated biphenyls (PCB)-containing equipment, and abandoned containers. Such potential issues should be investigated further and documented in issue-specific hazardous materials reports. Note that asbestos surveys in Oregon can only be conducted by Asbestos Hazard Emergency Response Act (AHERA)-certified inspectors.

### 3.16.2 Affected Environment

This section describes the current and historical presence of hazardous materials and hazardous waste within the area encompassed by the Preferred Alternative and Phase 1 of the Preferred Alternative (Phase 1). Hazardous materials sites are locations or facilities that reportedly contain a hazardous substance or where a hazardous substance was released into the environment.
ODOT performed a Level 1 Site Assessment for the Tier 2 DEIS and Tier 2 FEIS. Hazardous materials databases maintained by federal and state agencies were reviewed for information on hazardous materials sites or facilities in the project area. The sidebars list the databases reviewed. These databases identify properties or facilities that generate, store, use, transport, or dispose of hazardous substances. They also identify properties with known or suspected releases of hazardous substances. Historical aerial photographs and fire insurance maps were used to identify potential hazardous materials sites within the project area. Hazardous materials specialists also completed a field reconnaissance of the project area.

Investigations for the Tier 2 DEIS identified 79 hazardous materials sites within or in the vicinity of the Preferred Alternative. Of these, 21 sites pose a concern due to their proximity to land-disturbing activities associated with the Preferred Alternative. The 21 sites of concern are discussed by segment for easier identification of the location and are shown on Figure PA 3.16-1 to Figure PA 3.16-5. No properties were identified as posing a concern for the proposed project in Segments 3 and 7.

For additional information on the other sites identified, see the Newberg Dundee Bypass Tier 2 Final Hazardous Materials Technical Memorandum, ODOT 2012. The assessment of all sites includes a database or multiple database listings.

3.16.2.1 Segment 1

See Figure PA 3.16-1 for the locations of the following sites.

Gonzales Service Station (Site No. 1) contains a leaking underground storage tank (LUST). Cleanup was initiated in October 1990 and is still listed as an active cleanup. No active underground storage tanks (USTs) were reported.

Oregon RV Center (Site No. 2) was identified during a site reconnaissance and is not listed in the regulatory record. The site operates as a garage for recreational vehicles, which typically use petroleum products.

The United Horticultural Supply site (Site No. 3) historically contained and may currently contain herbicides and/or pesticides.

Evergreen Agriculture, Hawman Farms (Site No. 4), is an active farm site identified during a site reconnaissance. This site is an environmental concern because of the types of materials, such as pesticides, herbicides, and petroleum products, likely to be present on the site.

3.16.2.2 Segment 2

See Figure PA 3.16-2 for the locations of the following sites.

The Terra International site (Site No. 5) historically contained and may currently contain herbicides and/or pesticides.

The Newberg Gun Club site (Site No. 6) is a shotgun trap range and may contain metal contamination related to the discharge of ammunition.
Figure PA 3.16-1 Hazardous Materials Sites
Segment 1: Dayton Interchange

- Bypass Approved Corridor
- Urban Growth Boundary (UGB)
- City Limits
- Roadway
- Railroad
- Identified Site of Potential Concern

Identified Site of Potential Concern:
- Site Number

Segment 1 Right-of-Way
Segment 2 Right-of-Way
Bridges or Overcrossings

Legend:
- 0 500 1,000 1,500 Feet
- N

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A supplemental identification of hazardous materials sites was conducted in 2011 for the Bypass portion of Phase 1 connection to Oregon 99W south of Dundee. No hazardous material sites were located.

3.16.2.3 Segment 4
See Figure PA 3.16-3 for the locations of the following sites.

The Bargelt Refinishing site (Site No. 7) is a furniture stripping and refinishing operation. An Oregon Department of Environmental Quality (DEQ) inspection in August 1995 documented releases of wastewater and furniture stripping chemicals to a small, ponded area, where the chemicals infiltrated into the ground. The site is listed in the Confirmed Release List (CRL). Cleanup at the site is ongoing. The site is outside the project area and is only referenced on the Segment 4 figure. However, due to the risk of groundwater contamination in the project vicinity, the site is included here for analysis.

Columbia Empire Farms, Inc., (Site No. 8) had a permit to discharge wastewater. This site is an environmental concern because of the types of materials, such as pesticides, herbicides, and petroleum products, likely to be present on the site.

Do Gardens Nursery (Site No. 9) had two 500-gallon aboveground storage tanks (ASTs), labeled gasoline and diesel, identified during site reconnaissance. Additionally, nurseries also typically use herbicides and pesticides and these may be stored on the property.

3.16.2.4 Segment 5
See Figure PA 3.16-4 for the locations of the following sites.

The Western Helicopter site (Site No. 10) contained or contains a LUST and a 50,000-gallon AST containing fuel. Cleanup of the LUST was initiated in August 1991, but the site has not been closed. The site is outside of the project area but may pose a groundwater contamination risk.

The Newberg Dump (Old) (Site No. 11) is identified in the Environmental Cleanup Site (ECSI) database maintained by DEQ. Historical records and aerial photographs indicate that the site was in operation at least by 1947 and closed before 1980, which is evidenced with a vegetated cap. The site is currently used as the Ewing Young Historic Park and includes a skate park. The site is located outside of the project area but may pose a groundwater contamination risk.

SP Newsprint Company, a.k.a. Smurfit Newsprint Corporation (Site No. 12) has been in industrial use for at least 94 years. The earliest document reviewed was a 1912 Sanborn fire insurance map, which shows a log yard and saw mill at the site. By 1936, a pulp mill and papermaking were added to the uses at the site, including large ponds for the pulp process. It appears the sawmill was closed by 1960, but the pulp mill continued operation into the late 1960s as the 1970 aerial photographs show the ponds drained and logs being sorted and stored instead. Soil and groundwater contamination are highly likely. Investigations need to be done for determining the possible location of USTs and contaminated soil. Portions of this site will be acquired for construction of the Bypass.

The Newberg Landfill (Site No. 13) is listed in the solid waste facility/landfill database. The site was opened prior to 1970 with significant increases in land disturbance activities in the 1980s. The landfill has been closed and capped. Portions of the site may be acquired for construction of the Bypass.

Active farm site (Site No. 14) had 50 or more 55-gallon drums on site during the field reconnaissance. Approximately five ASTs of unknown contents and stained soil were also observed on the site. A portion or the entire site will be acquired for construction of the Bypass.
Figure PA 3.16-4 Hazardous Materials Sites
Segments 5 and 6: West Newberg to Oregon 219 Interchange

- Bypass Approved Corridor
- Urban Growth Boundary (UGB)
- City Limits
- Roadway
- Railroad
- Segment 4 Right-of-Way
- Segment 5 Right-of-Way
- Segment 6 Right-of-Way
- Segment 7 Right-of-Way
- Bridges or Overcrossings
- Identified Site of Potential Concern

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The former Wynooski and 11th Streets Gas Station (Site No. 15) site historically contained gas and oil and operated from the early 1930s to early 1960s. The status of tank removal and cleanup is not known.

3.16.2.5 Segment 6

A supplemental identification of hazardous materials sites was conducted in 2011 in Segment 6. This investigation identified 22 sites that had not previously been identified in the Tier 2 DEIS. Of these, five sites pose a concern due to their proximity to land-disturbing activities within 250 feet of the right-of-way identified for improvements along Oregon 219 and Springbrook Road. The location of these sites (Nos. 17 through 21) is illustrated in Figure PA 3.16-4. The five sites will require further investigation to determine hazardous materials risk and to quantify the extent of potential contamination that will be affected by construction of Phase 1. These sites are described below.

Action Equipment Company (Site No. 17) is a Conditionally Exempt Generator (CEG), which is defined as using, storing or generating small quantities of hazardous materials on site. Last known record activity was in 2008 and involved paint waste. There is no known contamination on the site.

Finish Line Industries, Inc., (Site No. 18) is a CEG, which is defined as using, storing or generating hazardous materials on site. There is no recently recorded activity on this site involving hazardous materials.

Climax Portable Machine Tools, Inc., (Site No. 19) is a CEG. The last recorded generation of hazardous materials was in 1998 and involved developing lab packs of mixed wastes, paint, lacquer or varnish.

Chehalem Park & Recreation District Shop (Site No. 20) is a CEG. The last recorded activity involving hazardous materials occurred in 1991.

PGE Office (Site No. 21) contained or contains a LUST. Cleanup of the LUST is ongoing; soil and groundwater impacts have been identified and free product (e.g., gasoline, solvents) is present.

3.16.2.6 Segments 8.1 and 8.1A

See Figure PA 3.16-5 for the location of the following site.

Rex Hill Vineyard (Site No. 16) contains a LUST. Cleanup was initiated in March 1998 but the site is still considered an active cleanup site.
Figure PA 3.16-5 Hazardous Material Sites
Segment 7: East Newberg to East Newberg Interchange
Segment 8.1: East Newberg Interchange
Segment 8.1A: Rex Hill

- Bypass Approved Corridor
- Urban Growth Boundary (UGB)
- City Limits
- Roadway
- Railroad
- Segment 7 Right-of-Way
- Segment 8.1 Right-of-Way
- Segment 8.1A Right-of-Way
- Future City of Newberg Road
- Bridges or Overcrossings
- Identified Site of Potential Concern

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3.16.3 Environmental Consequences

This section discusses direct, indirect, and construction impacts related to hazardous materials sites for the No Build Alternative, the Preferred Alternative and Phase 1. The analysis considers sites identified as most likely to be impacted by construction or operation of the Preferred Alternative (including Phase 1), as well as likely impacts of hazardous materials located on these alternatives.

3.16.3.1 No Build Alternative

Under the No Build Alternative, existing conditions related to hazardous materials would have been independently monitored or cleaned up, with cleanup at sites taking place as scheduled. Additionally, after reviewing the planned projects identified in the No Build Alternative, it is unlikely these actions would have impacted the hazardous materials sites identified during the environmental process associated with the Preferred Alternative.

3.16.3.2 Preferred Alternative

This section addresses direct, indirect and construction impacts to hazardous material sites for the Preferred Alternative.

Direct Impacts

The Preferred Alternative will pose a risk for impacting hazardous materials sites due to the ground-disturbing nature of construction. Hazardous materials sites have the potential to impact construction due to the following:

- The cost in both time and money to remove and remediate exposed hazardous materials.
- The potential health and safety issues related to exposing workers and the public to known or unknown contaminants.
- The long-term liability and obligations.

Early in the engineering design process and prior to construction of the Preferred Alternative, Level 2 Environmental Site Assessments (ESAs) will be conducted to investigate potential hazardous materials sites. Any contamination encountered prior to construction will be characterized and dealt with during construction using ODOT’s 00290 Standard Specifications for Construction, and/or Special Provisions to the 00290, specific to the type of impacted media and construction activity impacted by a contaminant of concern. Unexpected contamination will also be handled in accordance with ODOT required project documents and protocols.

As with construction, maintenance activities along the Preferred Alternative have the potential to expose workers or the public to hazardous materials, particularly resulting from the operation of vehicles carrying hazardous materials. It is likely that the majority of hazardous materials currently hauled on the roadways in the project area, and especially those on trucks, will use the Preferred Alternative and avoid traveling through the towns of Newberg, Dundee, and Dayton. Avoiding these populated areas will be a beneficial impact of the project. However, the areas around the Bypass will be exposed to limited hazardous materials risks that currently do not exist, including the risk of accidental spills of hazardous materials or debris that could migrate to property adjacent to the Bypass, including stream corridors. ODOT has trained incident responders and incident response contractors who will direct and/or perform the immediate and complete cleanup of hazardous material releases per State of Oregon laws and regulation.
Hazardous Material Sites

The following section identifies the 21 hazardous material sites that are in or near the Preferred Alternative and discusses the probable impacts. The sites are shown and discussed by segment for easier identification (see Figure PA 3.16-1 to Figure PA 3.16-5).

Segment 1

The hazardous materials sites located in this segment are illustrated in Figure PA 3.16-1.

Gonzales Service Station (Site No. 1) is identified as containing a LUST. The site is located within Dayton near the south end of a potential Yamhill River crossing. Construction-related activities in the area may have encountered contaminated groundwater near this site.

The Oregon RV Center (Site No. 2) is located adjacent to an off-ramp and local circulation improvements. A small acquisition from the property may be required, and use of the site as an auto repair facility will pose a risk for soil and groundwater contamination.

United Horticultural Supply (Site No. 3) is located adjacent to an off-ramp, and a small acquisition may be necessary for construction. Soil and/or groundwater contamination could be encountered during construction.

Local circulation improvements will involve construction within Evergreen Agriculture, Hawman Farms (Site No. 4), which is located adjacent to ramps for the Dayton Interchange. Farming operations typically use fertilizer, herbicides, diesel and potentially other contaminants. Soil and/or groundwater contamination could be encountered during construction of the Preferred Alternative, connector road and interchange.

Segment 2

The hazardous materials sites located in this segment are illustrated in Figure PA 3.16-2.

The Terra International site (Site No. 5) is located adjacent to local circulation improvements on Fulquartz Landing Road (west). Historical storage of herbicides and/or pesticides will pose a soil and groundwater risk for construction.

The Gun Club (Site No. 6) is partially located within the Bypass right-of-way. A firing range, including shotgun use, is located at the site. Since shot usually contains lead, it is likely there is heavy metal contamination at the surface, downrange of the firing stands. A detailed history of the site’s uses is not available, but it was likely used for agriculture before being converted to the gun club use.

Segment 4

The hazardous materials sites located in this segment are illustrated in Figure PA 3.16-3.

Bargelt Refinishing (Site No. 7) is located outside of the study area within 0.25 mile of the Bypass. However, the site’s history of documented releases of wastewater and furniture stripping chemicals to a small, ponded area, where the releases infiltrated into the ground, poses a groundwater contamination risk for construction of the Preferred Alternative. The extent of groundwater contamination is unknown at this time.

Columbia Empire Farms, Inc., (Site No. 8) is a large farm located adjacent to the location of the Dundee Connector Road, East Dundee Interchange and Bypass right-of-way. Large farming operations typically use fertilizer, herbicides, diesel and potentially other contaminants. The facility currently holds a wastewater discharge permit, though no contamination has been identified. Soil and/or groundwater contamination could be encountered during construction of the Bypass, connector road and interchange.
Do Gardens Nursery (Site No. 9) is located at the intersection of Fox Farm Road and Oregon 99W. ODOT will acquire the site for part of the East Dundee Connector Road. The site contains ASTs labeled gasoline and diesel. Other hazardous materials, such as herbicides and pesticides, are also likely stored at this site. The site could pose a construction risk associated with contaminated soil and/or groundwater.

**Segment 5**

The hazardous materials sites located in this segment are illustrated in Figure PA 3.16-4.

Western Helicopter (Site No. 10) is located just north of the project area at the end of Commerce Parkway. The LUST cleanup was initiated but not closed. Additionally, there is a 50,000-gallon AST with Jet A fuel on site. The site could pose a contaminated groundwater risk during construction of the Preferred Alternative.

Newberg Dump (Old) (Site No. 11) is located about 1,500 feet north of the location of the Bypass and just west of James Street. When this site was in operation, typical disposal practices were not stringently controlled. In addition, dump sites were not typically lined to protect groundwater. While not verified, it is likely that groundwater flow migration is in the direction of the Willamette River, and thus towards the Preferred Alternative where it could pose a contaminated groundwater risk for construction. This site does not pose a risk associated with contaminated soil.

SP Newsprint (Site No. 12) was identified on multiple lists due to its longevity as an industrial site. ODOT will acquire a part of the site which is within the proposed right-of-way. Investigations will be needed to determine the possible location of contaminated soil. The site could pose a risk for construction of the Preferred Alternative from contaminated groundwater, USTs and contaminated soil. The SP Newsprint site could also pose long-term liability for contaminant cleanup unrelated to the cleanup necessary for construction of the Preferred Alternative.

The Newberg Landfill (Site No. 13) site is located just west of Rodgers Landing. ODOT will acquire portions of this site for the Preferred Alternative. The site could pose a construction risk associated with contaminated soil and/or groundwater.

An active farm (Site No. 14) was identified during the site reconnaissance as containing several pieces of heavy equipment and at least fifty 55-gallon drums. Approximately five ASTs of unknown contents were observed, as well as soil staining. The site will pose a construction risk associated with contaminated soil and/or groundwater. This site is identified as tax lot R3230-00401.

The former gas station at 11th Street and Wyonooski Road (Site No. 15) is located within the footprint of the Preferred Alternative. ODOT will acquire the entire property. The status of the site is unknown, but there is a potential for soil and groundwater contamination, which could be encountered during construction.

**Segment 6**

The hazardous materials sites located in this segment are illustrated in Figure PA 3.16-4.

Action Equipment Company (Site No. 17) is located immediately west of Oregon 219 and south of 9th Street. Acquisition of a portion of the site along the Oregon 219 frontage may be necessary to accommodate widening of the highway. Historically, the site has generated paint waste and may pose a risk for soil and/or groundwater contamination.

**Segments 8.1 and 8.1A**

The hazardous materials sites located in this segment are illustrated in Figure PA 3.16-5.

Rex Hill Vineyards’ heating oil tank (Site No. 16) is located just north of the proposed East Newberg Interchange. The identified LUST may be located adjacent to the
interchange and may pose a construction risk associated with contaminated soil and/or groundwater.

**Indirect Impacts**

There are no indirect impacts related to the Preferred Alternative.

**Construction Impacts**

Construction activities for the Preferred Alternative that disturb hazardous materials sites could increase the demand for contaminated soil disposal facilities. In addition, construction workers could be exposed to hazardous materials. However, these adverse impacts will be offset or minimized through hazardous materials site remediation and best management practices, which will identify appropriate measures to protect both the environment and construction workers from known and unknown exposure to hazardous materials.

Construction activities could also eliminate some hazardous materials sites, reducing public exposure to hazardous materials.

**3.16.3.3 Phase 1**

Phase 1 will extend from Oregon 99W just south of Dundee and connect to Oregon 219 in Newberg. There are no hazardous material sites or impacts in Segments 2, 3, and 4. In Segment 5 hazardous material sites and impacts are the same as those listed above for the Preferred Alternative. In Segment 6 five sites were identified as being of potential concern to Phase 1. These sites are all located in the vicinity of Oregon 219 and Springbrook Road. They are discussed below and are illustrated in Figure PA 3.16-4.

**Direct Impacts**

**Segment 6**

- **Action Equipment Company (Site No. 17)** is located immediately west of Oregon 219 and south of 9th Street. Acquisition of a portion of the site along the Oregon 219 frontage may be necessary to accommodate widening of the highway. Historically, the site has generated paint waste and may pose a risk for soil and/or groundwater contamination.

- **Finish Line Industries, Inc. (Site No. 18)** is located on the northeast corner of the intersection of Oregon 219 with Springbrook Road. Acquisition of a small corner of this property is necessary to accommodate the widening of Springbrook Road. The use of this site in the past for storage, use or generation of hazardous materials may pose a risk for soil and groundwater contamination.

- **Climax Portable Machine Tools Inc. (Site No. 19)** is located on the southeast corner of the intersection of Oregon 219 and 2nd Street. A small portion of this site may be acquired for widening at this intersection. Historical presence of hazardous materials on this site may pose a risk for soil and groundwater contamination.

- **Chehalem Park & Recreation District Shop (Site No. 20)** is located on the northeast corner of the intersection of Oregon 219 and 2nd Street. A small portion of this site may be acquired for widening at this intersection. The use of this site in the past for storage, use or generation of hazardous materials may pose a risk for soil and groundwater contamination.

- **PGE Office (Site No. 21)** is located on the west side of Springbrook Road, south of the intersection with Hayes Street. A small portion of the frontage of this site may be acquired to accommodate the widening of Springbrook Road. This site contained or contains a LUST and cleanup is ongoing. There is a potential risk for soil or groundwater contamination associated with this site.
Indirect Impacts

There are no indirect impacts related to Phase 1.

Construction Impacts

There will be no construction impacts associated with Phase 1 that differ from the Preferred Alternative.

3.16.4 Cumulative Impacts for the Preferred Alternative

The Preferred Alternative, in combination with the projects reviewed for cumulative impacts, will not be expected to create cumulative impacts within the project area. Hazardous materials sites will continue to be found as they have in the past. More sites are likely to be found within the UGBs of Newberg, Dundee, and Dayton due to development in those areas, but the Preferred Alternative in combination with other projects will not be expected to increase the number of such sites found during development.

3.16.5 Mitigation

3.16.5.1 Preferred Alternative

Mitigation for hazardous materials typically falls into two categories: (1) avoidance of known sites and planning to protect the human health and the environment from spills, and (2) encountering unknown sites. Construction, ongoing operations and maintenance of the Preferred Alternative will follow all state and federal laws and regulations regarding management of known sites and the handling of contaminated media (including the storage, transport and disposal of contaminated material). During final design, cost estimates will be prepared for hazardous materials mitigation.

Construction

The contractor for the proposed project will develop a spill prevention and pollution control (SPPC) plan in accordance with ODOT requirements. The following, while not a comprehensive list, provides the basic elements of the plan.

- Notification to regulatory agencies that a potential hazardous exposure will occur.
- Work stoppage due to exposure or potential exposure of construction and excavation workers and/or ecological receptors to hazardous materials will occur.
- Potential releases of hazardous substances and petroleum products occurring adjacent to and/or within the Preferred Alternative roadway will be mitigated by the applicable federal, state, and/or local response agency.
- A soil management plan will be developed to help minimize adverse impacts to construction and excavation workers and/or to reduce the risk to human health and the environment.
- Site-specific plans will be developed as needed to address management, storage, and disposal of hazardous substances and/or petroleum products.
- A supplemental management plan will be developed for groundwater if dewatering activities occur as part of below-grade construction.
- In addition, certain hazardous materials will likely be used during construction (e.g., asphalt, fuel, raw concrete, striping paint, solvents, spray paint, landscaping chemicals). The safe storage, use, and disposal of these products will be addressed in the contractor’s spill prevention and pollution control plan.
Operations

During operation of the Preferred Alternative, ODOT will use the following mitigation measure to reduce the risk of exposure to hazardous materials.

- Any releases of hazardous substances and petroleum products occurring during highway operation and located adjacent to and/or within the roadway will be mitigated by the applicable federal, state, and/or local response agency. Responses by the State of Oregon Fire Marshal will be under directive A-206 issued April 15, 1994; revised September 14, 2000. This directive is known as “Hazardous Waste Operations and Emergency Response: Responding to Hazardous Substance Releases.”

3.16.5.2 Phase 1

Mitigation for Phase 1 will be the same as for the Preferred Alternative.
3.16.6 Tier 2 DEIS Build Alternative

The following is an exact copy of the Tier 2 DEIS Build Alternative section for hazardous materials. In-text references cite information in the Tier 2 DEIS.

The Tier 2 DEIS Build Alternative, which includes all of the design and local circulation options no longer under consideration, is included here as a comparison to the Tier 2 FEIS Preferred Alternative and for informational purposes only.

Copies of the complete Tier 2 DEIS are available from:

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Oregon Department of Transportation
Mid-Willamette Valley Area
885 Airport Road SE, Building P
Salem, OR 97301-4788
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3.16.2.2 Build Alternative

Direct Impacts

Construction of the Build Alternative will pose a risk for impacting hazardous materials sites due to the ground disturbing nature of construction. Hazardous materials sites have the potential to impact construction due to the following:

- The cost in both time and money to remove and remediate exposed hazardous materials.
- The potential health and safety issues related to exposing workers and the public to known or unknown contaminants.
- The long-term liability and obligations.

As with construction, any maintenance activities along the Bypass route may expose workers or the public to hazardous materials. Any remedial plan, including institutional and engineering controls, should consider maintenance needs.

Operation of the Bypass is not likely to expose the public to on-site hazardous materials. It is likely that the majority of hazardous materials currently hauled on the roadways in the project area, and especially those on trucks, will use the Bypass and avoid traveling through the towns of Newberg, Dundee, and Dayton. Avoiding these populated areas will be a beneficial impact of the project. However, the areas around the Bypass will be exposed to hazardous materials risks that currently do not exist.

There were no major differences in hazardous materials impacts between design options and local circulation options for the Build Alternative in any of the segments, except for Segment 5. Design Option 5.1C.2 (fully depressed) would have had a higher potential for impacting hazardous materials than Design Options 5.1D.2 or the selected option 5.2D (both above-grade on fill) because of Design Option 5.1C.2’s below-grade construction. Dewatering would have been required during construction of the fully depressed Design Option 5.1C.2 and could have required treatment if groundwater was contaminated. Dewatering also has the potential to change groundwater flow direction, which could have resulted in off-site migration of contaminants to the roadway area that otherwise would not occur.
Hazardous Material Sites

The following section identifies the 16 hazardous material sites that are in or near the Build Alternative and discusses the potential impacts. The sites are shown and discussed by segment for easier identification.

**Segment 1**

Gonzales Service Station (Site No. 1) is identified as containing a LUST. The site is located within Dayton near the south end of a potential Yamhill River crossing included in Local Circulation Option B. Construction may have encountered contaminated groundwater near this site, however this option was not selected.

The Oregon RV Center (Site No. 2) is located adjacent to an off ramp and local circulation improvements. A small acquisition from the property may be required and the use of the site as an auto repair facility will pose a risk for soil and groundwater contamination.

United Horticultural Supply (Site No. 3) is located adjacent to an off ramp and a small acquisition may be necessary for construction. Soil and/or groundwater contamination may be encountered during construction.

Evergreen Agriculture, Hawman Farm (Site No. 4) is located adjacent to ramps for the Dayton Interchange and is within proposed local circulation. Farming operations typically use fertilizer, herbicides, diesel and potentially other contaminants. Soil and/or groundwater contamination could potentially be encountered during construction of the Bypass, connector road and interchange.

**Segment 2**

The Terra International site (Site No. 5) is located adjacent to local circulation improvements on Fulquartz Landing Road (west). Historic storage of herbicides and/or pesticides will pose a soil and groundwater risk for construction.

The Gun Club (Site No. 6) is partially located within the Bypass mainline. A firing range, including shotgun use, is located at the site. Since shot usually contains lead, it is likely there is heavy metal contamination at the surface down range of the firing stands. A detailed history of the site's uses is not available but it was likely used for agriculture before being converted to the gun club use.

**Segment 4**

Bargelt Refinishing (Site No. 7) is located outside of the quarter-mile project area. However, the site history of documented releases of wastewater and furniture stripping chemicals to a small, ponded area, where the releases infiltrated into the ground poses a groundwater contamination risk for construction of the Bypass. The extent of groundwater contamination is unknown at this time.

Columbia Empire Farms, Inc. (Site No. 8) is a large farm located adjacent to the East Dundee Connector Road, East Dundee Interchange and Bypass mainline. Large farming operations typically use fertilizer, herbicides, diesel and potentially other contaminants. The facility currently holds a wastewater discharge permit though no contamination has been identified. Soil and/or groundwater contamination could potentially be encountered during construction of the Bypass, connector road and interchange.

Do Gardens Nursery (Site No. 9) is located at the intersection of Fox Farm Road and Oregon 99W. The site will be acquired as part of the East Dundee Connector Road. The site contains ASTs labeled gasoline and diesel. Other hazardous materials, such as herbicides and pesticides, are also likely stored at this site. The site could pose a contaminated soil and/or groundwater risk during construction.
Segment 5

Western Helicopter (Site No. 10) is located just north of the project area at the end of Commerce Parkway. The LUST cleanup was initiated but not closed. Additionally, there is a 50,000-gallon AST with Jet A fuel on site. The site could pose a contaminated groundwater risk during construction of the Bypass.

Newberg Dump (Old) (Site No. 11) is located about 1,500 feet north of the project area and just west of James Street. Typical disposal practices for old dumps when this site was in operation were not stringent and dumpsites were typically not lined to protect groundwater. While not determined, it is likely that groundwater flow is in the direction of the Willamette River and thus towards the project area. The site is located outside of the project area but could pose a contaminated groundwater risk for construction due to the migration of groundwater. This site does not pose a contaminated soil risk for construction.

SP Newsprint (Site No. 12) was identified on multiple lists due to its longevity as an industrial site. The site is within the proposed right-of-way and will be partially acquired. Investigations will be needed for determining the possible location of contaminated soil. The site could pose a risk for Bypass construction from contaminated groundwater, USTs and contaminated soil. Design Option 5.2D, the selected option, moves the Bypass alignment farther south into the SP Newsprint site and could have the potential for greater impacts to hazardous materials located on the site. The SP Newsprint site may also pose long-term liability for contaminant cleanup unrelated to the cleanup necessary for construction of the Bypass.

The Newberg Landfill (Site No. 13) site is located just west of Rodgers Landing. Portions of this site will be acquired to construct the Bypass and may pose a contaminated soil and/or groundwater risk for construction.

An active farm (Site No. 14) was identified during the site reconnaissance as containing several pieces of heavy equipment and at least fifty 55-gallon drums. Approximately five ASTs of unknown contents were observed. Soil staining was observed on the property. This information suggests that RECs may be present at the site. The site will pose a contaminated soil and/or groundwater risk for construction.

The former gas station at 11th Street and Wynooski Road (Site No. 15) is located within the proposed footprint of the Bypass and will be acquired in its entirety for construction. The status of the site is unknown but there is a potential for soil and groundwater contamination, which could be encountered during construction.

Segments 8.1 and 8.1A

Rex Hill Vineyards’ heating oil tank (Site No. 16) is located just north of the proposed East Newberg Interchange. The identified LUST may be located adjacent to the interchange and may pose a contaminated soil and/or groundwater risk for construction.

Indirect Impacts

Construction of the Build Alternative that disturbs hazardous materials sites could increase the demand for contaminated soil disposal facilities. In addition, construction workers could be exposed to hazardous materials. However, these adverse impacts would be offset or minimized through hazardous materials site remediation, which would identify appropriate measures to protect both the environment and construction workers from known and unknown hazardous materials sites.

Construction of the Build Alternative could potentially also eliminate some hazardous materials sites, reducing potential public exposure to hazardous materials.