

**STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY**

In the Matter of:

DEQ NO. LQVC-WR-21-03

MPC Builders, LLC
2711 E. Main St
Puyallup, WA OR 98372

AMENDMENT 2 TO ORDER ON CONSENT

Respondent


The Director of the Oregon Department of Environmental Quality (“DEQ”) hereby issues this Amendment 2 to this Order on Consent to MPC Builders, LLC (“Respondent”). Except as modified by this Amendment 2, the terms and conditions, including defined terms, of the Order on Consent and Amendment 1 to Order on Consent remain in full force and effect.

5. Work to be Performed

Pursuant to Section 5.A, Exhibit B is replaced by the attached Amendment 2: Methane Investigation Amended Scope of Work.

STIPULATED, AGREED, and APPROVED FOR ISSUANCE:

MPC Builders, LLC
Respondent

By: 
6BD019A11AF849A...

Date: 7/25/2022

Levi Miller

STIPULATED, AGREED, and SO ORDERED:

State of Oregon
Department of Environmental Quality

By: *Michael E. Kucinski*
Michael E. Kucinski (Jul 27, 2022 07:45 PDT)

Date: 07/27/2022

Michael E. Kucinski
Cleanup Program Manager, Western Region

EXHIBIT B**AMENDMENT 2****METHANE INVESTIGATION
AMENDED SCOPE OF WORK****I. INTRODUCTION**

This Amended Scope of Work (“ASOW”) describes the objectives and activities to be undertaken by MPC Builders LLC (Respondent) to complete a Remedial Investigation, Risk Assessment and Feasibility Study (“RI/RA/FS”) for the former Philomath Mill Site (the “Site”). The purpose of the RI/RA/FS is to determine the nature, extent, distribution, and movement of methane in Site soil and air, the risks to people exposed to methane from the Site, and the feasibility of remedial alternatives for the Site. Other than as set forth in this ASOW, all other terms and conditions of the initial Scope of Work (“SOW”) continue to apply.

II. SCHEDULE

Section II of the initial Scope of Work is replaced by the following:

All work completed under this Consent Order shall proceed in accordance with the following schedule:

Scope	Task	Date(s)
Interim Remedial Action Measures for West Side of 16th Street		
	Submittal to DEQ	9/30/2022
	DEQ review/comment	10/14/2022
	Implementation of the deliverable	Fall/Winter 2022/2023
Remedial Investigation for MP5 and MP11		
	Submittal to DEQ	8/5/2022
	DEQ review/comment	8/19/2022
	Implementation of the deliverable	August/September 2022
Interim Remedial Action Measures for East Side of 16th Street		
	Submittal to DEQ	8/5/2022
	DEQ review/comment	8/19/2022
	Implementation of the deliverable	Fall 2022
Final Remedial Investigation Workplan		
	Submittal to DEQ	6/3/2024
	DEQ review/comment	6/17/2024
	Implementation of the deliverable	Summer 2024
Final Remedial Investigation/Feasibility Study Report		
	Submittal to DEQ	9/13/2024
	DEQ review/comment	9/27/2024
	Implementation of the deliverable	Fall 2024

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Attachment B

Methane Investigation Scope of Work - Amendment 2

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Respondent, as necessary to reflect or incorporate newly discovered information and/or environmental conditions, may amend all work plans. Additional work plans and work plan amendments are subject to DEQ review and approval and will be processed according to schedules negotiated between the parties at the time of each phase change or task addition. Respondent shall initiate and complete work according to the schedule above, unless otherwise specified by DEQ in the applicable approved work plan or amendment.

III. OBJECTIVES

Section III.B of the initial Scope of Work is replaced by the following:

- B. Work performed under this Consent Order shall complement and incorporate existing Site information with the following specific objectives:
 - 1. Investigate soil gas in organic fill and structural fill near existing MP-11, and MP-5.
 - 2. Continue accurate documentation of observed organic thickness for organic fill characterization.
 - 3. Provide methane mitigation options, including sealing accessible and permissible methane entry points into subsurface vaults, and accessible underground electrical conduits wherever they connect to electrical boxes or devices in vaults or at any above-ground electrical boxes or devices; and installation of a passive suction system in backyard spaces of existing homes on Phase 1 and 2.
 - 4. Provide source removal at Phase 2B and Phase 3 to remove risks of methane for future development.
 - 5. Consult and coordinate with Utilities to ensure that: 1) The Utilities are informed about potential risks to the safety of their workers, and 2) so they, in turn, can inform the developer and DEQ about the intricacies of their facilities/systems, so all important details are incorporated in determining strategies for monitoring and mitigation of confined spaces for methane gas.
 - 6. Monitor mitigation systems to ensure the effectiveness of remedial measures and minimize risks of methane accumulation.

IV. REPORTS

Section IV.A. of the initial Scope of Work is replaced by the following:

A. BI-WEEKLY MONITORING REPORTS

A monitoring summary shall be submitted to DEQ within 5 business days (excluding weekends and recognized state or federal holidays) following receipt of data from bi-weekly methane testing at the Site on the West Side of 16th Street per a monitoring plan to be review and approved by DEQ. The summaries shall be submitted by email and describe the activities performed, data results collected and problems encountered and/or resolved. The summaries will also include an updated data table and site location map. PBS may create a results portal for DEQ to access real-time data and associated reports, at which time access to the results portal will supersede submission requirements under this section.

Section V and VI. is added to the initial Scope of Work:

V. INTERIM REMEDIAL ACTION MEASURES

A. EXISTING DEVELOPMENT (West of 16th Avenue)

1. Prepare Interim Remedial Action Measures workplan for DEQ review and approval that will include:
 - a. Statement of review and approval from a registered engineer;
 - b. Yard Mitigation Plan:
 - i. Proposed design and measures for a passive retrofit system design for the back yard areas of Lots 1-62;
 - ii. Design will include lateral vent piping installed in the back yards of Lots 1-62 and connecting to larger piping system running the length of the stormwater swale between 15th and 16th Streets to reduce accumulated pressure within the subsurface and vent methane to ambient air;
 - iii. Workplan will include discussion of the results of a pilot level installation of 4-6 back yards to inform the final implementation process and design. This pilot level installation will be completed prior to RI/FS workplan completion
 - c. Garage Mitigation Plan:
 - i. Proposed design as needed of passive suction system by a qualified environmental consultant for garages in existing homes as approved by DEQ;
 - ii. Workplan will include a pilot level installation in one garage to inform the final implementation process.
 - d. Crawl Space Mitigation Plan
 - i. Proposed design as needed of vapor barrier and passive ventilation system by a qualified environmental consultant in existing homes as approved by DEQ;
 - ii. Workplan will include a pilot level installation in one crawl space to inform the final implementation process.
 - e. Utility Conduit Sealing Plan:
 - i. Workplan will incorporate a final design and installation timeline dependent on DEQ and Utility approval.
2. Prepare a Remedial Investigation workplan for the further assessment of methane in areas of MP11 and MP5.
3. Prepare an assessment and monitoring plan and schedule for DEQ review and approval that will include:
 - a. Bi-weekly monitoring of crawlspaces, select monitoring points, and confined spaces for one year for methane; and
 - b. Following the monitoring in V.A.3a, monitor crawlspaces, select monitoring points, and select confined spaces for four additional years at a reduced schedule no more frequent than quarterly to be approved by DEQ.
4. If any of the above measures are found insufficient to protect human health or the environment, DEQ may require additional actions to ensure adequate protection is established.

B. FUTURE DEVELOPMENT (East of 16th Avenue)

1. Prepare Interim Remedial Action Measures workplan for DEQ review and approval that will include:
 - a. Statement of review and approval from a registered engineer;
 - b. Source removal workplan to excavate and remove potential methane sources from Phases 2B and 3 of Millpond Crossing's approved development plan;
 - c. Contaminated Media Management Plan (CMMP)
 - d. Contractor Health and Safety Plan (HASP)
 - e. New Home Mitigation Plan:
 - i. Proposed design of vapor barrier, passive suction system including passive suction pit for homes in Phase 2B; and implement same during construction.
 - ii. Additional mitigation measures (e.g., active ventilation system) to be installed under 20 new homes in Phase 2B, and implement same during construction if deemed necessary.
 - f. Utility Mitigation Plan:
 - i. Propose design of utility vapor dam and passive ventilation system to be completed following the excavation of the west edge of the former large log pond and implement same.
2. Prepare an assessment and monitoring schedule for DEQ review and approval that will include:
 - a. Installation of up to a maximum of four additional monitoring points within the former pond structure; and
 - b. Monthly monitoring for methane of four new points within the former pond structure for one year after which the necessity of additional monitoring will be assessed.

VI. FINAL REMEDIAL ACTION MEASURES

A. SITEWIDE

1. Prepare a Final Remedial Investigation Workplan
 - a. Includes a schedule for submitting continuous monitoring reports.
 - b. Includes an installation plan for completing site delineation.
2. Remedial Action Report/Feasibility Study
 - a. Summarizes all remedial activities completed
 - b. Updated Conceptual Site Model
 - i. Delineation and characterization of all potentially contaminated media posing a risk to residents
 - c. Analyzes mitigation and remediation strategies to be incorporated into the final closure decision, which may include actions already taken as an interim measure and evaluates the effectiveness of those measures to be selected as the final remedy.