JACKSON·BEALL·AND CONN·INC
Commercial & Industrial Real Estate, Investment Counseling & Development Mgt.

18099 S. Greenbluff Dr.
Lake Oswego, OR 97034
(503) 635-8668

Fletcher L. Conn
Fletcher R. Conn

Attachment 1

City of Portland Revenue Division
Liens Section
Attn: Sherree Matias
111 S.W. Columbia St., Suite 600
Portland, OR 97201

May 20, 2019

HAND DELIVERED

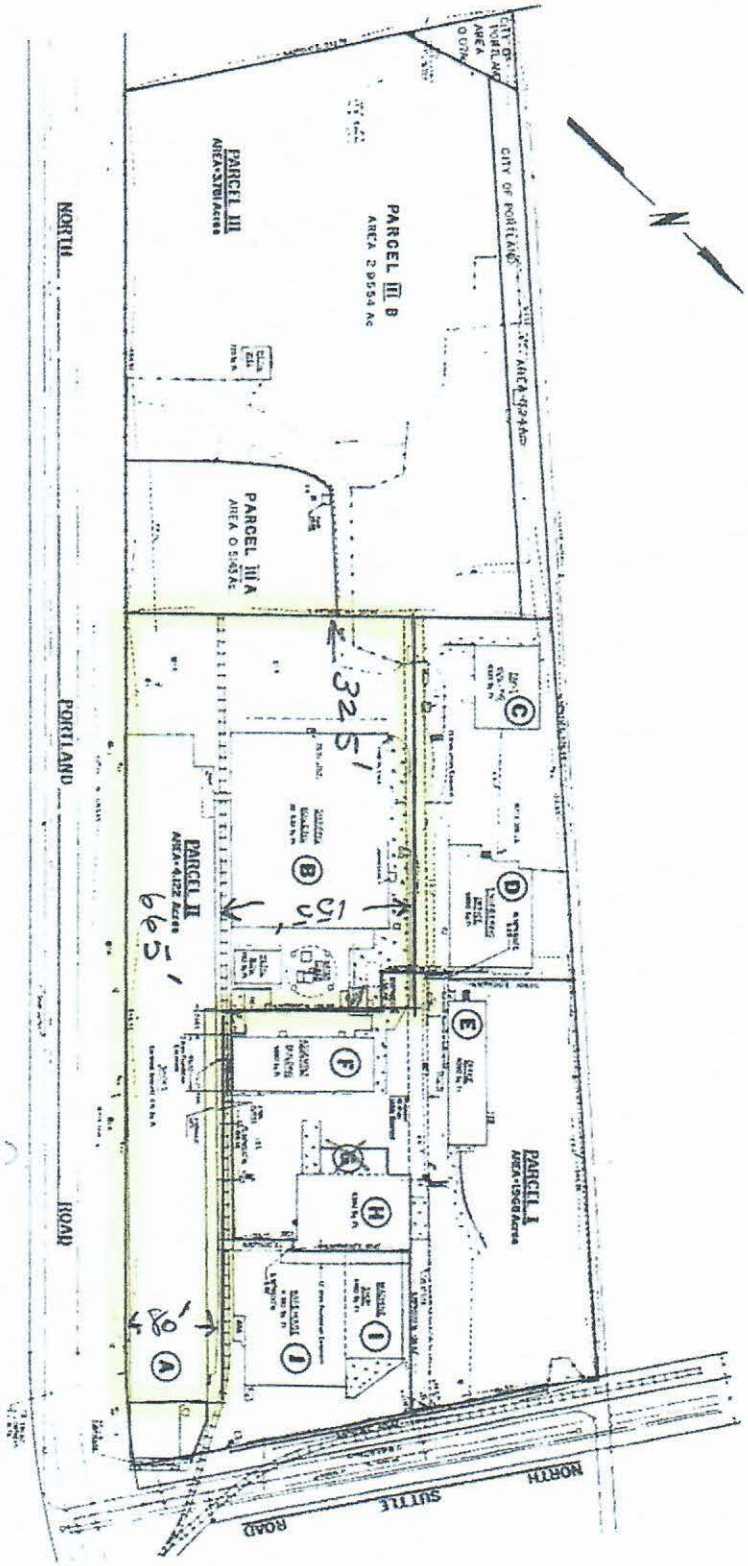
Re: Suttle Rd. Proposed LID – Letter of Remonstrance against the method of determining the affected land area as it concerns PMP Properties, LLC.

Dear Sherree,

The real property owned by PMP Properties, LLC is the only property included in the Suttle Rd. Proposed LID that has access to and from N. Portland Rd.. Buildings "A" (with the exception of the office area at the north end) and "B" utilize N. Portland Rd. for all truck and automobile traffic. We hereby request that the proportion of land area allocated to this project be reduced by approximately 2.378 acres. See attached survey map. Should you have any questions, please advise.

Sincerely,

Fletcher L. Conn, Pres.
Agent for
PMP Properties, LLC
lconn@jbcpdx.com



PBOT
PORTLAND BUREAU OF TRANSPORTATION
1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185
Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation
Chloe Eudaly Commissioner **Chris Warner** Interim Director

May 8, 2019

Dear Property Owner:

2N1E32DA 1600
PMP PROPERTIES LLC PMB 306
9220 SW BARBUR BLVD #119
PORTLAND OR 97219

RE: North Suttle Road Local Improvement District (LID): Property at 3610 N SUTTLE RD

Estimate at LID Formation:	$410,303.71
Additional Amount Proposed:	$0
Proposed New Estimate:	$391,309.25

Dear PMP PROPERTIES LLC PMB 306:

Property owner feedback was received following the last property owner meeting requesting two (2) scope changes to the LID:

1) Extend the sanitary sewer so that all currently-developed properties on North Suttle Road are served, and there is not a need to excavate and repair the newly-constructed roadway in the future to provide such service; and

2) Extend the street, sidewalk and stormwater improvements to provide maintenance and emergency access to the vacant property at the western terminus of the existing North Suttle Road right-of-way.

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Chloe Eudaly Commissioner **Chris Warner** Interim Director

May 8, 2019

Dear Property Owner:

2N1E32DA 1700
PMP PROPERTIES LLC PMB 306
9220 SW BARBUR BLVD #119
PORTLAND OR 97219

RE: North Suttle Road Local Improvement District (LID): Property at 3730 N SUTTLE RD

Estimate at LID Formation:	$195,841.56
Additional Amount Proposed:	$0
Proposed New Estimate:	$186,775.35

Dear PMP PROPERTIES LLC PMB 306:

Property owner feedback was received following the last property owner meeting requesting two (2) scope changes to the LID:

1) Extend the sanitary sewer so that all currently-developed properties on North Suttle Road are served, and there is not a need to excavate and repair the newly-constructed roadway in the future to provide such service; and

2) Extend the street, sidewalk and stormwater improvements to provide maintenance and emergency access to the vacant property at the western terminus of the existing North Suttle Road right-of-way.

DUNN CARNEY LLP

Chelsea J. Glynn
Admitted in
Oregon and Washington
cglynn@dunncarney.com
Direct 503-306-5335

Attachment 2

May 22, 2019

Via Hand Delivery, Original to Follow by First-Class Mail

City of Portland Revenue Division
Liens Section, Attn.: Sheree Matias
111 SW Columbia Street, Suite #600
Portland, OR 97201

City of Portland Revenue Division
Liens Section
P.O. Box 8834
Portland, OR 97201

Re: RE – Remonstrance/Objections – Lot 1400 and Lot 1700
Our File No.: ORR3-4

Dear City Council:

This office represents Oil Re-Refining Co. ("ORRCO") and Merit USA, Inc. ("Merit USA") with respect to the North Suttle Road Local Improvement District (the "LID"). We appreciate the opportunity to be heard on the proposed amendments and new estimated assessments to the LID.

ORRCO and Merit USA appreciate the reduced assessment, and the City's rationale behind it. However, more generally, the proposed LID improvements do not reasonably enhance the value of ORRCO property Site ID 2N1E32D 1400 ("Lot 1400) and Merit USA property Site ID 2N1E32D 1700 ("Lot 1700") such that the current assessment to these properties is warranted. As explained in greater detail below, these specific parcels are undevelopable.

ORS 223.389 (2)(b) provides: The governing body shall determine the amount of estimated assessment to be charged against each lot within the district, *according to the special and peculiar benefits accruing to the lot from the local improvement*, and shall by ordinance or resolution spread the estimated assessments. The "special and peculiar benefits" mentioned in ORS 223.389 are those that accrue to the real property, not to its current owner. *Kerr v. Hallett*, 67 Or.App. 324 (1984). "The test must be, would the value be enhanced if the property were put to its highest and best use?" *Stanley v. City of Salem*, 247 Or. 60, 66, 427 P.2d 406 (1967); *see also Wing v. City of Eugene*, 249 Or. 367, 378–79, 437 P.2d 836 (1968). "The ordinance spreading the assessment, however, must be based on substantial evidence in the record, that is "' * * * such relevant evidence as a reasonable mind might accept as adequate * * * ' to support the conclusion that

plaintiffs' land would be 'specially benefitted' by the proposed improvements." *Chrysler Corp. v. City of Beaverton*, 25 Or.App. 361, 366, 549 P.2d 678 (1976), *quoting Bay v. State Board of Education*, 233 Or. 601, 378 P.2d 558 (1963).

Ordinance No. 188576 outlines the scope of the local improvement on North Suttle Road. These improvements described generally are "to remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; construct a concrete street with an aggregate base; construct stormwater drainage facilities including stormwater planters; construct curbs on both sides of the street, construct sidewalk on one side of the street, generally on the north side; and plant street trees on one side of the street . . ."

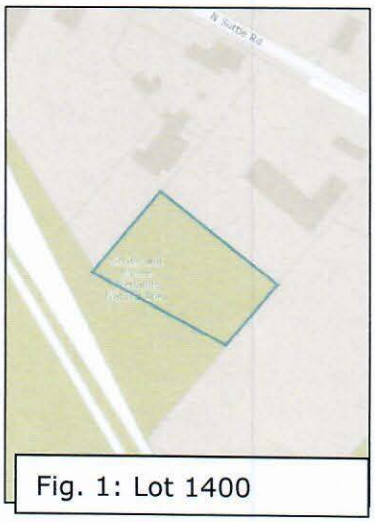


Fig. 1: Lot 1400

The ORRCO property Lot 1400, is not receiving a "special and peculiar benefit" by construction of a concrete street, curbs, and sidewalks, with stormwater drainage facilities on North Suttle Road where it has no access to North Suttle Road. This property is an Oregon DEQ approved wetland in the Smith & Bybee Wetlands area. It is also landlocked. A stormwater swale on this property diverts and filters stormwater flow from its property and the Recology Property (Tax lot 1500), away from the roadway (See Fig. 2).

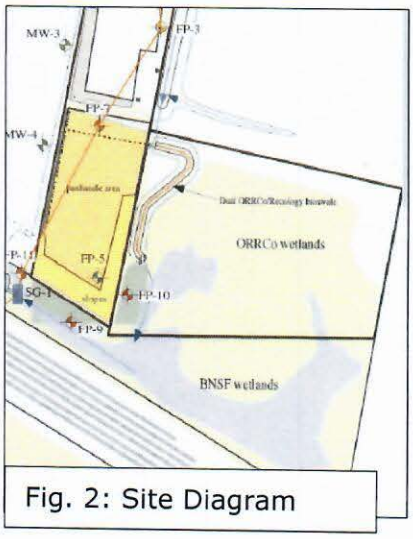


Fig. 2: Site Diagram

Finally, the entire square footage is in an Environmental Conservation ("c") Overlay Zone rendering the property undevelopable. The value of this lot cannot be enhanced by any improvements to North Suttle Road. Therefore, the assessed square footage of this property is arbitrary and should not be included in any assessment.

The same is true for the Merit USA Inc. property Lot 1700, which is also primarily located in the Environmental Conservation ("c") Overlay Zone. This parcel has a DEQ-approved asphalt remediation cap to protect the water table, is restricted from further development, and stormwater that collects on the asphalt cap is diverted to a sediment trap and oil/water separator, and from there to the bioswale on Tax lot 1400. This parcel will not be benefitted by the stormwater drainage facilities or by any improvements to North Suttle Road.

Fig. 3: Lot 1700

Finally, these properties cannot be considered commonly owned for the purpose of determining whether there is a special benefit to the properties. The Code of the City of Portland 17.04.010Q defines "owner" as "an owner-of-record of real property according to the appropriate county's assessment and taxation records." As shown on the county records, these properties are owned by separate corporate entities: Lot 1400 is owned by ORRCO and Lot 1700 is owned by Merit USA.

Please note, this objection is limited to Lot 1400 and Lot 1700 to the extent the proposed assessments go beyond what ORS 223.389 allows. Our clients appreciate the City's attention to these issues and look forward to working with the City on a resolution.

Very truly yours,

Chelsea J. Glynn

CJG:rlh
Enclosures

DCAPDX_3070925_v3

ORRCO
Oil Re-Refining Company

Leaders in Recycling

Oil Re Refining Co and Merit USA Inc. authorizes Dunn Carney LLP to represent them on the LID on North Suttle Rd. and authorize them to submit a letter to the city on their behalf . Yours truly

Bill Briggs

Bill Briggs
Senior Consultant Oil re-refining co inc . President Merit USA Inc.

Oil Re-Refining Company
4150 N. Suttle Rd
Portland, OR 97217
503-286-8352
billb@orrcorecycles.com

Merit Oil/FPI/ORRCo Site Remedial Action

Operations and Maintenance Plan

for the
Merit USA/Fuel Processors Inc./ORRCo Site
4150 N. Suttle Road
Portland, Oregon

15 October 2012
Revision 3

1.0 Introduction

1.1 Summary of Overall Remediation Goals and Storm-Water Management Plan

Merit USA, Inc., Fuel Processors, Inc. and Oil Re-refining Company (collectively referred to hereinafter as "ORRCo") engaged in this storm-water project as part of a remediation project at their N. Suttle Road property (the "ORRCo Site"). This is a joint storm-water project between ORRCo and Recology. Recology's participation is motivated by removal of an Underground Injection Control (UIC) system. They also are enlarging their Suttle Road facility.

ORRCo is working with the Oregon Department of Environmental Quality (DEQ) to remediate contaminated wetland sediments and surface soils in the southern portion of the ORRCo property. Contamination was caused by contaminated fill being placed on the Site during the facility's early history. A storm-water management system is required to treat the precipitation accumulating on the ORRCo site. As mentioned above, Recology is currently using an UIC structure for the control of their storm water. However, the UIC is not adequate to handle storm water from their entire site. Because of high groundwater levels and issues of soil contamination, DEQ determined that the UIC was not appropriate for this site. The new storm-water management system will treat and release storm water from the ORRCo and Recology facilities to the wetland located on ORRCo's TL 1400 (both parties will obtain 1200-COLS permits).

1.1.1 Existing vs. Post Construction Conditions

Currently, the ORRCo Site collects storm water from about two-thirds of their facility (i.e., graveled area north, east, and south of the plant), which flows into one existing storm-water line running north to south along the eastern boundary of the ORRCo site. A catch basin in the north-central part of the site also connects to this line. It is batch released to assure that any oil is not

present. The north-south line has four catch basins and currently flows into a catch basin. A float switch triggers a pump which pumps the accumulated water into a drainage ditch. The drainage ditch flows south to the lower, bermed portion of the panhandle where it infiltrates. The storm water that does not evaporate infiltrates into the ground, eventually making its way to the wetlands. The panhandle soil is currently contaminated with metals. Thus, water migrating though the soil can potentially mobilize those metals and transport them to the wetland. The ORRCo remediation activity (i.e., the removal of contaminated sediment and soils; capping contaminated sediments and soils removed to the panhandle with asphalt; and off-site disposal of soils above the soil cleanup level), along with the construction of a new storm-water swale on the east side of ORRCo's panhandle, will prevent contamination entering the wetland from ORRCo's property.

The Recology site currently has a storm-water system, which was designed for handling storm water from the northern half of its property. It consists of a sedimentation vault, storm-water filters, and a UIC infiltration field. However, the existing system is too small to handle water from the entire site. It also is too close to the groundwater table in the winter, which causes localized groundwater mounding. Consequently, DEQ has requested that Recology close the UIC system as soon as possible. Recology will be constructing a new storm-water management system that will accommodate both the existing and future operations of the site. The new system will include a swale that ultimately discharges to the wetland on the ORRCo property.

As part of this dual project, existing vegetation consisting of invasive species will be removed from the construction areas. Buffer and wetland mitigation, including landscaping of the swales and embankments surrounding the wetland, will occur on both the ORRCo and Recology sites. The O&M Plan for ORRCo's buffer and wetland mitigation areas is presented in §2.0 herein.

In summary, once the joint storm-water management system is constructed, both sites will have NPDES 1200-COLS storm-water permits, and will be discharging clean storm water to the wetland on the ORRCo property. This O&M Plan discusses the responsibilities of both ORRCo and Recology, with the primary focus of the Plan on the ORRCo storm-water system's description, schedule, procedures, and inspection and maintenance logs.

1.2 Specific Location of Storm-Water Facilities

The storm-water facilities on the ORRCo Site includes an asphalt cap that will be constructed over the future contaminated sediment containment area. This area includes the surface of the panhandle located south of ORRCo's plant. There is one existing storm-water line running along the eastern boundary of the ORRCo Site. This line has four catch basins and currently flows into a catch basin, pumped into a drainage ditch, and then flows to the lower portion of the panhandle where it infiltrates. This catch basin will be replaced with a

sedimentation trap and an oil/water separator. Water from the northern portion of the site and from the new asphalt remediation cap will flow to the new sediment trap and oil/water separator. From the oil/water separator, the storm water will flow into the ORRCo side (west side) of the bioswale for final polishing before flowing on to the wetlands. The new storm-water facilities are shown in Figures 1 and 2. Table 1 summarizes each storm-water facility, its size, storm-water source, square footage treated, and its discharge point.

Table 1. Summary of Storm-Water Facilities

Storm-Water Facility	Size	Source	Sqft Treated	Discharge Point
Catch Basin	2'x 2' x 5'	Areas L8 & L8a	15,329 sqft	Bypass Vault
Water Quality Manhole	6'Dia 10'	L1 Thru L8	95,471 sqft	Sedimentation Collection Chamber
Sedimentation Collection Chamber	48" x 48' L	Water Quality Manhole	95,471 sqft	Oil Collection Chamber
Oil Collection Chamber	48' x 24'	Sedimentation Collection Chamber	95,971 sqft	Stormfilter
Stormfilter	5'H x 8'W x 16'L	Oil Collection Chamber	95,971sqft	W. Swale
W. Swale	247'L x 18'W x 2'D	L1 - L8, U1-U3a, S. Swale	200,705 sqft	ORRCo Swale
S. Swale	224'L x 12'W	L4-L5a	43,328 sqft	W. Swale
ORRCo Swale East Side	255'L x 10'W	W. Swale (Recology)	200,705 sqft	ORRCo Wetland
Curtain Drain	97'L x 12"W x 12"D	P4	24,528 sqft	ORRCo Catch Basin
ORRCo Catch Basin	2' x 2' x 5'D	P1-P4	81,358 sqft	ORRCo Oil Water Separator
ORRCo Oil/Water Separator	16'L x 8'W x 7'D	P1-P4	81,358 sqft	ORRCo Swale West Side
ORRCo Swale West Side	250'L x 10'W	P1-P4	81,358 sqft	ORRCo Wetland

Note: The sources designated with a letter and number (eg.U1) are catchment areas on Recology and ORRCO as shown on CS01 of the Design Drawings. Only storm-water facilities that are new or being modified by this project are shown above.

1.3 Responsibility for Ongoing Operations

This document provides details for operating and maintaining the replanted wetland, the graded and revegetated panhandle slopes, the asphalt cap, and the dual-channel bioswale located on the ORRCo property. The procedures for complying with the National Pollutant Discharge Elimination System (NPDES) 1200-COLS permit (with the City of Portland's Bureau of Environmental Services acting as DEQ's Agent) for ORRCo and Recology will be based on requirements specific to those permits. These two storm-water discharge permits (for ORRCo and Recology), and their requirements, will be the separate responsibilities of ORRCo's staff and Recology's staff.

ORRCo will maintain the wetland plantings, the panhandle slopes, their half of the dual bioswale (west half), and the asphalt cap. Recology will be responsible for maintaining their half of the dual bioswale (the east half), in conjunction with ORRCo. Details of the maintenance arrangement between the parties is outlined in an easement. The parties will perform maintenance of the joint swale and Recology will be provided access for storm-water monitoring pursuant to the easement between the parties.

Operations and maintenance of the wetland and panhandle features resulting from the site's remedial action (RA) are described in the following sections. The format of this plan follows the ten items found in the Consent Order, Attachment B, and the RD/RA Scope of Work. The one exception to the Attachment B format is Section 2.0. Section 2.0 specifically describes the wetland buffer management plan. Other than ORRCo's sediment trap and oil/water separator, no other treatment systems or treatment equipment are involved in the long-range operation of ORRCo's panhandle or wetland.

The name of the responsible party for O&M activities will be updated as needed whenever the facility is inspected under the City of Portland's Bureau of Environmental Services' (BES's) Maintenance Inspection Program (MIP).

2.0 Wetland and Buffer Management Plan

The ORRCo and Recology buffer and wetland mitigation areas are located off N. Suttle Road, Portland, Oregon. Historically, the wetland was connected to Smith Lake, but the BNSF railroad line now separates the wetland from the lake. A culvert exists beneath the BNSF alignment that allows water from the wetland, and adjacent properties, to enter Smith Lake.

The wetland mitigation is on ORRCO's property and consists of wetland restoration. A portion of the wetland contaminated primarily by Zn is to be removed during the RA.

The southern portion of the wetland mitigation area, located south of the panhandle, was filled in the 1970's as the panhandle was built. During construction, the panhandle encroached onto what is now the BNSF property. The encroaching fill material is going to be removed from the BNSF property and the area restored to a wetland.

The buffer mitigation is on both ORRCo and Recology's properties. The buffer mitigation includes fill slopes, which will be graded, covered with clean soil, and planted with native upland species.

The eastern portion of the panhandle uplands will be converted to a dual bioswale to handle storm water from both properties, as mentioned in §1.0. This will help improve water quality.

2.1 Monitoring

DEQ is the lead state agency overseeing the RA. DEQ consults with the Department of State Lands (DSL) on issues related to assuring that the RA has a net positive impact on the wetlands and uplands. Further, any actions within waters of the State have to comply with the Oregon Administrative Rules (OARs) governing such waters. The OARs require the wetland be monitored for five years after completion of the mitigation. Technically, the buffers are not part of the "mitigation area", and are not required to be monitored. However, they will be included in the monitoring for the wetland mitigation areas as they are integral to the success of the restored habitat.

The monitoring of the wetland and buffer mitigation areas will follow DSL's wetland monitoring protocol. The mitigation area will be stratified by plant communities. Twenty sample plots will be established, and will be distributed proportionally by the size of the plant communities. At least half of the sample plots will be within the wetlands. The density of the

woody species will be estimated by counting the number of each species within the sample plot, and obtaining an average from the sample plots for each plant community. The density within sample plots then will be converted to a per acre basis. All the trees and shrubs are within the buffer, and the buffer will be one plant community type.

The cover of each herbaceous species will be estimated for each plant community. The objective is to have 80% of each wetland plant community be comprised of native species.

2.2 Maintenance

2.2.1 Short Term Maintenance (First Five Years)

During the five years of monitoring, specific maintenance procedures will be designed and implemented after each monitoring-site visit, as necessary. Monitoring site visits will occur as follows: in the early spring, late spring, and mid-summer of the first year; two visits during the second year; and a site visit in early July for years three, four, and five. During the monitoring process, any problems will be identified, their cause determined, and corrective measure designed and implemented. These problems include failing vegetation, slope stability, and erosion around the entire panhandle and the dual bioswale. It also will include inspection of the sediment cap for plant health and signs of erosion. The soil-cap thickness will be monitoring by comparing the height of the soil to reference lines marked on the steel casings of wetland monitoring wells FP-9. FP-10. and FP-11. Since the first few years often prove to be the most critical for establishing the mitigation areas, specific maintenance plans often have to be adjusted. During the first two years of plant growth, a temporary irrigation system will be used to ensure establishment of the planted species. The landscape contractor will weed around the planted trees and shrubs. All other maintenance activities will be determined by the project biologist. Over the five years of monitoring, the project biologist will estimate the survivorship of the planted trees and shrubs. If the survivorship falls below 80%, the biologist will determine the number of plants that need to be replanted to meet the success criteria. If there are significant survivorship problems encountered, the biologist may recommend substitution by a more suitable specie. The establishment of the herbaceous plants will be documented. If there are too many non-native invasive species observed, control measures will be designed once the species and locations have been identified.

2.2.2 Long-Term Maintenance

Long-term maintenance will start following the five-year monitoring period. By the time the long-term maintenance is initiated, the plantings should be well established. The tree and shrub canopy should have started to influence the herbaceous vegetation. The site should be "occupied by desirable vegetation" which will help prevent undesirable plant species from becoming established. The major concern anticipated will be the establishment and spread of undesirable plant species. Undesirable tree and shrub species consist primarily of Himalayan

blackberry (*Rubus discolor*), evergreen blackberry (*Rubus lactinatus*), English hawthorn (*Crategus monogyna*), Scots broom (*Cytisus scoparius*), reed canary grass (*Phalaris arundinacea*), holly (*Ilex aquifolium*), and clematis (*Clematis* sp). Ivy and clematis are the two primary vines of concern. The primary herbaceous species of concern is reed canary grass.

The intent of the wetland mitigation is to assure that the open spaces are occupied with native species as quickly as possible. This will help prevent reed canary grass from reestablishing within the mitigation area. This objective is the basis of the planting plan. The herbaceous species planted as plugs have proven their ability to crowd out reed canary grass. In addition to planting plugs, a wetland grass seed mixture will be broadcast over the entire wetland mitigation area. The seeding will further occupy the disturbed areas, and provide less open areas for reed canary grass to establish.

Most of the wetland is dominated by reed canary grass. Unfortunately, the wetland will provide a ready seed source during flooding events because the seeds will float into the mitigation area. However, because reed canary grass will still be present in the portion of the wetland not part of the RA, a ready source of seeds will be present within the overall wetland area.

The hydrology of the site cannot be manipulated. The siphon culverts that connect the two existing water quality facilities located within the railroad ROW dictate the amount of water that can drain out of the wetlands via a direct conveyance. Water also seeps under the railroad grade to Smith Lake. Runoff from the proposed development was calculated to contribute minimal additional water to the wetland; the timing of the waters arrival to the wetland is very similar to existing conditions. Thus, there isn't a feasible way to manipulate water levels within the wetlands.

2.3 Site Inspection

There is minimal management that will be required at this site, other than managing the vegetation. Once the five years of monitoring has been completed, there should be a yearly inspection for invasive species. The species that are most likely to be found in the mitigation areas are: Himalayan blackberry (Rubus discolor), evergreen blackberry (Rubus lactinatus), English hawthorn (Crategus monogyna), Scots broom (Cytisus scoparius), and reed canary grass (Phalaris arundinacea). There are numerous non-native species in the Portland area, but the species listed above are the ones generating the most concern. During the monitoring period, if other non-native species are observed, they will be added to the list. The inspection is planned to occur during the first couple of week of June, before reed canary grass has set seed.

2.4 Invasive Species Control

The woody species listed above (Scots broom, and English hawthorn) will be controlled by hand grubbing. The yearly inspections should find these species while they are still immature and small and thus they can be effectively hand controlled. The two blackberry species listed above will be hand grubbed if they are found while they are still young. However, since they are vines, they can go undetected for several years. If they get to this stage their vines should be cut and the stumps painted with an appropriate herbicide (Crossbow or Garlon).

Reed canary grass is anticipated to be the most troublesome invasive species. Most of the wetland is dominated by reed canary grass, and as previously noted, only a small portion of the wetland has contaminated soils. The area floods most winters, and the water will float reed canary grass seed over the entire wetland. Some of the seed will float into the mitigation areas. Again, one of the objectives of the planting plan is to get the disturbed area occupied by desirable species so there will be minimal opportunity for canary grass seed to spread across the wetland. This is the reason why both wetland plant plugs and a native wetland seed mix will be planted. During the five years of monitoring an aggressive control program will be used to control the reed canary grass within the wetland mitigation areas.

The intent is to have the mitigation areas fully occupied with native species by the time the five years of monitoring is completed. The planted native species have proven their ability to compete with reed canary grass, and if they area well established, they will control the spread of reed canary grass. It is not practicable to grub out this grass. Its root system is too well-developed to be controlled by grubbing. Spot treatment with an EPA approved herbicide for use in and around water is a potential option. If used, it should be wicked on and not sprayed. This is the method used in grass seed fields to control unwanted grass species. The herbicide should be applied prior to seed set.

3.0 Equipment Management

The only equipment related to this RA that will be present post-construction includes monitoring wells, catch basins, oil/water separator, and piping. No other mechanical equipment or systems will be used (such as pumps, strippers, etc.). No change of monitoring wells is anticipated except for raising FP-5 to grade as part of the RA. The catch basins will be cleaned on a yearly schedule using a vacuum truck. Likewise, piping will be cleaned as necessary. The bioswales will be maintained as part of the wetlands and buffer management plan discussed in §2.0. The oil/water separator will be checked and pumped and, if necessary, the plates will be checked quarterly and cleaned and/or replaced as necessary.

4.0 Surface Water, Storm-Water, and Groundwater Monitoring

The routine sampling of surface water and groundwater is described in the *Monitoring, Performance Evaluation, and Contingency Plan*, §4.0 and §6. Surface water refers to water in the wetlands, and storm water refers to sheet flow on the ORRCo and Recology sites that enters the facilities' storm-water systems. Storm water will be monitored as part of the DEQ 1200-COLS permit compliance effort, as discussed in §1.0. The storm-water sampling will continue as long as the ORRCo and Recology 1200-COLS Permits are active. Separately, groundwater monitoring will continue quarterly for at least one year to assess the RA's impact on groundwater quality, as required by the Consent Order (post-remediation performance monitoring). Additionally, the Consent Order requires that surface water be monitored near monitoring wells FP-9, FP-10, and FP-11 to assess the impact of the RA on surface-water quality. The intent herein is to keep the 1200-COLS compliance sampling separate from the post-RA performance evaluation sampling of the surface water and groundwater.

After the initial year of quarterly monitoring has been completed, the results will be interpreted and a report submitted to DEQ. Based on the data and the conclusions of the report, a joint decision will be made on whether continuing the groundwater and surface-water monitoring is necessary. It is presently assumed that at least the upland wells will be sampled beyond the first year because of ongoing concerns for petroleum contamination (primarily used oil) in the vicinity of the ORRCo plant. Monthly vacuum evacuation of floating oil from monitoring wells FP-3 and FP-7 will continue indefinitely. Long-term upland groundwater monitoring is presently planned to include Triggco wells MW-2, MW-3, and MW-4 located along the property boundary between ORRCo and Triggco. Sampling Triggco wells is contingent on continued access to their property. Further, once the Recology UIC is decommissioned and no longer creating a groundwater mound near ORRCo's monitoring well FP-2, the incentive for continuing inclusion of Triggco's wells could end. Groundwater flow directions observed during the initial monitoring will be evaluated to determine when flow directions no longer show any possible influence from this groundwater mounding effect.

5.0 Description of Normal O&M Tasks

A primary O&M task will be to maintain the asphalt cap's surface by preventing, and limiting the accumulation of oil drips from trucks and other extraneous debris (soils, plastics, etc.). This will assure that ORRCO's catch basins, curtain drain, and oil/water separator are not overwhelmed with materials that could lead to plugging of the conveyances and negatively impact the bioswale. Lack of inspections and maintenance could compromise the wetlands.

ORRCo designated staff will be instructed to perform daily inspections of the cap looking for extraneous materials, cracks in the surface or curbing, and any erosion of the panhandle slopes. Cleanups, repairs, and maintenance of the conveyances, including catch basins, curtain drains, and the oil/water separator will be completed immediately upon discovering a problem.

Storm-water facility inspections are required by ORRCo's NPDES 1200-COLS Permit, and by the City of Portland. The City's inspection requirements are described below. Table 2, at the end of this section, provides a listing, schedule, and reporting requirements for the O&M tasks.

5.1 Summary of Storm-Water Facility Inspections

All storm-water facilities (catch basins, stormfilter, sedimentation collection chamber, curtain drain, oil/water separator, manhole, and swale) on the ORRCo site will be inspected:

- at least quarterly for the first two years, and
- twice a year thereafter,
- within 48 hours of major rainfall events (>1 inch of rain over a 24-hour period).

For at least the first two years, inspections will be conducted with the facility drawings and the O&M Plan in hand for the inspector to understand how the facility is designed to function, and to recognize signs that diminished performance is present (e.g., vegetation die-off, ponding water for more than 48 hours after a storm, sediment accumulation, etc.).

5.1.1 Irrigation Schedule

Irrigation of vegetation in the swales and the landscaped areas within the remediation area will occur as needed and/or until the plantings are established (i.e., likely up to two years after planting).

5.2 Summary of Storm-Water Facility O&M Procedures

The duties required to maintain the ORRCo storm-water facilities and keep them in working order are described below. Probable deficiencies or typical problems and their solutions are described herein, or in §3.0, §6.0, §8.0, and §11.0.

5.2.1 Swale

Sediment, including dirt, leaves, and litter, will be removed when sediment: fills the swale to 30% capacity, damages or kills the vegetation regardless of depth, and under any circumstances that prevents drainage within 48 hours after a storm event. Sediment will be removed by hand tools. Removal also may require the excavation of plants to achieve the cleaning process. Erosion controls will be implemented during excavation activities.

Vegetation management will occur when areas of soil are bare; when vegetation is buried by sediment and appears unhealthy or has died; when invasive or nuisance plants are present; or when the vegetation structure and/or accumulation prevents proper operation of the swale. Vegetation management methods include: removing sediment; avoiding use of fertilizers, herbicides, or pesticides; using mulch to inhibit weed growth, retain moisture, and add nutrients; irrigation of all new plantings as needed for the first two years subsequent to planting; removing vegetation if it impedes the operation of the swale and replace as necessary; and providing erosion control measures when bare soil is present.

Erosion inspections in the swale will look for channels, scouring, slumping, and undercutting. Erosion control and prevention methods include: filling eroded areas with soil and covering with mulch, seed, etc.; planting banks with deep roots to permanently stabilize soil; installing structures to dissipate energy and spread flow; and installing temporary erosion prevention and sediment control measures until the erosion issue is resolved. A professional will be contacted if erosion continues to be a problem.

5.2.2 Catch Basins, Oil/Water Separator, Conveyance Piping, and Manholes

Sediment, including dirt, leaves, and litter, will be removed when sediment: fills the equipment to 30% capacity or at least once a year. Sediment will be removed from catch basins by cleaning debris off the grate and bars, removing the grate, and excavating out sediments within the catch basin by hand or with a vacuum truck. Sediment will be removed from conveyance piping by using a shovel, router, air hose or other dry method to clear sediment and debris. Manholes will be cleaned out as allowed by confined space entry and/or with a vacuum truck.

Sheens, odor, or discoloration will be addressed by regularly removing debris from the storm-water system and identifying the source of the trash, debris, or pollutants. The materials will be removed and the storm water sampled as needed. The cleanup, removal, treatment, and disposal activities will be conducted by a trained professional if merited by the nature of the material being removed.

5.2.3 Storm Filter

Inspect the filter every quarter, and replace every two years, or earlier, if needed.

5.2.4 Sedimentation Collection Chamber and Oil Collection Chamber

Inspect the chambers every quarter, and cleanout every two years, and/or replace plates or other apparatus as needed.

5.2.5 Spill Prevention and Asphalt Cap Maintenance

Spill prevention measures will be followed per ORRCo's Spill Pollution Prevention Control Plan (SPCC). ORRCo management, including the owner, will be notified in the event of a spill. The spill kit will be kept near spill-prone operations, and inspected on an annual basis and subsequent to any spills,to ensure the supplies are well stocked. Further, employees will be trained on spill control measures, any shut off valves will be tested quarterly, and the release of any pollutants will be corrected within 12 hours. The asphalt cap will be visually monitored for defects (cracks, sinks, etc.) and during initial major storm events (>1 inch), the pattern of surface flow will be observed to assure that no storm water is flowing off of the cap to adjacent properties or to the planted slopes.

5.2.6 Insects and Rodents

Insects and rodents will not be harbored in any part of the storm system. Pest control measures will be taken in the event insects/rodents are found to be present. Standing water and food sources will be prevented from being located on the Property. In the event sprays are considered, they will be applied by licensed individuals or contractors only. The sprays will not be allowed to come into contact with any standing water or impact the groundwater. Further, holes in the ground located in and around the storm system shall be filled, and outfalls will be inspected and cleaned regularly to ensure rodent activity will not clog the storm system.

5.3 Inspection and Maintenance Logs

Inspection and maintenance logs will be completed during each inspection, and placed in the appropriate file at the ORRCo facility. An example maintenance log is attached.

6.0 Potential Operating Problems

No significant operating problems are anticipated for the post-RA conditions at this site beyond those described in §5.0. This site will operate in a static mode given the lack of mechanical equipment. With proper inspections and management of the surfaces and the storm-water system, operating problems are unlikely unless significant storm events occur that could cause flooding and/or bank erosion. The daily site inspections should identify any unexpected problems and lead to rapid correction thus preventing potential operating problems.

7.0 Routine Inspections and Monitoring

Routine inspections were covered in §5.0. Groundwater, surface water, and storm-water monitoring were covered in §4.0.

8.0 Alternate O&M for System Failures

Because no mechanical systems are present, no system failures are anticipated. Given proper monitoring of the storm-water system (conveyances, catch basins, oil/water separator, and bioswale) no problems are expected with the storm-water system. Thus, an alternate O&M is not considered to be necessary for this simple site.

9.0 Safety Procedures

Because the portion of the ORRCo site covered under this RA does not have mechanical systems present, beyond the simple storm-water plumbing, no safety procedures in addition to the normal ORRCo safety procedures are deemed appropriate for this site.

10.0 Records Management System

The ORRCo staff routinely maintains daily logs of activities performed on the site. They will be instructed to include the panhandle/wetland inspections as part of their daily logs. The ORRCo staff shall maintain site inspection records for their daily walk over the panhandle, and observation of wetland conditions. They also will record in their daily logs any maintenance activities performed, such as cleaning out conveyances, catch basins, the oil/water separator, etc. They also will record any cleanup of oils or other debris found on the asphalt cap. Additionally, they will record any abnormal events observed in the panhandle and wetlands areas.

Laboratory results from sampling surface water, groundwater, and storm water were discussed in §4.0 and §6.0, as well as in the *Monitoring, Performance Evaluation, and Contingency Plan*. Again, laboratory results for samples collected at part of the1200-COLS permit will be submitted to the City of Portland.

11.0 Reporting Procedures for Emergencies

The existing reporting procedures used to operate the ORRCo plant are adequate to cover the RA area. In particular, any oil spills that could enter the waters of the State will be reported to DEQ as required under ORRCO's and Recology's Storm-Water Pollution Control Plans. No emergencies specific only to the RA area are anticipated.

12.0 Schedule for Submitting O&M Reports to DEQ

Any O&M issues identified during the immediate post-RA activities (45 days) will be included in the Project Completion Report. After that, ongoing monitoring to evaluate the RA performance in terms of the surface water and storm-water quality (and improvement) will continue quarterly for at least one year. Those data will be included in quarterly reports to DEQ and a formal report at the end of the first year of groundwater/surface water monitoring. Table 2 provides a schedule for O&M Tasks and the associated reporting requirements.

Table 2. Schedule for the O&M Tasks

Sediment Cap, Wetland and Buffer Mitigation Inspection (First Five Years)

Schedule	Reporting Requirements
2013 (March, June, and August)	Informal report post event; formal annual report in December.
2014 (March and August)	Formal annual report in December.
2015 (July)	Formal annual report in December.
2016 (July)	Formal annual report in December.
2017 (July)	Formal annual report in December.

Sediment Cap, Wetland and Buffer Mitigation Inspection (Post Five Years, if needed)

Schedule	Reporting Requirements
Annually in July	Formal annual report in December.

Storm-Water Facility (per 1200-COLS Permit Requirements)

Schedule	Reporting Requirements
First Two Storm Events in 2013 (within 48 hours of a storm event with >1" rain)	Informal report post event; formal annual report in December.
Quarterly Storm Events first two years	Informal report post event; formal annual report in December.
Twice a year after two years	Informal report post event; formal annual report in December.

Irrigation System

Schedule	Reporting Requirements
Annually in June	Formal annual report in December.

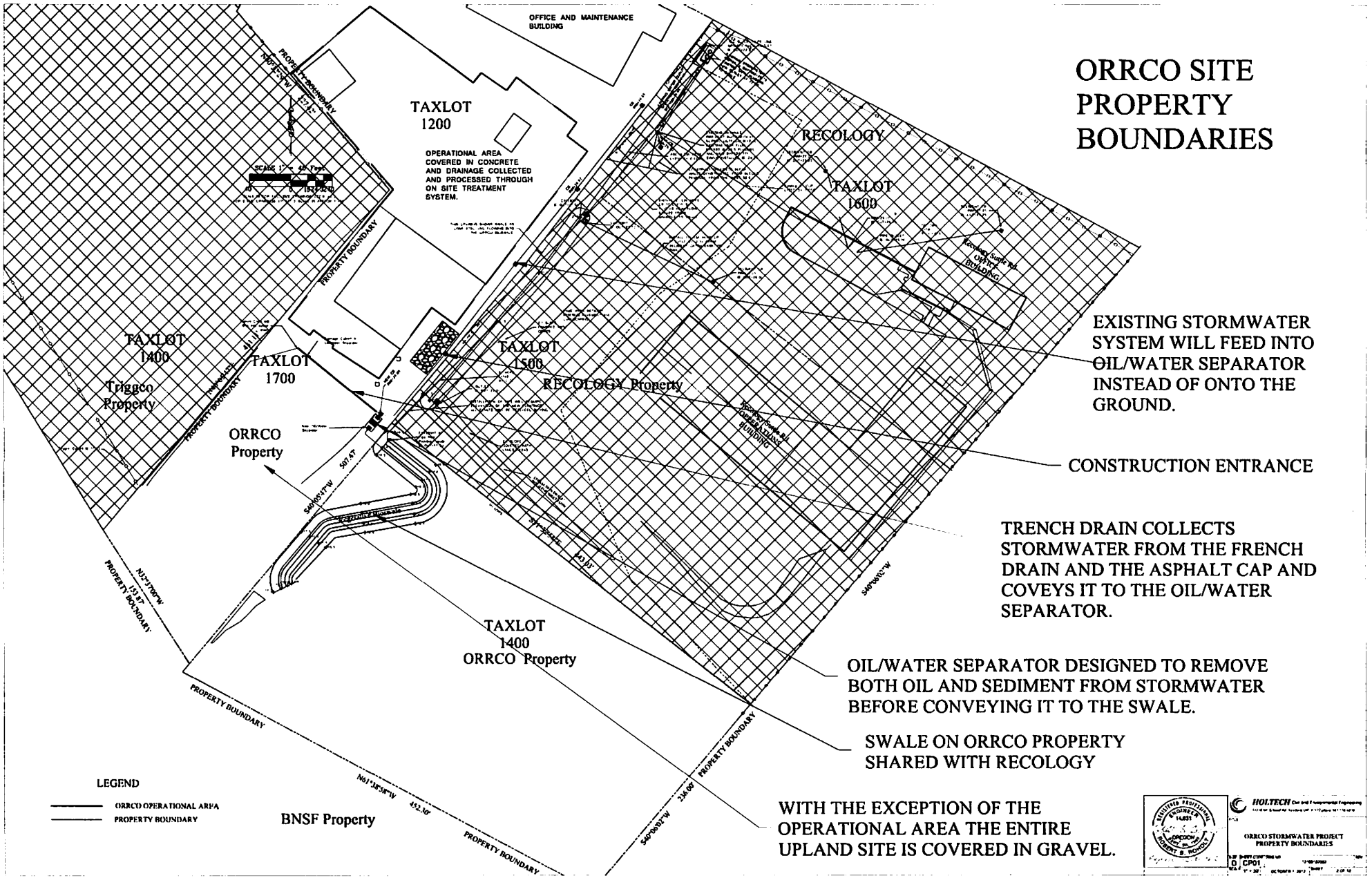
ORRCo Inspection and Maintenance Logs

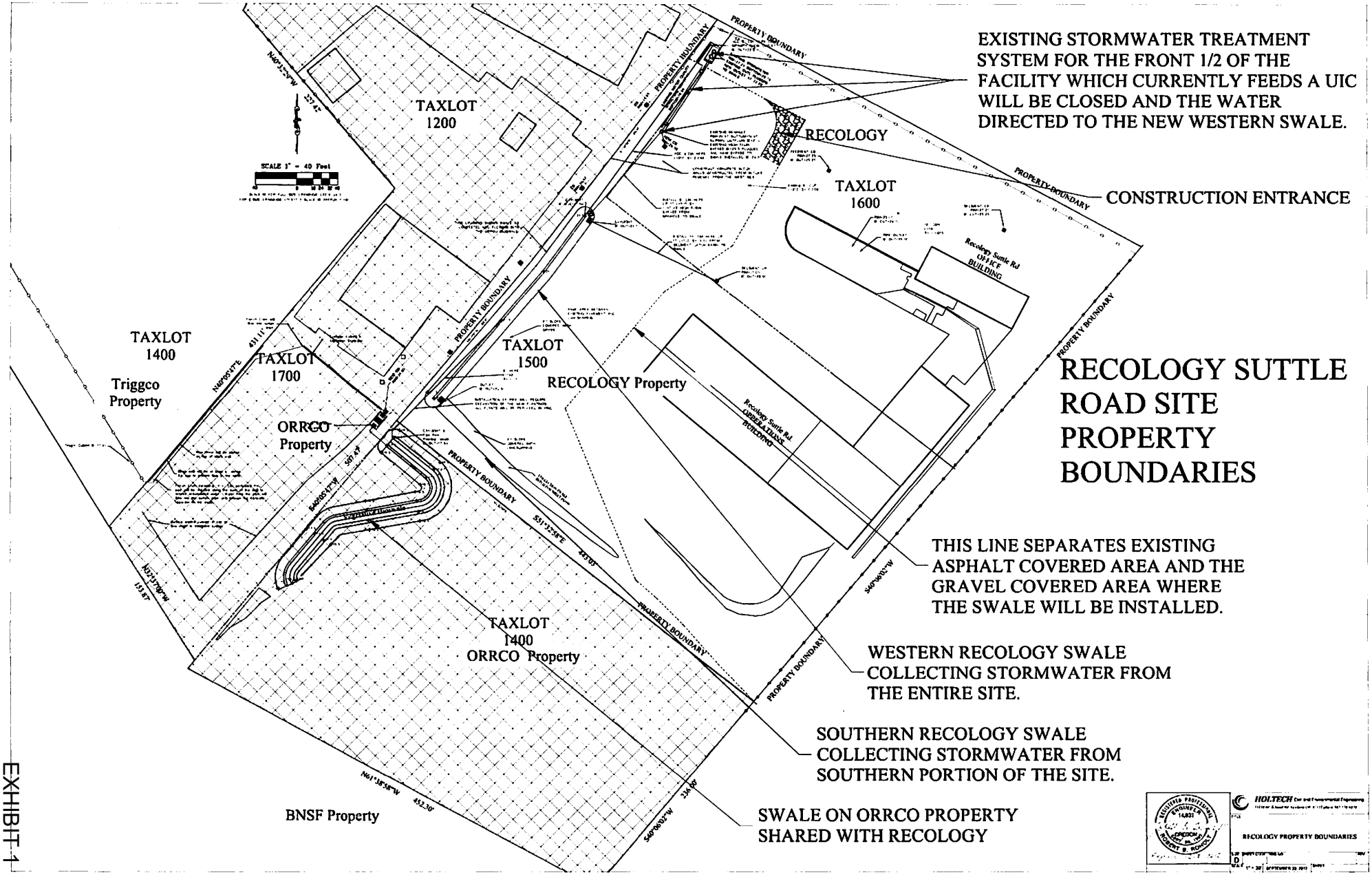
Date:_____ Initials:_____
Work performed by:_____
Work performed:_____
_____
Details:_____
_____

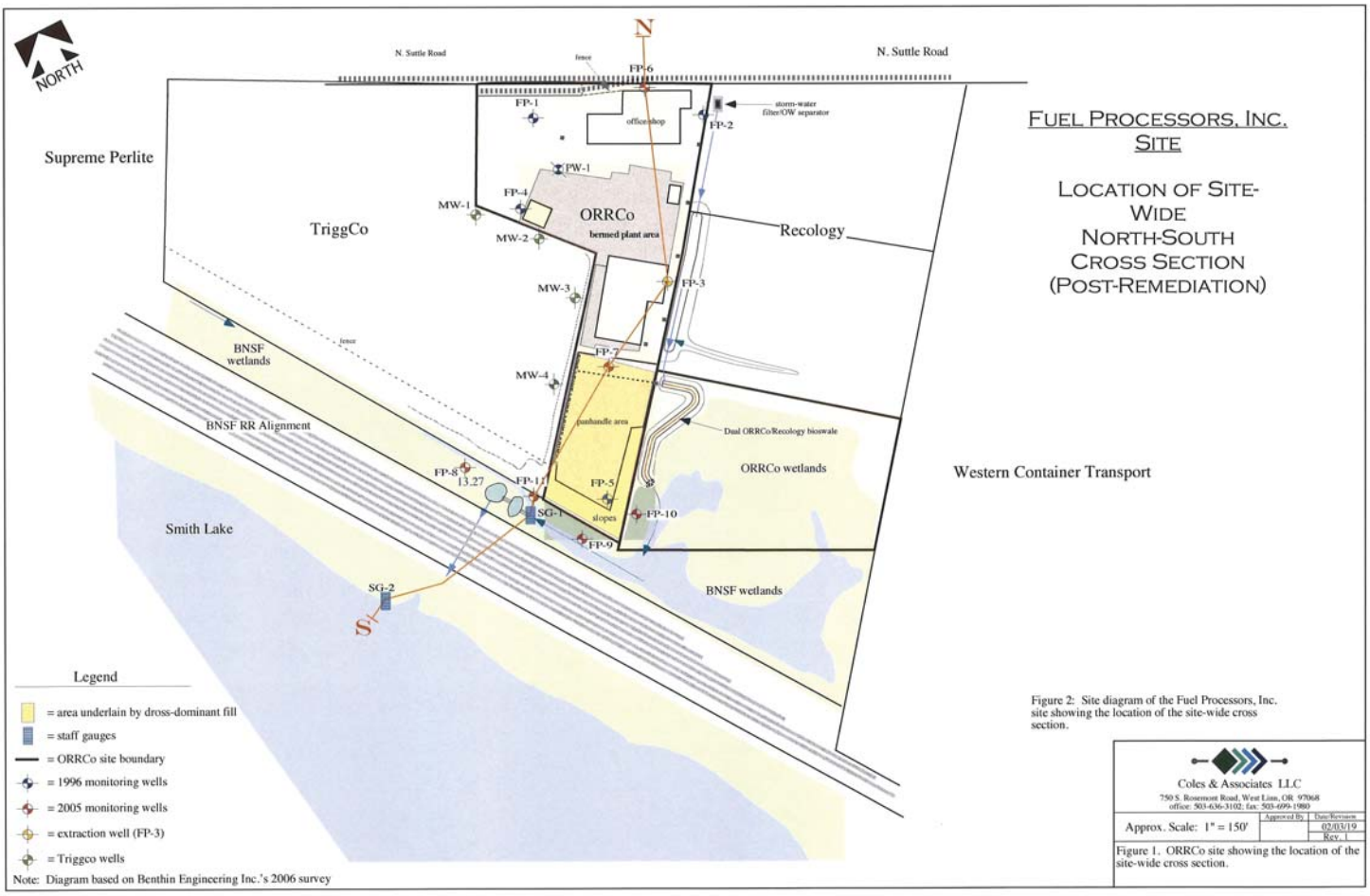
Date:_____ Initials:_____
Work performed by:_____
Work performed:_____
_____
Details:_____
_____

Date:_____ Initials:_____
Work performed by:_____
Work performed:_____
_____
Details:_____
_____

Date:_____ Initials:_____
Work performed by:_____
Work performed:_____
_____
Details:_____
_____


ORRCO SITE PROPERTY BOUNDARIES
OFFICE AND MAINTENANCE BUILDING
TAXLOT 1200
OPERATIONAL AREA COVERED IN CONCRETE AND DRAINAGE COLLECTED AND PROCESSED THROUGH ON SITE TREATMENT SYSTEM.
RECOLOGY
TAXLOT 1600
TAXLOT 1400 Triggco Property
TAXLOT 1700
TAXLOT 1500 RECOLOGY Property
ORRCO Property
TAXLOT 1400 ORRCO Property
BNSF Property
PROPERTY BOUNDARY
EXISTING STORMWATER SYSTEM WILL FEED INTO OIL/WATER SEPARATOR INSTEAD OF ONTO THE GROUND.
CONSTRUCTION ENTRANCE
TRENCH DRAIN COLLECTS STORMWATER FROM THE FRENCH DRAIN AND THE ASPHALT CAP AND COVEYS IT TO THE OIL/WATER SEPARATOR.
OIL/WATER SEPARATOR DESIGNED TO REMOVE BOTH OIL AND SEDIMENT FROM STORMWATER BEFORE CONVEYING IT TO THE SWALE.
SWALE ON ORRCO PROPERTY SHARED WITH RECOLOGY
WITH THE EXCEPTION OF THE OPERATIONAL AREA THE ENTIRE UPLAND SITE IS COVERED IN GRAVEL.
LEGEND
ORRCO OPERATIONAL AREA
PROPERTY BOUNDARY
HOLTECH
ORRCO STORMWATER PROJECT PROPERTY BOUNDARIES


EXISTING STORMWATER TREATMENT SYSTEM FOR THE FRONT 1/2 OF THE FACILITY WHICH CURRENTLY FEEDS A UIC WILL BE CLOSED AND THE WATER DIRECTED TO THE NEW WESTERN SWALE.
CONSTRUCTION ENTRANCE
RECOLOGY SUTTLE ROAD SITE PROPERTY BOUNDARIES
THIS LINE SEPARATES EXISTING ASPHALT COVERED AREA AND THE GRAVEL COVERED AREA WHERE THE SWALE WILL BE INSTALLED.
WESTERN RECOLOGY SWALE COLLECTING STORMWATER FROM THE ENTIRE SITE.
SOUTHERN RECOLOGY SWALE COLLECTING STORMWATER FROM SOUTHERN PORTION OF THE SITE.
SWALE ON ORRCO PROPERTY SHARED WITH RECOLOGY
TAXLOT 1200
RECOLOGY
TAXLOT 1600
TAXLOT 1400
Triggco Property
TAXLOT 1700
ORRCO Property
TAXLOT 1500
RECOLOGY Property
TAXLOT 1400
ORRCO Property
BNSF Property
PROPERTY BOUNDARY
Recology Suttle Rd OFFICE BUILDING
Recology Suttle Rd OPERATIONS BUILDING
SCALE 1" = 40 Feet
HOLTECH
RECOLOGY PROPERTY BOUNDARIES



FUEL PROCESSORS, INC.
SITE

LOCATION OF SITE-WIDE NORTH-SOUTH CROSS SECTION (POST-REMEDIATION)

Figure 2: Site diagram of the Fuel Processors, Inc. site showing the location of the site-wide cross section.

Coles & Associates LLC
750 S. Rosemont Road, West Linn, OR 97068
office: 503-636-3102, fax: 503-699-1980

Approx. Scale: 1" = 150'	Approved By	Date/Revision
		02/03/19
		Rev. 1

Figure 1. ORRCo site showing the location of the site-wide cross section.

EXHIBIT 2