



Oregon

Kate Brown, Governor

Department of Environmental Quality

Northwest Region

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TTY 711

June 28, 2016

Eric Durrin, Vice President/Controller
Bullseye Glass Co.
3722 SE 21st Avenue
Portland, Oregon 97202

Re: Drywells at the Bullseye Glass Facility, 3722 SE 21st Avenue

Dear Mr. Durrin,

The Bullseye Glass facility uses two drywells to dispose of stormwater from building roofs. A drywell, also known as an Underground Injection Control (UIC), is a device that is used to dispose of fluids (in this case stormwater) into underground soils. The Department of Environmental Quality (DEQ) regulates UICs to ensure that underground sources of drinking water are protected. The drywells at your facility have been authorized by rule, meaning that you submitted information about the drywells to DEQ and, based on that information, DEQ concluded that the drywells meet requirements in the UIC rules that UICs are protective of underground drinking water.

The City of Portland recently collected stormwater and sediment samples from the public storm sewer system near Bullseye Glass, and analyzed the samples in a laboratory to determine pollutant concentrations. The City issued you a notice of violation and Compliance Order No. CO-16-004-34 on June 10. As set forth in DEQ's June 24 letter to you, pursuant to Addendum No. 1 to the Mutual Agreement and Order (MAO) with DEQ, Bullseye's continued use of selenium is conditioned (among other things) on Bullseye's compliance with the City's Compliance Order.

Because pollutant concentrations in the City's stormwater samples were above Maximum Contaminant Levels (MCLs, limits on pollutant concentrations that are also used by the UIC Program to assess whether drywells are protective of underground sources of drinking water), DEQ determined it was important to inspect and sample stormwater and sediment from the facility's two drywells.

On June 23, 2016, DEQ met you at the Bullseye Glass facility with the objective of collecting stormwater and sediment samples from each of the two drywells at the site. The following bullets describe the results of the site visit:

- The drywell located in the northeast portion of the facility was accessible via a manhole lid. DEQ collected stormwater and sediment samples from this drywell.
- The drywell located in the southwest portion of the facility was buried beneath asphalt, and was not accessible. DEQ was unable to collect stormwater and sediment samples from this drywell.

The Oregon UIC rules provide DEQ with the authority to “. . . request additional information to determine that the injection system meets the requirements of OAR 340-044-0018.” One of the requirements of OAR 340-044-0018 is that drywells must not “. . . cause the direct or indirect movement of contaminants in groundwater if the resulting concentration of that contaminant . . . may exceed background groundwater concentrations” [see OAR 340-044-0018(1)(c)]. DEQ needs stormwater and sediment data from the drywell in the southwest portion of the facility to evaluate whether or not the drywell is causing exceedances of background groundwater concentrations. Therefore, DEQ is requesting that you take the following actions, as required by Oregon Administrative Rules (OAR) 340-044-0020(5):

- Within seven (7) days of receiving this letter, submit a Letter of Intent, indicating that you have received this letter and intend to take the actions requested in this letter.
- Within thirty (30) days of receiving this letter, submit a sampling work plan to DEQ for review and comment. The work plan must describe your approach for completing the following:
 - Accessing the drywell in the southwest corner of the facility (note that it will likely be necessary to use a down-hole camera to precisely locate the drywell, and that the asphalt covering the drywell will need to be removed).
 - Collecting samples of sediment and stormwater from the drywell, and analyzing the samples for the following metals: manganese (total), arsenic (total), barium (total), cadmium (total), chromium (total), hexavalent chromium, cobalt (total), copper (total), lead (total), mercury (total), nickel (total), selenium (total), silver (total) and zinc (total).
 - Reporting and documentation.

The work plan must include a schedule for completing these actions. DEQ expects that the work can be completed within thirty (30) days of work plan approval, contingent on occurrence of a rainfall event of sufficient intensity to produce stormwater runoff into the UIC. You must submit the data to DEQ within seven (7) days of receiving sampling results.

DEQ is currently analyzing the stormwater and sediment samples taken during DEQ's site visit on June 23, 2016. Once DEQ has the results, DEQ may require additional information or action from Bullseye Glass.

Please do not hesitate to call me at 503-229-6371 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Kohlbecker". The signature is fluid and cursive, with a large, prominent loop at the end.

Matthew Kohlbecker, RG
UIC Senior Hydrogeologist

