

# **CONSOLIDATED DEQ-OROSHA-OHA FAQ LEAD CONTAMINATION AT 576 PATTERSON NW, SALEM**

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The property at 576 Patterson Street NW in Salem, Oregon is a 4-acre site with a large building that once housed offices, a battery manufacturing facility, and a battery storage facility. Beginning in the 2000s the building has been converted to house several businesses, including a CrossFit gym with a small childcare facility; a home renovation firm; a baseball training facility with indoor batting cages; a catering business; a roller skating rink; and storage and office space. A microbrewery also is under construction in the building. On March 23, 2017 the owner of the building voluntarily closed public access to the building at the request of the Oregon Health Authority, Oregon Department of Environmental Quality and Oregon Occupational Safety & Health. The agencies had reviewed results of tests on dust wipe samples taken from more than 20 spots around the interior of the building and determined the lead dust levels that were found posed a public health threat to those visiting and working in the building.

The Oregon Department of Environmental Quality (DEQ), Oregon Occupational Safety and Health (OR-OSHA), Oregon Health Authority, and local County Public Health partners are all playing a role in this incident.

## **Oregon Department of Environmental Quality**

### **What is DEQ's role?**

DEQ has authority over land, air and water. It regulates disposal of waste, and emissions to air and water and oversees environmental cleanups in Oregon.

### **Has DEQ been involved at this site before?**

In 1985, about 5,000-6,000 lbs of lead oxide were released when a pressure valve on a delivery truck malfunctioned during unloading. DEQ gave provisional sign off after a partial cleanup was completed.

In 1988, an underground pipe was damaged, releasing diesel to subsurface soils. During cleanup, workers encountered a heating oil tank associated with the pipeline. GNB removed some petroleum-contaminated soils in 1988.

In 1991, DEQ notified GNB that DEQ planned to conduct an assessment on the site and offered GNB the opportunity to do it themselves with Voluntary Cleanup Program oversight. GNB entered the program in 1991.

Investigations at the site, beginning in 1991, showed that soil had been contaminated, primarily by lead. Groundwater contamination was not detected.

### **What cleanup actions took place?**

A number of cleanup activities took place in the 1990s, including soil excavation and the decommissioning of various drains and machinery. Soil tests conducted in 1998 showed concentrations of lead in the soil – with the exception of deep soil in three small areas – did not pose a threat to human health or the environment.

**When was contaminated soil removed?**

Concrete and brick flooring was removed in September/October of 1993. Excavation of lead contaminated soil beneath flooring was completed and new concrete flooring was installed after that.

Excavation of lead-contaminated soil in parking areas adjacent to facility was completed in March 1994.

**What is the state of the property now?**

In 1999, DEQ determined that no further cleanup action for soil was needed on the site as long as a deed restriction was recorded that prohibited residential, agricultural, commercial and recreational uses on the site. Industrial uses were allowed.

In 2011, DEQ determined that commercial, agricultural processing and recreational uses on the site were acceptable as long as they took place in the building and did not involve contact with lead contaminated soil that remains in some areas.

**Why was dust wipe sampling done?**

In 2016, the owner contacted DEQ to enter its Voluntary Cleanup Program, which provides oversight to property owners who want to clean up hazardous substance sites in a voluntary, cooperative manner. The owners wanted to see what actions they would need to take for DEQ to lift the deed restrictions.

DEQ, in 2017, recommended the owners of the facility test for lead inside the old building on site. The owners voluntarily agreed to have dust wipe testing conducted in late February. The tests showed high levels of lead in the dust samples.

More information on the site, including historical documents, can be found on DEQ's Environmental Cleanup Site Information webpage at:  
<http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.ashx?SourceId=358&SourceIdType=11>.

**How will DEQ be involved going forward?**

DEQ is continuing to coordinate with the property owner and is working closely with OHA and OSHA to ensure that the building is cleaned as soon as possible.

**Who owns the site?**

West Salem Storage LLC

**Has the owner been cooperative?**

Yes, the owner moved quickly to alert businesses on site, fence the property and is moving forward with the cleanup.

**When will the building be safe to occupy?**

This will depend on how quickly parts of the building can be cleaned and re-tested. Technical experts from DEQ, OHA and OSHA are working closely with the owner's contractors to provide assistance and guidance to help the process move as quickly as possible, at the owner's pace.

**What will the cleanup involve and how long will it take?**

A cleanup contractor will clean surfaces using best practices; these might include, for example, using a combination of HEPA vacuums and wet washing. The time it takes for clean up will depend on the size of the cleanup contractor team(s) and whether or not the owner wants to clean all spaces at the same time or work on one and move to the next. DEQ will work with the owner's contractors on their schedule and provide oversight along the way.

**Could the property owners face fines?**

DEQ's Cleanup Program is not a permit-based program with fines.

**Oregon Occupational Safety and Health**

**What does Oregon OSHA do?**

Oregon OSHA's jurisdiction is workers. We're dedicated to improving workplace safety and health in Oregon. Learn more about what we do here: <http://osha.oregon.gov/Pages/about-us.aspx>

**What is Oregon OSHA's specific role with respect to the Patterson building?**

Oregon OSHA is providing technical assistance, including conducting air monitoring during and after clean-up of the interior. We will assist the building owner to ensure workers are protected while the lead is fully addressed.

**What is the nature of the work Oregon OSHA is conducting at the site?**

Oregon OSHA is conducting air monitoring during and after clean-up of the interior of the site in order to assess possible worker exposure to lead, and will share those results.

**What kind of safety or health enforcement activity has Oregon OSHA engaged in at the site?**

Battery manufacturing activities have not taken place at the site since at least 1993. Records show Oregon OSHA conducted a safety inspection of the site in March 1994. No violation was cited.

**Oregon Health Authority**

**What does Oregon Health Authority do?**

The Oregon Health Authority helps people and communities achieve optimum physical, mental and social well-being through partnerships, prevention (including prevention of environmental hazard exposures) and access to quality, affordable health care. For more information, visit [www.oregon.gov/oha/](http://www.oregon.gov/oha/).

**What is Oregon Health Authority's specific role with respect to the Patterson building?**

OHA is providing information about health risks of lead exposure to the public and steps individuals can if they have health concerns. OHA is also providing equipment, supplies, and staff to local county health department partners to offer a lead clinic where youths and pregnant and lactating women who visited or worked in the Patterson building since December 24, 2016 can take a test to screen for elevated blood lead levels. Finally, OHA is teaming with DEQ and Oregon-OSHA to assist in review of the facility clean up.

**What is Oregon Health Authority's role in regards to lead hazards generally?**

OHA, in partnership with the state Construction Contractors Board, has authority delegated by the Environmental Protection Agency to implement a federal Lead-based Paint Program. This program has authority over activities that disturb lead-based paint in residences and certain child-occupied facilities. Neither state nor federal law imposes similar requirements on commercial buildings. However, the levels of lead that have been detected throughout the Patterson building are unlikely to be the result of disturbing lead-based paint and are more likely tied to the previous use of the facility as a battery manufacturing and storage site. OHA also receives blood lead testing data and works with local health departments and Oregon OSHA to follow up on lead poisonings in children and workers, respectively. Learn more about what we do here: <http://www.healthoregon.org/lead>

**What is Oregon Health Authority's role in regulating restaurant and catering facilities?**

State safety food rules require restaurant operators and catering operations to meet standards for frequent daily cleaning of all food contact facilities, equipment and utensils, and for non-food-contact surfaces (shelves, floors, walls and ceilings) to be kept free of accumulation of

dust, dirt, food residue and other debris. These rules are intended to prevent contamination of food. County public health departments inspect restaurants and catering facilities when they open and twice yearly to ensure operators are meeting the food safety requirements.

**What should people do if they have concerns about food they have eaten at or from a business in the Patterson building?**

Individuals who have consumed food from the facility or onsite who have concerns about possible lead exposure should consult their healthcare provider for advice. For youth between the ages of 1 and 18, pregnant and breastfeeding women who visited or ate food from the building in the previous 90 days, Polk County will offer a lead testing clinic on Tuesday March 28, 2017, from 4:00-7:00pm at 1520 Plaza St. NW, Salem, OR 97304 (Behind Safeway in West Salem); individuals can also call Polk County Public Health about lead testing only at 503-623-8175.

**What is Oregon Health Authority's role in responding to environmental exposures that potentially endanger public health?**

When OHA receives information from DEQ or another environmental agency with science-based evidence of environmental exposure that potentially endangers public health, OHA encourages responsible parties to take voluntary action to stop the source of exposure; however, OHA has legal authority to compel this action if necessary.