Andrew Mulkey

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September 28, 2026

Via Email

City Council
City of Tualatin
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Tualatin, OR 97062
LamAR26-0002appeal@tualatin.gov
council@tualatin.gov

Tualatin Planning Division
planning@tualatin.gov

Re: Appeal Hearing for AR26-0002, Building B Lab Addition, Lam Research Campus, SW Leveton Dr.

Dear Mayor Bubenik and City Councilors:

Please accept the following letter for the record in Mr. Hamilton's appeal of AR26-0002.

Multiple commenters during the open record period submitted evidence that Lam's facilities currently use, handle, and store large quantities of toxic or hazardous chemicals. In its reports to the Oregon State Fire Marshal (OSFM), Lam identifies some of these chemicals as waste products,[1] such as 5,000 to 9,999 gallons of "waste dilute sulfuric acid and mixed metals solution," which Lam lists as having "organ toxicity." Another is 50,000 to 99,999 gallons of "waste process rinse water," which Lam identifies as a health HNOC (stands for "hazard not otherwise classified"). Lam lists some of the chemicals noted by Mr. Maguire as acute toxins and others as asphyxiants. Some of the chemicals are acidic and have a pH of 2 or less. Others are caustic, such as sodium hydroxide, and could have a pH close to 14. Other commenters noted that Lam's facilities will store EHS chemicals, or extremely hazardous substances, which include anhydrous ammonia and sulfuric acid. Both are shown on the OSFM records provided during the open record period as being toxic or otherwise hazardous.

In his September 20 and 21 letters, Mr. Maguire explains that the applicant's architectural plans contradict the city's findings and the applicant's statements that no hazardous or toxic wastes would be stored, transferred, or processed. TDC 63.058; TDC 63.020 (explaining applicability to "all industrial uses"). *See Larvik v. City of La Grande*, 34 Or LUBA 467, 470 (1998) (conclusory statements of compliance are inadequate) (citing *Sunnyside v. Clackamas*

[1] *See* Exhibit 1 Attached, excerpts from OSFM report columns

County, 280 Or 3, 569 P2d 1063, 1077 (1977) (failure to adequately describe the underlying facts is reversible error)). The plans indicate that the applicant will produce "concentrated mix metals waste" and "dilute mixed metals waste" that would be piped into a 3,000 gallon storage tank with a connection to the Building B Chemical Management System. Lam also appears to propose to process wastes as part of its "Acid Waste Neutralization" facilities. The OSFM data already indicate that the facility produces chemical wastes that are toxic or hazardous and that those wastes are produced, stored, and potentially processed on site.

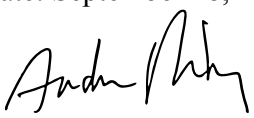
Combined with the OSFM information, the commenters (Maguire, Galvin, and Mann) indicate that the applicant has failed to demonstrate compliance with applicable criteria in TDC 63.058. Given the types of hazardous and toxic chemicals present, the applicant has not demonstrated that its proposed facility could feasibly comply with the requirements of the zone. *Meyer v. City of Portland*, 67 Or App 274, 280 (1984) (requiring substantial evidence for the purpose of determining that compliance is "likely and reasonably certain to succeed"). The comments also demonstrate that the applicant has failed to adequately describe the proposed use in a manner that would allow the city to determine whether the applicant will or will not comply with TDC 63.058. *See Columbia Riverkeeper v. Columbia County*, 70 Or LUBA 171, aff'd, 267 Or App 637 (2014) (by failing to adequately describe the use or their adverse impacts, the local government could not meaningfully determine whether those uses complied with the relevant criteria); *see also Brockman v. Columbia County*, 59 Or LUBA 302, 318 (2009) (remanding because the county and applicant failed to adequately describe the approved use for the purpose of evaluating off-site impacts), *1000 Friends of Oregon v. Lake County*, (LUBA No 2022-105, October 16, 2023). The applicant has not sufficiently explained the proposed facilities, how they function, what chemicals will be used, and whether or not the wastes produced, transferred between buildings, and/or stored qualify as toxic or hazardous. TDC 63.058. The evidence in the record demonstrates that the facility will produce, store, and transfer toxic and hazardous wastes in violation of TDC 63.058.

Moreover, these are not determinations that the applicant can defer to a later date pursuant to a condition of approval, because it is not clear that the public would have the ability to review or respond to the information. *See Butte Conservancy v. Persimmon Development*, (LUBA No 2005-150, Opinion, Jan 26, 2005) (slip op at 11) (citing holdings from *Hodge* and *Thomas*); *Rhyne v. Multnomah County*, 23 Or LUBA 442, 448 (1992) (deferral allowed *only* if the subsequent proceeding provides for notice and the opportunity to comment). By failing to provide this information earlier in the process or as part of its application, the applicant has deprived the public of its right to adequately review and respond to the information. *Fasano v. Board of County Commissioners*, 264 Or. 574, 507 P.2d 23 (1973) (explaining due process right to respond); *Mazeski v. Wasco County*, 26 Or LUBA 226, 232-35 (1993).

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For those reasons, I respectfully request that the city deny the application because the applicant has failed to meet its burden, and its proposal violates numerous provisions of local code.

Date: September 28, 2026



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Facility ID	Facility Name	Street Address 1	Report Year	Facility Status	Is Latest Report	Report Submission Status	Report Is EHS greater than TPQ	Report Chemical Name	Storage Container	Maximum Daily Amount Code	Maximum Daily Amount Code Range	Maximum Daily Amount Unit	Report Is Liquid State	Report Is Gas State	Master Chemical Is Acute toxicity	Master Chemical Is Health HNOC	Master Chemical Is Simple asphyxiant	Master Chemical Is Specific target organ toxicity
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	Yes	Completed	No	HALOCARBON R-23 (TRIFLUOROMETHANE) AIRGAS USA LLC	Cylinder	11	500-999	cuft	No	Yes	No	No	Yes	No
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	Yes	Completed	No	METHYL FLUORIDE MATHESON TRI-GAS, INC.	Cylinder	11	500-999	cuft	No	Yes	No	No	Yes	Yes
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	No	Completed	No	SULFUR HEXAFLUORIDE	Cylinder	20	1,000-4,999	cuft	No	Yes	No	No	No	No
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	No	Completed	No	TETRAFLUOROMETHANE	Cylinder	11	500-999	cuft	No	Yes	No	No	Yes	Yes
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	No	Completed	No	TRIFLUOROMETHANE (R23) LINDE GAS NORTH AMERICA LLC	Cylinder	10	200-499	cuft	No	Yes	No	No	Yes	No
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	Yes	Completed	No	DIESEL FUEL NO. 2 BP PRODUCTS NORTH AMERICA INC	Above ground tank	20	1,000-4,999	gal	Yes	No	Yes	No	No	Yes
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	Yes	Completed	No	METHANE MATHESON TRI-GAS, INC	Cylinder	11	500-999	cuft	No	Yes	Yes	No	Yes	No
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	Yes	Completed	No	NITROGEN TRIFLUORIDE VERSUM MATERIALS US, LLC	Cylinder	30	10,000-49,999	cuft	No	Yes	Yes	No	No	Yes
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	Yes	Completed	No	TETRAFLUOROMETHANE MATHESON TRI-GAS, INC.	Cylinder	11	500-999	cuft	No	Yes	Yes	No	No	Yes
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	No	Completed	No	NITROGEN TRIFLUORIDE	Cylinder	30	10,000-49,999	cuft	No	Yes	Yes	No	Yes	Yes
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	No	Completed	No	SILANE	Cylinder	21	5,000-9,999	cuft	No	Yes	Yes	No	Yes	Yes
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	Yes	Completed	No	WASTE PROCESS RINSE WATER	Above ground tank	31	50,000-99,999	gal	Yes	No	No	Yes	No	No
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	No	Completed	No	WASTE PROCESS RINSE WATER	Above ground tank	31	50,000-99,999	gal	Yes	No	No	Yes	No	No
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	Yes	Completed	No	DIFLUOROMETHANE (REFRIGERANT R32) AIR LIQUIDE	Cylinder	20	1,000-4,999	cuft	No	Yes	No	Yes	No	No
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	No	Completed	No	SODIUM HYDROXIDE 10-60%	Above ground tank	20	1,000-4,999	gal	Yes	No	Yes	Yes	No	No
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	No	Completed	No	SODIUM HYDROXIDE 10-60%	Plastic or nonmetallic drum	20	1,000-4,999	gal	Yes	No	Yes	Yes	No	No
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	No	Completed	Yes	SULFURIC ACID 96%	Plastic or nonmetallic drum	10	200-499	gal	Yes	No	Yes	No	No	No
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	Yes	Completed	No	NORTHSTAR SODIUM HYDROXIDE LIQUID (1-40%) NORTHSTAR CHEMICA	Tank inside building	20	1,000-4,999	gal	Yes	No	Yes	No	No	Yes
86955	LAM RESEARCH	11155 SW LEVETO	2025	ACTIVE	Yes	Completed	No	WASTE DILUTE SULFURIC ACID AND MIXED METALS SOLUTION	Tank inside building	21	5,000-9,999	gal	Yes	No	No	No	No	Yes