

# Request for Comments

## Proposed Prospective Purchaser Agreement for the Former Blue Heron Mill site

**Comments due:** 5 p.m., Wednesday July 31, 2019.

**Project location:** 419/427 South Main Street. Oregon City, OR 97045

**Proposal:** The Oregon Department of Environmental Quality seeks comments on its proposed consent order for a Prospective Purchaser Agreement with the Confederated Tribes of the Grand Ronde Community of Oregon and its successors concerning its acquisition of real property located at 419/427 South Main Street in Oregon City.

**Highlights:** A Prospective Purchaser Agreement is a legally binding agreement between DEQ and a prospective purchaser or lessee of real property. A PPA limits the purchaser's or lessee's liability to DEQ for environmental cleanup of the property. In return for this liability release, the prospective purchaser must provide the state with a substantial public benefit. DEQ enters into these agreements at the request of purchasers or lessees to expedite the cleanup of contaminated property and encourage property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site. DEQ created the prospective purchaser agreement program in 1995 through amendments to the state's Environmental Cleanup Law.

The proposed consent order is a type of PPA that will provide the Confederated Tribes of the Grand Ronde Community of Oregon with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed consent order will also provide the Confederated Tribes of the Grand Ronde Community of Oregon with third party liability protection.

The property has a longstanding and continued Native American history. Until the closure of the Blue Heron Paper Mill in 2011, site operations included flour, saw, and woolen mills, tannery operations, foundries, city waterworks, and a power plant. Numerous environmental investigations performed on the property documented concentrations of polychlorinated biphenyls (PCBs), petroleum hydrocarbons and their byproducts, dioxins, and metals present in site soil above human health screening levels.

As a part of the consent order, the applicant agrees to complete a specified scope of work to ensure cleanup and redevelopment of the site in a manner that protects public health and the environment. The proposed draft scope of work includes two types of objectives: initial obligations and continuing obligations. The initial obligations are near-term priorities that include site stabilization, high priority cleanup actions, cleanup of soil through removal and/or capping and preparation of work plan and public outreach plan. Continuing obligations include work that will be on-going as redevelopment occurs, such as abating hazardous building materials during any building demolition and/or renovation, compliance with protocols for handling contaminated materials, conducting ongoing operation and maintenance as appropriate and, if needed, DEQ access for monitoring cleanup progress.

The applicant plans to redevelop the 23-acre property through place-making and redevelopment into a culturally accountable and economically viable benefit for the region. Future development will be in accordance with all local government planning, zoning and associated land-use



State of Oregon  
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Phone: 503-504-7906  
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Fax: 503-229-5850  
Contact: Cheryl  
Grabham

[www.oregon.gov/DEQ](http://www.oregon.gov/DEQ)

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requirements and stakeholder collaboration, including a riverwalk providing access for the public to view Willamette Falls.

**How to comment:** Interested parties may send comments to Cheryl Grabham at 700 NE Multnomah St., Portland, OR 97232 or [grabham.cheryl@deq.state.or.us](mailto:grabham.cheryl@deq.state.or.us). For more information, contact Cheryl at 503-504-7906.

Interested parties may also come in person to a public meeting to attend a short presentation on the proposal and to comment in person. The public meeting will be held:

**Wednesday, July 17, 2019, 4:00-6:00 p.m.**  
**Museum of the Oregon Territory**  
**Tumwater Room, 3<sup>rd</sup> Floor**  
**211 Tumwater Drive**  
**Oregon City, OR 97045**

**Find more information:** Visit DEQ's Environmental Cleanup Site Information database at <https://go.usa.gov/xygwz>

If you do not have web access and want to review the project file, contact Cheryl Grabham at 503-504-7906.

Environmental Cleanup Site Information (ECSI) ID: 4811

Find information about requesting a review of DEQ project files at:  
<http://www.oregon.gov/deq/about-us/Pages/Request-Public-Record.aspx>

Find the File Review Application form at:  
<http://www.oregon.gov/deq/about-us/Pages/Requesting-Public-Records-Form.aspx>

**The next step:** DEQ will consider all public comments received by the date and time stated above before making a final decision on whether to enter into the proposed consent order. Upon issuance of this Consent Order, DEQ will provide public notice of the Consent Order through posting notice on the DEQ Public Notice webpage, and will make copies of the Consent Order available by posting on the Environmental Cleanup Site Information database.

**Alternative formats:** DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

## Proposed Conditional No Further Action for ODOT - Klamath Falls Maintenance Facility

**Comments due:** 5 p.m., Wednesday, July 31, 2019

**Project location:** 2557 Altamont Avenue, Klamath Falls

**Proposal:** In accordance with ORS 465.320, the Oregon Department of Environmental Quality seeks comments from the public on a proposed conditional No Further Action determination for this Klamath Falls Maintenance Facility. The site is a 6.4-acre site owned by the Oregon Department of Transportation. The site has been an ODOT maintenance facility since at least 1927.

ODOT has conducted investigation and cleanup at this site since 1992. This work has included removal of petroleum tanks and contaminated soil and groundwater. Limited areas of contamination remain because structures have prevented complete removal. Based on a review of soil and groundwater sampling results, DEQ has determined that residual contamination has been reduced to acceptable levels, provided that certain precautions are taken. These include recording of a deed restriction that prohibits use of shallow groundwater, written notification to utilities of possible exposure by excavation workers, and conformance with a contaminated media management plan during handling of contaminated soil or groundwater. DEQ intends to issue a No Further Action determination that identifies these conditions.

**How to comment:** Send comments to DEQ Project Manager Bob Schwarz at Oregon DEQ, 400 E. Scenic Drive, Suite 307, The Dalles, OR 97058, or [schwarz.bob@deq.state.or.us](mailto:schwarz.bob@deq.state.or.us).

**Find more information:** Visit DEQ's Environmental Cleanup Site Information database at <https://go.usa.gov/xmuK7>

If you do not have web access and want to review the project file, contact the DEQ project manager at 541-298-7255 x230

Environmental Cleanup Site Information (ECSI) ID: 4599

**The next step:** DEQ will consider all public comments received by the date and time stated above before making a final decision regarding the proposed remedy.

**Alternative formats:** DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).



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## DEQ Requests Comments on Proposed Conditional No Further Action for Custom Stamping Company in Portland, Oregon



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**Comments due:** 5 p.m., Wednesday, July 31

**Project location:** 1355 SE 10<sup>th</sup> Avenue in Portland, Oregon

**Proposal:** The Oregon Department of Environmental Quality is seeking comments on its proposal to issue a determination stating that cleanup work is complete to address contamination from dry cleaning chemicals at the former Custom Stamping Company site.

**Highlights:** The property has been used for commercial purposes since approximately 1935. It was most recently used by Custom Stamping Company, which stored heavy equipment and had offices on the second floor. Past uses at the site included a service station, tool service, tool and die works, auto service, welding, truck parts and an auto dealer warehouse and garage. During site investigations, petroleum and volatile organic compounds were detected in soil, groundwater and soil vapor. Results exceed screening levels for vapor intrusion into buildings and for direct contact with soil. A soil venting system was installed under the building to address any potential vapor risks. The property owner will enter into an agreement with DEQ to accept and maintain institutional and engineering controls called an Easement and Equitable Servitude. This agreement is registered with the county recorder and becomes part of the deed, requiring future owners to abide by the controls.

**How to comment:** Send comments to DEQ Project Manager Rob Hood at 700 NE Multnomah Street, Suite 600, Portland, OR 97232 or [hood.robert@deq.state.or.us](mailto:hood.robert@deq.state.or.us).

**Find more information:** Detailed information supporting DEQ's proposed remedial action is contained in a DEQ Staff Memo. The Staff Memo and other information is available at DEQ's Environmental Cleanup Site Information database at: <https://go.usa.gov/xmJr6> (ECSI ID: 6166).

If you do not have web access and want to review the project file, contact the DEQ project manager at 503-229-5617.

**The next step:** After the comment period closes, DEQ will finalize the easement and equitable servitudes for recording on the property's deed and issue the no further action letter.

**Alternative formats:** DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

# Request for Comments

## Proposed Settlement Agreement for 2.99 acres in Timbermill Shores

Comments due: 5 p.m., July 31, 2019

**Project location:** 2.99 acres in Timbermill Shores, Klamath County, Oregon

**Proposal:** The Department of Environmental Quality seeks comments on its proposed consent judgment for a settlement agreement with Klamath Falls Holdings, LLC concerning its real property located at the Timbermill Shores development that were formerly part of the Modoc Lumber Facility. Two lots total approximately 2.99 acres and are located in Klamath County, Oregon, in Section 32, Township 38 South, Range 9 East, of the Willamette Meridian. Klamath Falls Holdings, LLC plans to redevelop the Property, along with additional parcels located within or adjacent to the Timbermill Shores development, for commercial and office use with associated parking, along with a public greenway space along the Lake Ewauna shoreline. A prospective purchaser agreement for adjacent properties was completed in 2017.

The Modoc Lumber Company manufactured wood products at the Property and surrounding area from approximately 1947 to 1994. The Ewauna Box Company operated a mill on the southern portion of the Modoc facility prior to Modoc's operation. Other prior wood product facilities that operated on portions of the Modoc facility include Ellingson Timber Company and Big Lakes Box Company. When the mill was closed in 1994, operations included saw mills, dry kilns, re-saw mill, and a wood fuel pellet mill. Support facilities included log decks, planers, storage sheds, a machine shop, a truck repair shop, a boiler room, parts storage and offices. A wood waste landfill was located south of the waste water treatment plant. Between 1995 and 2000, all of the structures associated with Modoc Lumber's operation were demolished or removed, inclusive of concrete foundations. The site is in the process of being redeveloped into a mixed-use riverfront development, including commercial, light industrial and residential uses.

Terms of the consent judgment include protection of public health, safety, welfare and the environment, facilitation of productive reuse of property, and protection from potential liabilities in accordance with applicable law.

The proposed consent judgment will provide Klamath Falls Holdings, LLC with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property.

**How to comment:** Send comments to DEQ Project Manager Charles Kennedy at 475 NE Bellevue Dr. Suite 110, Bend, OR 97701 or [kennedy.charles@deq.state.or.us](mailto:kennedy.charles@deq.state.or.us). For more information contact the project manager at 541-633-2015.

Find information about requesting a review of DEQ project files at:  
<http://www.oregon.gov/deq/about-us/Pages/Request-Public-Record.aspx>

Find the File Review Application form at:  
<http://www.oregon.gov/deq/about-us/Pages/Requesting-Public-Records-Form.aspx>

**For ECSI Sites:** To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/ecsi.aspx>, select "Search complete ECSI database", then enter ECSI#2307 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link



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# Request for Comments

labeled ECSI #2037 in the Site ID/Info column. If you do not have web access and want to review the project file contact the DEQ project manager.

**The next step:** DEQ will consider all public comments received by the date and time stated above before making a final decision regarding the proposed remedial actions taken at the site. If comments are received, a public notice of DEQ's response to comments and final decision will be issued.

**Accessibility information:** Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).



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