

# Request for Comments

## Prospective Purchaser Agreement for a portion of the Ken Foster Farm Site in Sherwood, Oregon

**Comments due:** 5 p.m., Monday, Oct. 2, 2017

**Project location:** 23000 SW Murdock Road, Sherwood, Oregon

**Proposal:** The Oregon Department of Environmental Quality (DEQ) invites public comment on its proposed consent judgment for a prospective purchaser agreement with JT Roth Construction, Inc. (JT Roth) for a portion of the Ken Foster Farm (KFF) site in Sherwood, Oregon.

The subject property is part of the Ken Foster Farm Site, a 40-acre tract of former pasture land at 23000 to 23500 SW Murdock Road in Sherwood, Washington County, Oregon. Between 1962 and 1971, tannery wastes from the former Frontier Leather Tannery were land applied at KFF as a soil amendment.

In 2011, DEQ entered into a settlement in the form of a consent judgment with former owners and operators of the tannery and several former and current land owners of property at the KFF site. Under terms of the settlement DEQ was issued a cash payment of approximately 2.6 million dollars for cleanup of tannery related contamination.

From 2013 to June 2015, DEQ, through its contractor Geosyntec/Kennedy Jenks, completed a remedial investigation and feasibility study. The results showed that many samples contained hexavalent chromium levels above the DEQ human health risk-based concentration for residential use. DEQ evaluated remedial alternatives and concluded that soil removal and/or capping could both be protective and effective remedial alternatives for the residential properties. DEQ documented its recommended cleanup alternative in a Record of Decision issued in January 2017.

The purchaser proposes developing the 4.9 acre portion of KFF into residential lots and associated open-space tracts. The lots will be remediated as needed to applicable DEQ human-health risk-based concentrations for residential use. All tracts will meet human health risk-based concentrations for use as open-space. The soil quality in each lot and tract will be verified thorough confirmation soil testing. All residential lots and tracts will be covered with a protective layer of clean soil or hardscape such as roads, driveways, etc. prior to occupation. If testing shows that soil contamination in any lot or tract remains above applicable cleanup standards after remediation, the area will be covered with an engineered cap equally protective as that described in the Record of Decision. To the extent that the cap requires long-term maintenance, the requirement will be memorialized in a deed notice or easement and equitable servitude recorded on the property deed.

DEQ created the prospective purchaser agreement program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that expedites the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site.

Upon completion of cleanup work DEQ will reimburse JT Roth up to \$278,595, based on approximately \$57,000 per acre for the 4.9 acre property. The proposed consent judgment also will provide JT Roth 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



State of Oregon  
Department of  
Environmental  
Quality

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

Notice Issued: 8/15/17  
By: Mark Pugh

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releases at or from the property. The proposed consent judgment will also provide JT Roth with third party liability protection.

**How to comment:** Send comments to DEQ Project Manager Mark Pugh at 700 NE Multnomah St., Suite No. 600, Portland, OR 97232 or [pugh.mark@deq.state.or.us](mailto:pugh.mark@deq.state.or.us). For more information contact the project manager at 503-229-5587.

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>

To access the proposed Consent Judgment, site summary information and other documents in the DEQ Environmental Cleanup Site Information database, click on this link: [Ken Foster Farm website documents page](#). If you do not have web access and want to review the project file contact the DEQ project manager.

**The next step:** DEQ will review and consider all comments received during the comment period prior to issuance finalizing the consent judgment.

**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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