

Public Notice

Proposed Cleanup Plan for the Ken Foster Farm Site in Sherwood, Oregon

Comments due: 5 p.m., Friday, Sept. 30, 2016

Project Location: 23000 to 23500 SW Murdock Road, Sherwood, OR

Proposal: The Oregon Department of Environmental Quality invites comments on its proposed cleanup plan for a portion of the Ken Foster Farm site in Sherwood, Oregon.

Highlights: The Ken Foster Farm (referred to as the KFF site) site is 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 would use settlement funds to complete cleanup at the KFF site, including the upland residential properties, and an approximately 2.5-acre wetland, and settle liability with various parties in return for a cash payment totaling approximately \$2.6 million dollars. Following completion of the remedial investigation and feasibility study approximately \$2.3 million is remaining in the settlement account.

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 from the residential properties contained hexavalent chromium levels above the DEQ human health risk-based concentration for residential use. DEQ evaluated remedial alternatives and concludes that soil removal and/or capping could both be protective and effective remedial alternatives for the residential properties.

The upland area plan includes cleanup options to address potential risk to current residents on developed properties, and future residents of undeveloped properties. To address current potential risk DEQ would conduct a cleanup in yard areas around existing homes. The estimated cost for remediating these areas is \$700,000, assuming the work could be completed in one mobilization. Capping is the preferred remedy due to general lower cost, but soil removal, soil removal and capping, or consolidation and capping are all acceptable methods to prevent contact with contaminated soil. The specific remedy will depend on site specific characteristics.

For undeveloped properties DEQ is recommending that a comprehensive cap be installed by owners/developers during development. This is recommended because common construction elements such as roads, buildings, and enhanced landscaping with a nominal one-foot of soil or similar are acceptable caps. Capping the entire lot ensures contamination that may be disturbed or relocated during site grading is covered and thus protective for residential use. DEQ will provide design specifications for a variety of acceptable caps. To offset the additional expense to meet capping requirements, DEQ would apportion owners/developers a pre-determined amount based on the extent of cleanup they complete on their property. A total of approximately \$1,400,000 would be distributed among the owners that complete cleanup of undeveloped property.

Apportionment funds for the cleanup of undeveloped properties would be distributed to property owners pursuant to an agreement with DEQ, likely in the form of a consent judgment. The consent judgment will contain the cleanup plan and apportionment amount. The consent



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judgment could provide liability protections for the owner and/or prospective buyer. A public comment period would be required prior to finalizing the agreement.

The presence of contaminated soil and need to maintain the cap would be communicated to prospective buyers in several ways. These include maintaining up-to-date, tax lot specific information on DEQ's [Environmental Cleanup Site Information Database](#), the City of Sherwood requirement of a DEQ-approved cleanup plan prior to approving development at any of the impacted KFF properties, thus ensuring that properties will be protective for future residents, and appropriate disclosure by owners/sellers to potential buyers per Oregon real estate codes. These measures are proposed in lieu of formal deed restrictions.

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. For more information contact the project manager at 503-229-5587.

[Find information about requesting a review of DEQ project files](#)

[Find the File Review Application form.](#)

To access site summary information and other documents visit the DEQ [Environmental Cleanup Site Information Database](#), select "Search complete ECSI database", then enter 2516 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 2082 in the Site ID/Info column. Alternatively, you may go directly to the [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 of the no further action determination.

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.