



Oregon Department of Environmental Quality
 Summary of Liability Protections and Public Notice Requirements
 Associated with Prospective Purchaser Agreement Types
 (as of Dec. 5, 2017)

PPA TYPE	Federal Liability Protection	State of Oregon Liability Protection	Contribution Protection ¹	Third-Party Liability Protection ²	Public Notice Requirements
<u>Administrative Agreement (AA)</u>	No CERCLA protection from EPA actions, but possible protection from federal third-party contribution actions, as an “administrative settlement with the state.” [42 USC § 9613(f)(2)]	Beyond remedial obligations that may be part of a PPA, the state will not require the purchaser or future owners or operators to perform or pay for environmental cleanup at the property, for contamination existing at the time of property purchase, as long as purchaser and future owners/operators fulfill all PPA obligations, including ongoing due diligence.	No, as to Oregon Revised Statute (ORS) 465.257 contribution actions. Maybe, as to CERCLA [federal] contribution actions.	No	None required, unless it’s for notice of a proposed remedial action, which is subject to independent public notice and comment.
<u>Consent Order (CO)</u>	Same as above.	Same as above.	Yes	Yes	30-day public notice required.
<u>Consent Judgment (CJ)</u>	Same as above.	Same as above.	Yes	Yes	30-day public notice required.

For more details about all aspects of PPAs, refer to [DEQ Prospective Purchaser Agreement Guidance Document](#) (PDF format).

DEQ strongly advises every prospective purchaser who desires to enter into a PPA to seek advice and representation from a qualified attorney. DEQ cannot and will not provide legal advice to prospective purchasers.

¹ **Contribution protection** means that parties potentially responsible for past releases at a site (PRPs) cannot force parties covered by a PPA to contribute to cleanup costs that PRPs have incurred.

² **Third-party liability** can arise when a non-liable party sues PRPs to recover remedial action costs incurred by the non-liable party. An example of a third party might be an adjacent property owner.