

Request for Comments

Proposed Prospective Purchaser Agreement for MLK Cook-Ivy Site, ECSI # 6146

Comments due: 5 p.m. Dec. 1, 2016

Project location: East side of NE Martin Luther King Boulevard between NE Cook Street and NE Ivy Street, Portland

Proposal: The Department of Environmental Quality seeks comments on its proposed consent judgment for a prospective purchaser agreement with MLK & Cook Apartments Limited Partnership for the MLK Cook-Ivy property.

Highlights: MLK & Cook Apartments Limited Partnership is acquiring the property from the current owner and plans to remediate the site and develop it with 80 units of low-income housing and 6,000 square feet of retail space on the ground floor.

The property encompasses multiple formerly separate plots of land. These plots were historically utilized for a number of different residential, commercial and industrial purposes including a gasoline service station, auto servicing and repair, auto upholstery, meat packing, dry cleaning, cold storage, metals reclaiming, propeller manufacturing and battery manufacturing. Past activities caused environmental contamination on the property, and contamination has been addressed by previous parties under three separate DEQ cleanup projects.

MLK & Cook Apartments Limited Partnership have investigated existing environmental concerns at the property site and plans to remediate additional concerns by removing lead-contaminated soils and building the new construction to specifications to prevent exposure of workers and residents to trichloroethylene vapors from soil gas migration. An Easement and Equitable Servitude will also be filed with Multnomah County government to establish long-term management and maintenance requirements and site use restrictions.

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.

The proposed consent order will provide MLK & Cook Apartments Limited Partnership 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 judgment will also provide MLK & Cook Apartments Limited Partnership with third party liability protection.

How to comment: Send comments to DEQ Project Manager Mike Greenburg at



State of Oregon
Department of
Environmental
Quality

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[Request DEQ project file review.](#)

[File review application form](#)

Access site summary information and other documents in the [DEQ Environmental Cleanup Site Information database](#), select “Search complete ECSI database,” then enter 6146 in the Site ID box and click “Submit” at the bottom of the page. Next, click the link labeled 6146 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at

<http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.aspx?SourceId=6146&SourceIdType=11>

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 completion certification of the remedial actions taken at the site. A public notice of DEQ’s 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.

