



Oregon Department of Environmental Quality

APPLICATION FOR PROSPECTIVE PURCHASER AGREEMENT

FOR DEQ USE ONLY	
Received:	
Amount:	
Check #:	
Q-Time:	
Project #:	

As provided in Oregon law (ORS 465.327), DEQ may approve PPAs "to facilitate cleanup and reuse of contaminated property" if all of the following criteria are met:

- 1) The prospective purchaser is not currently liable under any of the three following statutory authorities for an existing release of hazardous substances at the property to be purchased: ORS 465.255; ORS 466.640; or ORS 468B.
- 2) Contamination exists and removal or remedial action is necessary at the property under ORS 465.
- 3) The proposed use of the property will not contribute to or exacerbate existing contamination, increase health risks or interfere with necessary remedial action measures at the facility.
- 4) A substantial public benefit will result from the PPA.

The information in this application will help DEQ evaluate the eligibility of applicants based on these criteria.

Applicant Information			
Applicant: Tillamook County			
Mailing Address: 201 Laurel Avenue			
City: Tillamook	State: OR	Postal (ZIP) Code: 97141	
Contact Name: Paul Levesque		Title: Chief of Staff	
Phone Number: 503.842.1809		Email: plevescu@co.tillamook.or.us	

Site Information			
Site Name: Sadri Property			
Site Address: None (no structure present)			
City: Tillamook	State: OR	Postal (ZIP) Code: 97141	
Section: 25	Township: 1S	Range: 10W	Size (acres): 83.55
<input checked="" type="checkbox"/> Please attach a legal description of the property		Tax Lot(s): 00200	
ECSI and/or UST Identification Number(s) and Names, if applicable: N/A			
Current use of the property: Vacant			
If property is vacant, how long has it been vacant? approximately 50 years			
Current zoning of the property: 4.08A - Light Industrial; Remainder is open space			

Current Site Owner Information			
Current Site Owner's Name: Asghar R. Sadri, Trustee			
Current Site Owner's Mailing Address: 203 E. Reserve			
City: Vancouver	State: WA	Postal (ZIP) Code: 98661	
Contact Name: Kianoosh Keyvani	Phone Number: 360.696.4448 X18	Email: kiakeyvani@gmail.com	

Is the current owner aware of your plans to seek a "Prospective Purchaser Agreement" with DEQ?

Yes No

To your knowledge, does the current owner have any objections or reservations regarding this proposed prospective purchaser agreement? Yes No

If yes, please describe:

Applicant's Proposed Interest in the Property

Are you planning to buy the property described above? Yes No

If no, describe your proposed interest in the property:

Nature and Timing of Pending Property Transaction

Please describe, if known, the nature and timing of the proposed property transaction in sufficient detail to give DEQ a sense of your needs and timetable. (Note: It is DEQ's goal to complete review and negotiation of most agreements within 6 - 8 weeks.):

This parcel is part of a 640 acre Oregon Solutions Project for flood reduction, habitat restoration and conservation. Oregon Watershed Enhancement Board (OWEB) grant funds will be used for acquisition. It is scheduled to close in the 4th quarter of 2015 in order for the project to be completed during 2016 in compliance with multiple funder requirements. One of the conditions of the OWEB grant will be that the county's "appraiser takes into consideration valuation impacts, if any, resulting from findings and decisions of the Department of Environmental Quality relative to the environmental condition of the Sadri property." For appraisal purposes, the Highest and Best Use of the property is based on its current zoning, which is Light Industrial for 4.08 acres near the former mill sites and Open Space, that allows for agriculture, recreation, and campground/RV uses, for the remaining 61.90 acres. To complete a market value appraisal, the appraiser needs to know if DEQ would require something different to receive a NFA letter for a typical industrial buyer than what will be required of the county through the PPA process for its Proposed Land Use and excavations for flood reduction mentioned below.

Agreement Type

Which type of Prospective Purchaser Agreement are you planning?

Administrative Agreement Consent Order Consent Judgment Undecided

Proposed Land Use

Describe the proposed development or reuse of the property. Attach site maps and supplemental information describing the intended development or reuse if available. (Note: site design maps and supplemental information are required if proposed buildings, parking lots, drainage systems or other developments could impact current or future environmental cleanup activities):

See attached maps showing construction elements and future conditions for the entire project including the Sadri property. Once completed, the Sadri property will be included within a conservation easement covering 521 acres of the 640-acre project area.

Local Government Planning Department Contact

Contact Name: Bryan Pohl

Title: Community Development Director

Phone Number: 503.842.3408

Email: bpohl@co.tillamook.or.us

Please summarize any conversations you have had with the local government planning department:

They have approved a land use compatibility statement for the project including the site. A preapplication permit meeting has also been conducted. A county development permit will be required for the project.

Summary of Contamination & Investigation StatusHas a Phase I Environmental Site Assessment been conducted at the Property? Yes No

If yes please provide information on report title, consultant/consulting firm, date prepared:

Phase I Environmental Site Assessment, Sadri Property, Project #1420.00, November 2013; Anderson Geological

Has sampling or other environmental investigation been conducted at the Property? Yes No

If yes please summarize results: As part of a Phase II ESA by Anderson Geological, dated February 14, 2014, it is reported that contamination by heavy oil, polynuclear aromatic hydrocarbons and metals was discovered in the shallow soil and contamination by heavy oil and metals was discovered in the groundwater in the log peeling and mechanical areas on the two former mill sites. The source of contamination is assumed to be from releases of lubricating oils and waste products from former operations at the mills. The sediments in one area of the inlet log pond contained a slightly elevated concentration of lead.

Have cleanups activities been conducted at the Property? Yes No

If yes please summarize activities:

Does DEQ have a copy of relevant reports? Yes No – If not, please provide (or attach) the reports

Known or suspected contaminant source(s): See above sampling summary.

Known or suspected contaminant(s): See above sampling summary.

Type of Release

Briefly describe the nature of the hazardous substance release at the property. You may attach sampling results or additional information, or reference prior materials sent to DEQ by title and date. At a minimum, please provide basic information in the space below (e.g., list the known contaminants in soil, groundwater, surface water, sediments, etc.):

Copies of the Phase II ESA have been provided to Kevin Dana (see above sampling summary).

In what year (or years) did the release (or releases) of hazardous substance(s) occur? Unknown

Cleanup Activities Underway or Completed

Please provide a summary of removal or remedial activities which have been undertaken or completed at the property already, if any:

None.

Proposed Cleanup Activities

Describe in general terms removal or remedial activities to be performed in the future, of which you are aware:

In order to achieve flood damage reduction benefits associated with the project, it will be necessary to excavate approximately 85,000 cubic yards of fill material located throughout the 640-acre project site. It is uncertain how much of that excavation will need to occur on the Sadri property or to what extent it might involve contaminated soils.

Proposed Funding for Cleanup Activities

Funds for the cleanup and/or management of future project cleanup activities will be provided by:

- The applicant
- The current owner
- The applicant and current owner will share responsibility for the cleanup
- DEQ-funded
- Other (please specify): Negotiations are ongoing with the landowner to address his level of contribution, if any, toward sharing investigation and cleanup costs required through the PPA process.

Please describe the cleanup project lead and roles of the various parties in detail sufficient to give a clear understanding of who will be performing or paying for cleanup activities:

Tillamook County, assisted by the larger project management team, will take the lead in coordinating cleanup. The county will pay for the costs but will seek reimbursement from others where available.

Prospective Purchaser Liability

Indicate why the applicant is not presently liable under ORS 465.255 for an existing release of hazardous substance at the property. You may attach additional information if necessary. For purposes of these questions, "applicant" includes individuals, partnerships, corporations, trusts and other legal entities in which the applicant has or previously had a legal interest:

a) Has the applicant ever owned a legal interest in any facility which is known or suspected to be a source of hazardous substances now found on the property subject to this agreement?

Yes No

If yes, please explain:

b) Has the applicant ever owned a legal interest in any portion of the property subject to this agreement? Yes No

If yes, please explain:

c) Has the applicant ever operated a business located at a facility which is known or suspected to be a source of hazardous substances now found on the property subject to this agreement?

Yes No

If yes, please explain:

d) Has the applicant ever operated a business located on any portion of the property subject to this agreement? Yes No

If yes, please explain:

e) Has the applicant, by any act or omission, caused, contributed to or exacerbated any release of hazardous substance now located on the property subject to this agreement? Yes No

If yes, please explain:

f) Please describe the nature of any past business or contractual relationship with the seller of this property:

The county currently holds an option to purchase the Sadri property.

Public Benefit

The law requires that a substantial public benefit will result from the Prospective Purchaser Agreement. Substantial public benefits may include but are not limited to:

- The generation of substantial funding or other resources facilitating remedial measures at the facility in accordance with this section;
- A commitment to perform substantial remedial measures at the facility in accordance with this section;
- Productive reuse of a vacant or abandoned industrial or commercial facility; or
- Development of a facility by a governmental entity or nonprofit organization to address an important public purpose.

Please provide a brief summary of the public benefit(s) this Prospective Purchaser Agreement will provide to the local community and/or the State of Oregon:

The project will restore habitat and ecosystem functions on the property, contribute to flood reduction over a 3,000 acre area benefiting 540 off site structures and avoiding approximately \$9.2 million in future flood damages over

the life of the project.

Additional Application Contacts

Environmental Consulting Firm:

Contact Name: Erik Anderson
Company: Anderson Geological
Mailing Address: PO Box 649, Wilsonville, OR 97070
Phone Number: 503.682.2500
Email: erik@andersongeo.com

Attorney/Law Firm:

Contact Name: (William) Fritz Paulus
Company: William F. Paulus, Attorney at Law
Mailing Address: 1207 SW 6th Avenue, Portland, OR 97204
Phone Number: 503.224.1773
Email: fritz@wfpauluslaw.com

DEQ Contacts

Please list the names of any DEQ staff that you have talked with regarding this property:

Jennifer Purcell
Kevin Dana
Cheyenne Chapman

Signature (The application must be signed by an authorized representative for the applicant.)

I certify that I have personally examined and am familiar with the information in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate and complete.



Signature

April 30, 2014
Date

Bill Baertlein
Print Name

Chair, Tillamook County Board of
Commissioners
Title

Application Submittal**Send Completed Form and Enclosures to*:**

Oregon Department of Environmental Quality
Attn: Revenue Section
811 SW 6th Avenue
Portland, OR 97204

Submittal Checklist*:

- Legal description of the property enclosed?
- Additional environmental reports enclosed (if applicable)?
- Cost recovery letter agreement enclosed?
- Deposit enclosed? (Check for \$2,500, made out to Oregon Department of Environmental Quality)*

FOR MORE INFORMATION: Visit: <http://www.deq.state.or.us/lq/cu/ppa.htm>.

FOR QUESTIONS: Contact DEQ's PPA program coordinator at 503-229-6461 or email PPAInfo@deq.state.or.us*

* You may submit advance copies of forms via email if desired. **Please DO NOT send any confidential information** (such as scanned copies of checks with bank account numbers) through email.

EXHIBIT A

PRELIMINARY REPORT

(Continued)

Order No. 360410003672-TTAST04

EXHIBIT "ONE"

A tract of land being a portion of Government Lots 2, 3, 4 and 8 in Section 25, Township 1 South, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon.

Commencing at a 2 inch iron pipe set at the restored Northwest corner of Section 25.

Thence North 89° 27' 29" East along the Section line, 1336.4 feet, to the West 1/16th corner of Sections 24/25.

Thence South 00° 10' 34" West 520.82 feet, along the West line of Government Lot 2 to a 2 inch iron pipe set on the South bank of the Hoquarten Slough and the true point of beginning.

Thence South 00° 10' 34" West 179.22 feet, more or less, along the West line of Government Lot 2 to the center line of a ditch.

Thence Southerly and Easterly, along the ditch centerline, 1530 feet, more or less, to a point in the center of the ditch that is South 00° 29' 31" East, 15 feet from the Southwest corner of Book 307, page 565, recorded January 29, 1997 in Records of Tillamook County, Oregon.

Thence North 00° 29' 31" East 15 feet, more or less, to a 2 inch iron pipe.

Thence South 85° 55' 39" East 396.33 feet to a 2 inch iron pipe set on the East line of Government Lot 8.

Thence South 00° 06' 30" West 48.68 feet to a 2 inch iron pipe set at the intersection of the North line of the Edrick Thomas Donation Land Claim No. 44 with the East line of Government Lot 8.

Thence along the North line of the Edrick Thomas Donation Land Claim No. 44, South 89° 57' 00" East 448.14 feet, more or less, to the Northwest corner of Parcel 1 conveyed to the City of Tillamook by Bargain and Sale Deed (Correction Deed) recorded December 8, 1980, in Book 273, page 346, Tillamook County Records.

Thence South 89° 57' 00" East 480 feet to the Northeast corner of said Tillamook City parcel.

Thence South 89° 57' 00" East 270 feet to the Northeast corner of said Lot 5, Stillwells Addition to Tillamook.

Thence North 00° 03' 00" East 449 feet to a 2 inch iron pipe set.

Thence South 89° 57' 00" East 60.0 feet to a 2 inch iron pipe set.

Thence North 00° 03' 00" East 12.0 feet to a 2 inch iron pipe set.

Thence South 89° 57' 00" East 126.30 feet to a 2 inch iron pipe set on the West Bank of the Hoquarten Slough.

Thence continuing South 89° 57' 00" 4.4 feet, more or less, to the South bank of Hoquarten Slough.

Thence Northerly and Westerly along the South bank of the Hoquarten Slough as it existed in November 1977, the following courses and distances:

Thence North 26° 12' 00" West 449.0 feet.

Thence North 49° 24' 00" West 92.2 feet.

Thence North 70° 45' 00" West 106.0 feet.

Thence South 81° 26' 00" West 101.1 feet.

Thence South 60° 43' 00" West 143.3 feet.

Thence South 61° 49' 00" West 402.6 feet.

Thence South 70° 40' 00" West 105.9 feet.

Thence South 87° 35' 00" West 120.1 feet.

Thence North 78° 43' 00" West 102.0 feet.

Thence North 66° 04' 00" West 96.5 feet.

Thence North 49° 01' 00" West 304.8 feet.

Thence North 32° 02' 00" West 94.3 feet.

Thence North 19° 19' 00" West 106.0 feet.

Thence North 05° 41' 00" East 100.5 feet.

Thence North 28° 16' 00" East 295.3 feet.

Thence North 10° 45' 00" East 106.9 feet.

Thence North 40° 57' 00" West 99.2 feet.

*DOR0212.rdw

PRELIMINARY REPORT

(Continued)

Order No. 360410003872-TTAST04

Thence North 70° 06' 00" West 147.5 feet;
Thence South 89° 27' 29" West: 440.0 feet along the Section line.
Thence South 49° 16' 00" West: 761.0 feet to the intersection with the West line of Government Lot 2.
Thence along the West line of Government Lot 2, South 00° 10' 34" West: 29.7 feet to the true point of beginning.

ALSO a non-exclusive perpetual easement in common with others over a strip of land 60 feet wide described as follows:

Beginning at the center quarter corner of Section 25, Township 1 South, Range 10 West of the Willamette Meridian in Tillamook County, Oregon:
Thence North 00° 06' 30" East: 1017.17 feet;
Thence South 89° 57' East: 448.14 feet;
Thence South 00° 02' East: 360.68 feet to the true point of beginning;
Thence South 00° 02' East: 60 feet;
Thence South 89° 57' East: 210 feet;
Thence North 00° 03' East: 60 feet;
Thence North 89° 57' East: 210 feet, more or less, to the true point of beginning.

ALSO an exclusive right of way for the use of Publishers Paper Co., a Delaware corporation, and the City of Tillamook, a municipal corporation, over a strip of land 30 feet in width described as follows:

Beginning at the center quarter corner of Section 25, Township 1 South, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon:
Thence North 00° 06' 30" East: 1017.17 feet;
Thence South 89° 57' East: 448.14 feet to the true point of beginning;
Thence South 00° 02' East: 360.68 feet;
Thence South 89° 57' East: 30 feet;
Thence North 00° 02' East: 360.68 feet;
Thence North 89° 57' West: 30 feet to the true point of beginning.
Said easement to be appurtenant to Grantor's fee ownership in Government Lots 2 and 3, in said Section, Township and Range.

FD090210 rev.



