



PUBLIC NOTICE

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DEQ Requests Comments on Proposed Agreement for Two Industrial Properties in Northeast Portland

HOW TO PROVIDE PUBLIC COMMENT

Facility/property: Myers Container Corp. and Auto Salvage 205

Project location: 10103 NE Marx Street and 5605-5621 NE 105th Avenue in Portland, Oregon

Comments due by: Oct. 31, 2023, at 5 p.m.

Submit written comments:

By mail: Send comments to Rebecca Digiustino, Oregon DEQ, 700 NE Multnomah Street, Suite 600, Portland, OR 97232

By email: rebecca.digiustino@deq.oregon.gov

Proposal highlights: The Oregon Department of Environmental Quality intends to enter into a Prospective Purchaser Agreement with CRP/Crest Salvage & Marx Owner, LLC, to purchase two multi-parcel industrial properties in northeast Portland.

The agreement would encompass the former Myers Container Corp property located at 10103 NE Marx Street and the Auto Salvage 205 property located at 5605-5621 NE 105th Avenue (collectively, the Property).

Background:

CRP/Crest Salvage & Marx Owner plans to purchase two properties under a Prospective Purchaser Agreement: Myers Container Corp. property located at 10103 NE Marx Street and the 205 Auto Salvage property located at 5605-5621 NE 105th Avenue in Portland. The company plans to use the properties for commercial purposes including office space, equipment storage, and a laydown yard.

The former Myers Container property was developed with the present-day warehouse building in the late 1970s. The building was occupied by various entities for use as a steel drum reconditioning facility from approximately 1977 through 2000. Operations were transitioned to intermediate bulk container processing between 2000 and 2022. The property is identified on the Environmental Cleanup Site Information (ECSI) database under site number 2062. Two former underground storage tanks were removed from the property in 1997; however, the locations and the contents were not reported. Source control measures to address polychlorinated biphenyl (PCB) impacted soils and stormwater runoff in the property's East and West Ponds were conducted in 2003 and 2012 to 2013. A No Further Action (NFA) determination was issued by DEQ for source control measures on Sept. 17, 2014. Additional investigation conducted in 2023 revealed a petroleum hydrocarbon groundwater plume and a chlorinated solvent groundwater plume in the southern portion of the site.

The 205 Auto Salvage property was developed with an auto salvage business in the northwest corner of the property by 1960, which was expanded in the early 1970s to include the majority of the property. The property operated as an auto salvage business, which performed vehicle dismantling, storage, scrap, and parts sales, until 2021. The property is identified on the ECSI database under site number 2087 due to the use of the

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property as an auto salvage business. The site was issued a no further action determination by the DEQ in 1997; however, the ECSI file was reopened in 2003 due to the identification of PCB-impacted stormwater runoff from the property. The stormwater catch basin located on the 205 Auto Salvage property is connected to and discharges to the East Pond of the Myers Container Corp. property.

Under the Prospective Purchaser Agreement, CRP/Crest Salvage & Marx Owner LLC will conduct stormwater pond maintenance, including removal of accumulated sediment in the East Pond and West Pond on the 10103 NE Marx Street property. The portion of the East Pond that extends onto the 5605-5621 NE 105th Street property is being addressed under a voluntary agreement (ECSI No. 2087). In addition, the company will assess indoor air in any structures to be occupied on the 10103 NE Marx Street property, following improvements to those structures, to determine if there are vapor intrusion risks to future occupants.

CRP/Crest Salvage & Marx Owner also agrees to prepare a contaminated media management plan and execute an Easement and Equitable Servitudes (EES) requiring, prior to future construction of buildings on the 10103 NE Marx Street property for human occupation, additional assessment, cleanup and/or incorporation of engineering controls into the design of future buildings constructed on that property address. DEQ review of the plans and agreements will ensure that appropriate assessment is conducted, and if necessary, engineering controls put in place, before the 10103 NE Marx Street property can be occupied. If engineering controls are required at the 10103 NE Marx Street property to mitigate vapor intrusion, the system requirements will be included in the EES on the deed for the property, memorializing any inspection and maintenance actions required to maintain the mitigation system.

DEQ's Prospective Purchaser Agreement program was created in 1995 through amendments to the state's Environmental Cleanup Law. The 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 agreement provides 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.

For more information: Visit DEQ's Environmental Cleanup Site Information database at <https://www.deq.state.or.us/lq/ECSI/ecsiquery.asp?listtype=lis&listtitle=Environmental+Cleanup+Site%20Information+Database>

If you do not have web access and want to review the project file, contact Rebecca Digiustino at 503-926-2257 or rebecca.digiustino@deq.oregon.gov to view the documents in person at a DEQ office.

Environmental Cleanup Site Information (ECSI) ID: 2062 and 2087

The next step: DEQ will consider all public comments received by the date and time stated above before making a final decision regarding this prospective purchaser agreement.

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).