

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON, ex rel.
LEAH FELDON, DIRECTOR
DEPARTMENT OF ENVIRONMENTAL
QUALITY

Plaintiff,

v.

OREGON HUMANE SOCIETY

Defendant.

Case No. 18CV54321

CERTIFICATION OF COMPLETION

1. Findings

A. On January 7, 2019, the Multnomah County Circuit Court entered a Consent Judgment in Case No. 18CV54321 (the “Consent Judgment”) regarding *Prospective Purchaser Agreement (PPA) DEQ No. 18-06* entered into by the Oregon Department of Environmental Quality (DEQ) with Oregon Humane Society (OHS). PPA DEQ No. 18-06 concerns the property at 7865 NE 14th Place (formerly 1409-1411 NE Columbia Boulevard) in Portland, Oregon (tax lot 1N1E11DC -01800; the “Site”). The Site has been assigned Environmental Cleanup Site Information (ECSI) file No. 4017 by DEQ. Under the terms of the PPA, OHS agreed to perform and comply with all applicable provisions of the Consent Judgment and to work under DEQ oversight to perform agreed upon measures at its own cost.

B. The Consent Judgment designated the work to be performed in a Scope of Work (SOW) attached to and incorporated by reference into the Consent Judgment as Attachment C. The SOW required: completion of a Focused Phase 2 Environmental Site Assessment investigation and report per a DEQ-approved work plan; providing historical environmental reports specified by DEQ; completion of a Stormwater Source Control Evaluation per a DEQ-approved work plan; implementation of a DEQ-approved Contaminated Media Management Plan during re-

development; agreeing to long-term or permanent engineering controls memorialized in an Easement and Equitable Servitudes, and/or implementation of an Operation & Maintenance Plan if unacceptable risk is found during the investigation.

C. All of the work described in Section B, above, was fully performed and is documented in the plans and reports in the Administrative Record, including a report entitled *Technical Memorandum, Supplemental Contaminated Media Management Plan Implementation Report* dated October 10, 2022 and prepared by Creekside Environmental Consulting, LLC, and an August 1, 2023 *Stormwater Source Control Evaluation Report* prepared by Evren Northwest. All plans and reports are referenced under the name of Oregon Humane Society, ECSI No. 4017, in the files of DEQ's Environmental Cleanup Program at the Northwest Region Office in Portland, Oregon.

D. On September 1, 2023, DEQ provided public notice and opportunity to comment on a proposed Certification of Completion determination for the facility in accordance with ORS 465.320 and 465.325(10)(b). Copies of the work plans and reports completed for the project were available for review on DEQ's database and at DEQ's Northwest Region office in Portland. The public notice was published on September 1, 2023, in the *Oregon Secretary of State's Bulletin*, and in the *Oregonian* on September 1, 2023. The comment period was closed on October 2, 2023. No comments were received.

E. Based on the reports and other information submitted by OHS, any information received during public notice and comment period, and upon DEQ's inspection and oversight of activities, DEQ finds that OHS satisfactorily completed the PPASOW.

2. Conclusions

A. OHS has satisfactorily completed remedial actions at the Site per DEQ-approved plans as required under the Consent Judgment. DEQ concludes that, because all environmental concerns have been addressed, issuance of a Conditional No Further Action determination is warranted.

B. No further remedial actions are required at the Site to protect the public health, safety, and welfare or the environment.

1 **3. Conditions**

2 A. This Certification of Completion applies only to the satisfactory completion of the
3 work conducted by OHS pursuant to the Consent Judgment.

4 B. DEQ does not, by this Certification, assume liability for any claim arising from acts or
5 omissions of OHS or its officers, employees, agents, successors, subsidiaries, or assigns relating to
6 actions pursuant to the Consent Judgment.

7 **4. Notice**

8 This order constitutes Certification of Completion under ORS 465.325(10) and may be
9 appealed by any aggrieved person in accordance with ORS 465.325(10)(c).

10
11 **Issued By:**

12 State of Oregon
13 Department of Environmental Quality

State of Oregon
Department of Justice

14 By: Lydia Emer
15 Lydia Emer
16 Land Quality Division Administrator
17 10/18/2023
 Date

By: Gary Vrooman
Gary Vrooman, OSB No. 075832
Assistant Attorney General
11/21/2023

Date

1 CERTIFICATE OF SERVICE

2 I certify that on November 21, 2023, I served a true copy of the foregoing of
3 CERTIFICATE OF COMPLETION in OREGON HUMANE SOCIETY, upon the party hereto
4 by the method indicated below, and addressed to the following:

5
6 Mr. Christopher W Rich
Perkins Coie LLP
7 1120 NW Couch, 10th Floor
Portland, OR 97209
8 Attorney for OREGON HUMANE SOCIETY

___ Hand Delivery
x Mail Delivery
___ Overnight Mail
___ E-Mail

9
10
11
12 *Gary Vrooman*

13 _____
Gary Vrooman, OSB #075832
14 Assistant Attorney General
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