

From: HANSON Don * DEQ
To: jwilliams@alpine-env-llc.com; Dunbar Carpenter
Cc: tina.elayer@deq.oregon.gov
Subject: RE: Coker Butte (ECS6494) - SRMP for your review
Date: Monday, April 22, 2024 10:19:00 AM
Attachments: [image001.png](#)
[image003.png](#)

Dear Jonathan and Dunbar, I've reviewed the revisions to the SRMP and it is approved. Thank you.

Don Hanson

Donald E. Hanson, RG (he/him/his)
Project Manager/Hydrogeologist
Western Region Environmental Cleanup
And Emergency Response
Oregon Department of Environmental Quality
165 E. 7th Avenue, Suite 100
Eugene, OR 97401
541-687-7349
don.hanson@des.oregon.gov

Coming soon! We are modernizing how we process and share information at DEQ. Starting **April 16, 2024**, the ECSI database will be retired as we move to Your DEQ Online (YDO), and electronic reports will be submitted through YDO. A YDO account will be needed to submit reports. Make sure you establish your Responsible Official account today! [Your DEQ Online account registration](#).



From: jwilliams@alpine-env-llc.com <jwilliams@alpine-env-llc.com>
Sent: Monday, April 15, 2024 1:40 PM
To: HANSON Don * DEQ <Don.HANSON@deq.oregon.gov>; Dunbar Carpenter <dcarpn186@aol.com>
Cc: ELAYER Tina * DEQ <Tina.ElAYER@deq.oregon.gov>
Subject: RE: Coker Butte (ECS6494) - SRMP for your review

Good afternoon Don and Tina – Attached for your review is the updated SRMP binder, as well as the MS Word Document in case you want to make any edits.

I am highly confident this version addresses all of the good comments we received from Don and incorporates the comments we discussed during last Wednesday's phone call.

If you have any questions, please let me know.

Regards – Jonathan

Jonathan D. Williams, R.G.
Senior Hydrogeologist, Principal
Alpine Environmental Consultants, LLC
12210 Antioch Road
White City, Oregon 97503
541.944.4685
jwilliams@alpine-env-llc.com

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From: HANSON Don * DEQ <Don.HANSON@deq.oregon.gov>
Sent: Wednesday, April 10, 2024 8:28 AM
To: jwilliams@alpine-env-llc.com <jwilliams@alpine-env-llc.com>; Dunbar Carpenter <dcarpn186@aol.com>
Cc: ELAYER Tina * DEQ <Tina.ElAYER@deq.oregon.gov>
Subject: RE: Coker Butte (ECS6494) - SRMP for your review

Jonathan and Dunbar, attached is the SRMP draft with some comments. Sorry about the formatting issues. We can discuss during our call later this morning. Haven't looked at the form yet.

Thanks,
Don

Donald E. Hanson, RG (he/him/his)
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From: jwilliams@alpine-env-llc.com <jwilliams@alpine-env-llc.com>
Sent: Wednesday, April 3, 2024 9:22 AM
To: ELAYER Tina * DEQ <Tina.ElAYER@deq.oregon.gov>
Cc: HANSON Don * DEQ <Don.HANSON@deq.oregon.gov>; Dunbar Carpenter <dcarpn186@aol.com>
Subject: RE: Coker Butte (ECS6494) - SRMP for your review

Thanks for acknowledging receipt Tina.

We made a command decision and opted for the general approach and called it April.

I just realized having copies of the two MS Word documents might make Don's review easier, so I have attached them.

I hope all goes well on the medical front and you enjoy as best as possible your break from work.

Regards – Jonathan

Jonathan D. Williams, R.G.
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From: ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov>
Sent: Wednesday, April 3, 2024 8:02 AM
To: jwilliams@alpine-env-llc.com <jwilliams@alpine-env-llc.com>
Cc: HANSON Don * DEQ <Don.HANSON@deq.oregon.gov>; Dunbar Carpenter <dcarpn186@aol.com>
Subject: RE: Coker Butte (ECS6494) - SRMP for your review

Good morning,

Thank you for providing the SRMP. Looks like everything came through fine.

Responding to previous question about date for EES – keeping it general to April is most likely the best choice as we are still in the draft phase until Brad can review and approve for signature and notary.

I won't have time to look at this before I leave. Thank you, Don, for filling in while I am out.

Regards,
Tina

Tina Elayer
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From: jwilliams@alpine-env-llc.com <jwilliams@alpine-env-llc.com>
Sent: Tuesday, April 2, 2024 6:50 PM
To: ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov>
Cc: HANSON Don * DEQ <Don.HANSON@deq.oregon.gov>; Dunbar Carpenter <dcarpen186@aol.com>
Subject: Coker Butte (ECS16494) - SRMP for your review

Good evening Tina – Attached for your review is the Soil Repository Management Plan.....aka the SRMP.

Based on the incredibly helpful outline, example reports, and inspection form templates you and Don provided, we've prepared what we believe is a focused plan that should minimize your review pain.

I am in the office for the remainder of the week and next week. Should you or Don have any questions, please feel free to contact me at any time.

Regards – Jonathan

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From: ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov>
Sent: Tuesday, April 2, 2024 4:27 PM
To: Dunbar Carpenter <dcarpen186@aol.com>
Cc: jwilliams@alpine-env-llc.com <jwilliams@alpine-env-llc.com>; HANSON Don * DEQ <Don.HANSON@deq.oregon.gov>
Subject: RE: Coker Butte (ECS16494) - Draft EES, IC report examples Dunbar Response - DOJ Attorney review - NFA questions

Hi Dunbar,
Perfect – I will fix the typo, remove the draft watermark, and create a workflow for Brad to review the EES for signature approval.
First draft of CNFA is routed to Don for review. When Don is ready to share, he will let you know.
Hope you all have a great week and equally awesome weekend!
Regards,
Tina

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From: Dunbar Carpenter <dcarpen186@aol.com>
Sent: Tuesday, April 2, 2024 4:07 PM
To: ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov>
Cc: jwilliams@alpine-env-llc.com <jwilliams@alpine-env-llc.com>; HANSON Don * DEQ <don.hanson@deq.oregon.gov>
Subject: Re: Coker Butte (ECS16494) - Draft EES, IC report examples Dunbar Response - DOJ Attorney review - NFA questions

Hello Tina,

I am ok with leaving the definition of "Owner" as is. I agree that a lessee needs to comply with the EES and the SRMP. Jonathan and I should be completing a draft of the SRMP and the Inspection Form this afternoon, and will send a copy to you and to Don for review.

I would love to look at a draft CNFA before you depart for your medical leave if that is possible.

Dunbar

On Tuesday, April 2, 2024, 02:12:54 PM PDT, ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov> wrote:

Good afternoon,
I routed the attached draft EES over to Lorenzo Danielson (DEQ attorney) and he confirmed what Gary Vrooman (DOJ AG) said regarding the owner/lessee language.
He also clarified Gary's comment for me - We do not want to change the definitions in the EES, specifically with regard to "Owner" since lessees are "owner/operators" under statute.
We would also expect that a lessee complies with the terms of the EES.

Lorenzo said if you have further questions about the owner/lessee language he can follow up with you. He also caught a typo in section 1.7 that must've remained from the track changes.
Always good to have another set of eyes on these things!

I'm including Don in this correspondence as I am getting closer to heading out for two weeks. Please send the SRMP via email to Don when it is ready.

Thanks,
Tina

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From: ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov>
Sent: Monday, April 1, 2024 1:08 PM
To: Dunbar Carpenter <dcarpen186@aol.com>
Cc: jwilliams@alpine-env-llc.com <jwilliams@alpine-env-llc.com>
Subject: RE: Coker Butte (ECS16494) - Draft EES, IC report examples Dunbar Response - DOJ Attorney review - NFA questions

Hi Dunbar,
I'm getting lost in the owner vs. lessee language. Thought I made the right changes to the draft EES (Manager review one).

I sent both versions (one with ALL the comments and the cleaned-up version with 'manager review' in title) to Lorenzo (DEQ Attorney).
Lorenzo will be able to look at it and provide comments tomorrow by close of business. I asked him to please track the changes he makes and explain the rationale.

Planning on pulling Don back into correspondence when I hear back from Lorenzo so he can follow up while I am gone.
Also wrapping up draft CNFA and will route to Don for review and comment later this afternoon.

Slowly clearing things from my plate!
Regards,
Tina

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From: Dunbar Carpenter <dcarpn186@aol.com>
Sent: Monday, April 1, 2024 12:32 PM
To: ELAYER Tina " DEQ" <tina.elayer@deq.oregon.gov>
Cc: williams.alpine-env-llc.com <williams@alpine-env-llc.com>
Subject: Re: Coker Butte (ECS16494) - Draft EES, IC report examples Dunbar Response - DOJ Attorney review - NFA questions

Hello Tina,

I believe in your March 25, '24 email to me you indicated your attorneys approved excluding any lessee from the definition of "Owner" in EES section 1.7. I did not see that exclusion in the 3-28-24 version of the EES unless I am missing something. Can you please check on that?

Thanks.

Dunbar

On Monday, April 1, 2024, 11:56:14 AM PDT, ELAYER Tina " DEQ" <tina.elayer@deq.oregon.gov> wrote:

Hi Dunbar,
Yes- that is the one.
Thanks,
Tina

From: Dunbar Carpenter <dcarpn186@aol.com>
Sent: Monday, April 1, 2024 11:51 AM
To: ELAYER Tina " DEQ" <tina.elayer@deq.oregon.gov>
Cc: williams.alpine-env-llc.com <williams@alpine-env-llc.com>
Subject: Re: Coker Butte (ECS16494) - Draft EES, IC report examples Dunbar Response - DOJ Attorney review - NFA questions

Hello Tina,

The draft you just sent today is headed 3-28-24 and I believe is the same one you sent on 3-28-24. Is this correct? Just want to make sure we are working with the same document.

Thanks.

Dunbar

On Monday, April 1, 2024, 10:13:23 AM PDT, ELAYER Tina " DEQ" <tina.elayer@deq.oregon.gov> wrote:

Hi Dunbar,
Here is the draft EES that is ready for Brad's review. Please let me know if you have comments or questions.
I am working on a draft conditional no further action letter today and will need to route to Don for review before I can share it with you.
Thanks,
Tina

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From: Dunbar Carpenter <dcarpn186@aol.com>
Sent: Friday, March 29, 2024 10:18 AM
To: ELAYER Tina " DEQ" <tina.elayer@deq.oregon.gov>

Cc: jwilliams alpine-env-llc.com <jwilliams@alpine-env-llc.com>
Subject: Re: Coker Butte (ECSI6494) - Draft EES, IC report examples Dunbar Response - DOJ Attorney review - NFA questions

Hello Tina,

Thanks for the update on the EES. Could you send the draft you have now to me before you send it to Brad, so I could look at it before his signature approval? I am pretty sure the draft is just fine, but I would like to make sure.

I understand you need the SRMP before sending it to Brad, since it will be an exhibit on the EES. I am working hard to get Jonathan to send me a draft of that document for review so we don't hold up the whole project, but it seems to be delayed on his end.

We will get you a draft of the SRMP as soon as possible.

Regards,

Dunbar

On Thursday, March 28, 2024, 01:37:03 PM PDT, ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov> wrote:

Drum roll please... just kidding... think we are getting this DEES to a point where it might just be ready to send to Brad (manager) for signature approval.

Consulted with Don and we need to add the SRMP to the EES (Exhibit C).

I'm not sure if Brad will look at it until that has happened (sorry Jonathan).

I'll ask him and see if he will... once you are good with DEES.

Btw- changed the title because it wouldn't let me add anymore characters!

Cheers,

Tina

Tina Elayer

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From: ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov>
Sent: Thursday, March 28, 2024 9:09 AM
To: Dunbar Carpenter <dcarpent186@aol.com>
Cc: jwilliams alpine-env-llc.com <jwilliams@alpine-env-llc.com>
Subject: RE: Coker Butte (ECSI6494) - Draft EES, IC report examples Dunbar Response - DOJ Attorney review - NFA questions

Good morning,

Bad thing about those day long trainings is that it usually takes a day to catch up!

Okay, I removed the lessee language that was causing heartburn and added the exhibits to the draft EES.

You made Exhibit B the soil repository map instead of the SRMP. I made the changes and sent to Don for review.

I think it looks more streamlined that way... but want to make sure we don't need the SRMP attached.

Will work on gng draft conditional no further action (CNFA) letter today and route to Don for review and comment before I send back to you.

Don did say a single conditional NFA would be cleaner for our purposes and may be less confusing for your purposes.

I just need to be clear that the conditions are only on the solar array part.

Happy Thursday, closer to Friday!

Btw- I am taking Friday 3/29 off for some R&R.

Will be back on Monday 4/1 (no fooling) and pick up where we left off.

Regards,

Tina

Tina Elayer

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From: Dunbar Carpenter <dcarpent186@aol.com>
Sent: Tuesday, March 26, 2024 2:14 PM
To: ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov>
Cc: jwilliams alpine-env-llc.com <jwilliams@alpine-env-llc.com>
Subject: Re: Coker Butte (ECSI6494) - Draft EES, IC report examples Dunbar Response - DOJ Attorney review - NFA questions

Thanks for the note Tina. Enjoy the training. And I will look forward to hearing from you tomorrow.

Dunbar

On Tuesday, March 26, 2024, 12:30:26 PM PDT, ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov> wrote:

Good afternoon, Dunbar, and Jonathan,
Thank you for the well wishes on speedy recovery, and I appreciate Jonathan's 'atta girl' on the diligence.
Looking forward to wrapping this project up and using it as an example with future projects.

I am in a training all day and had a few moments at lunch to respond to emails.

Will prioritize following up on this project when I am back in the work saddle tomorrow morning.
Giddy up- I better get back to my training!

Regards,
Tina

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From: Dunbar Carpenter <dcarpent186@aol.com>
Sent: Monday, March 25, 2024 5:58 PM
To: ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov>
Cc: jwilliams@alpine-env-llc.com <jwilliams@alpine-env-llc.com>
Subject: Re: Coker Butte (ECS16494) - Draft EES, IC report examples Dunbar Response - DOJ Attorney review - NFA questions

Thanks for your response Tina. And letting me know that you will be out of the office starting April 4, but the NFA will be covered by Don. I wish you a speedy recovery from surgery.

I retained Sean Metzger as a surveyor to give me the legal description and a map of the 12 acre soil repository site. He has done so and they are attached to this email.

I am glad we could clarify the language regarding any lessee in the EES.

I would like to get back to you on which form of NFA would be preferable. If Don thinks that a single letter that would release all the property except the repository area with conditions applicable only to the repository area set forth in the letter, that might work well. Then when those conditions are satisfied, would there be a second NFA letter applicable to the repository? If you would not mind drafting the single letter as described above, I could run the draft in front of Hayden Homes to see if that addresses their concerns. That seems like the most efficient process.

Regards,

Dunbar

On Monday, March 25, 2024, 01:58:34 PM PDT, ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov> wrote:

Good afternoon,
Heard back from Gary (DOJ AG) and he agreed with Lorenzo (DEQ Attorney) and Don (Lead Worker) about the owner change.
I routed Gary's response to Don and am waiting to hear back from him so I can make the last change to the draft EES and then send back to you for concurrence to proceed.

Was working with Jonathan on draft SRMP last week and let him know I will be out of the office on sick leave from 4/4/24-4/19/24.
I'm hoping to be back in the office on 4/22/24. That will depend on how well I recover from surgery.

Don said he would cover oversight of the project while I am out. I'm hoping to compose a draft NFA before I leave, please refer to highlighted section in email below asking about what NFA (single conditional, or two partials) you would prefer.
I can also compose a comfort letter in the interim if you think that would satisfy Hayden Homes before you get an NFA.

Please let me know at your earliest convenience what you prefer. I'll send draft EES back to you via email after I hear back from Don.
Thanks,
Tina

- 1.7 "Owner" means any person or entity, including Grantor, who at any time owns, or acquires any right, title, or interest in or to any portion of the Property or a vendee's interest of record to any portion of the Property, including any successor, heir, assign or holder of title or a vendee's interest of record to any portion of the Property, but excluding any entity or person who holds such interest as lessee or solely for the security for the payment of an obligation and does not possess or control use of the Property. Any lessee shall be given copies of the relevant Easement of Environmental Servitude and Soil Repository Management Plan so as to inform the lessee of the restrictions upon the use of the Property.
- 1.8 "Remedial Action" has the meaning set forth in ORS 465.200 and OAR 340-122-0115.

2. GENERAL DECLARATION

2.1 Grantor, in consideration of Grantee's issuance of a No Further Action letter with conditions, grants to DEQ an Easement for access and accepts the Equitable Servitudes described in this instrument and, in so doing, declares that the Property is now subject to and must in future be conveyed, transferred, leased, encumbered, occupied, built upon, or otherwise used or improved, in whole or in part, subject to this EES.

2.2 Each condition and restriction set forth in this EES touches and concerns the Property and the equitable servitudes granted in Section 3 and easement granted in Section 4

HANSON Don * DEQ
Need to check with Gary on this I think
February 21, 2024, 5:29 PM

ELAYER Tina * DEQ
Gary said he 'Agrees about the owner change. That is a boilerplate language change that you'd usually want a site specific justification for. I don't see how there would be one. Note that lessees are "owner/operators" under the statute and you would generally want a lessee to comply with the terms of an EES.'
March 25, 2024, 12:23 PM

Reply

From: ELAYER Tina * DEQ <Tina.ELAYER@deq.oregon.gov>
Sent: Wednesday, March 20, 2024 10:55 AM
To: Dunbar Carpenter <dcarpent186@aol.com>
Cc: williams.alpine-env-llc.com <williams@alpine-env-llc.com>
Subject: RE: Coker Butte (ECS16494) - Draft EES, IC report examples Dunbar Response - DOJ Attorney review - NFA questions

Good morning,

There was one highlighted clause under definition of owner in the draft EES that caused some pause with our in-house attorney, Lorenzo Danielson.

Lorenzo forwarded the draft EES to the DOJ Attorney General, Gary Vrooman, for review and comment.

I'm waiting to hear back from Gary – I let him know that there is a property transaction on the line and an expedited review would be appreciated.

Also gave him your cell # in case he wanted to reach out directly.

While we are waiting for that I asked Don Hanson if I could start composing a draft no further action (NFA) letter for the residential portion of the site.

Don said there could be two different letters for the site (1 for the residential property and 1 for the repository). They are the same "site", and in fact, need to be the same site because they are managing the contaminated soil "on site" (thus didn't need a solid waste letter of authorization to take it elsewhere).

|

We could do a single conditional NFA that includes conditions on the repository parcel. Or we could do two partial NFAs (pNFA) for the site in which one would be clean for the cleaned-up part, and one would be conditional (the repository).

Don thinks a single conditional NFA is cleaner for our purposes and may be less confusing for your purposes. We would just need to be clear that the conditions are only on the solar array parcel.

|

With that said, which would you prefer? Single conditional NFA, or two partial NFAs?

Please let me know if you'd like to talk through this before choosing one option.

Regards,
Tina

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From: Dunbar Carpenter <dcarpent186@aol.com>
Sent: Wednesday, March 13, 2024 5:15 PM
To: ELAYER Tina * DEQ <Tina.ELAYER@deq.oregon.gov>
Cc: williams.alpine-env-llc.com <williams@alpine-env-llc.com>
Subject: Re: Coker Butte (ECS16494) - Draft EES, IC report examples Dunbar Response

Thank you Tina for the responsive email. Very very helpful. I will let you know if I need the comfort letter.

As far as the gold star, I think all three of us deserve a collective one - make that three gold stars with one each - when we get through this process.

Dunbar

On Wednesday, March 13, 2024, 04:17:56 PM PDT, ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov> wrote:

Hi Dunbar,

I'll let the attorney know to reach out directly to you with comments. I have not heard back from him yet on whether he can review, will follow up tomorrow morning.

I'll also let him know this is time critical with a property transaction on the line.

The comfort letter would essentially go like this - Dunbar Carpenter, Veritas Properties, LLC is working cooperatively with DEQ and has developed a cleanup plan that DEQ has approved. We feel that once complete the remedial action (RA) will result in a property safe for unrestricted use, including residential development. The placement of soil containing low levels of contamination in an on-site repository (currently planned for a solar array), will also be protective. We anticipate issuing a no further action (NFA) determination letter following the completion of the site work in accordance with the remedial action plan.

I'd also add some other language like Dunbar is intent to ensure that the cleanup is completed in accordance with the plan and will receive a gold star once complete.

Okay- totally kidding about the gold star part... unless you want that in there. It's getting late in the day and I'm feeling a bit punchy.

The engineer review will not delay the NFA. If she has questions about the vegetative cap, then we'll address them.

The things delaying the NFA right now are the draft EES and the SRMP. I need the SRMP to attach to the EES before it is signed, notarized, and recorded with the county.

Once we have the recorded EES I can complete the draft NFA, route it to Don (lead worker) and then Brad Shultz (manager) for signature approval.

We usually need to submit a final invoice request to the financial department before we can give you the final NFA. This could take a few months with our current accounting system.

We could also ask for a final invoice estimate and have you send a check, or ACH deposit, to get the balance paid before you receive the final invoice.

I will ask Brad when he gets back on Tuesday next week if we can send you the NFA before the final payment is received... unless you still have a balance from the VCP deposit?

I can check and see where we are at with the invoicing later this week.

My tasks- follow up with attorney, finalize EES, route EES for signature and notary, compose draft NFA, and checking on how we can get you the NFA ASAP.

Please let me know if you need that comfort letter.

Whew, lots of moving parts. I hope you and Jonathan will be able to enjoy the amazing weather we are gearing up for towards this weekend.

Cheers,

Tina

Tina Elayer

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From: Dunbar Carpenter <dcarpent188@aol.com>

Sent: Wednesday, March 13, 2024 1:49 PM

To: ELAYER Tina * DEQ <Tina.ELAYER@deq.oregon.gov>

Cc: jwilliams@alpine-env-llc.com <jwilliams@alpine-env-llc.com>

Subject: Re: Colker Butte (ECS16494) - Draft EES, IC report examples Dunbar Response

Hello Tina,

Thanks for your prompt response. If your in-house attorney has comments or concerns, it would be most helpful, and probably the easiest and quickest, if s/he and I could email or talk directly. My cell is 503-956-6528.

The Medford Planning Commission hearing on the Hayden development has been deferred to the end of this month, so if we could target something close to mid-April for an NFA, that would work just fine. I am curious what is in a comfort letter. Your thoughts?

I am not sure what your staff engineer needs to know. The potential lease for a solar site is still under discussion, so that is not yet a confirmed project. We are planning on spreading grass seed on the repository as well as post it 'no trespassing' and seed the entire soil-removal area, so does s/he need to know more than that? It would be of significant concern if that new set of eyes delayed the NFA. According to Brad Daniel at CEC, he needs to see signs of green grass growing before he can sign off on the 1200-C permit. That is our goal.

Regards,

Dunbar

On Wednesday, March 13, 2024, 12:20:10 PM PDT, ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov> wrote:

Hi Dunbar,

Don suggested I route it to our in-house attorney to review and see if we can accept the edited text.

I'll check in with him tomorrow on the progress.

Sounds good with the SRMP.

Don also said we don't need a staff memo, which will speed things up a bit.

Still thinking we won't be able to get you an NFA before the end of March.

I can see composing a comfort letter in the interim. Did you check with the developer to see if that would satisfy them for now?

We also had a request from our staff engineer to review any plans for engineering controls (such as the design for the storage cell - repository- and vegetated cap) and associated maintenance plans.

That shouldn't affect the residential development land, just wanted to let you now there may be another set of eyes on the project.

I'll be in touch tomorrow.

Regards,

Tina

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From: Dunbar Carpenter <dcarpent186@aol.com>
Sent: Wednesday, March 13, 2024 11:59 AM
To: ELAYER Tina * DEQ <Tina.ELAYER@deq.oregon.gov>
Cc: jwilliams alpine-env-llc.com <jwilliams@alpine-env-llc.com>
Subject: Re: Coker Butte (ECS16494) - Draft EES, IC report examples Dunbar Response

Hello Tina,

Any word on the latest EES draft I submitted to you last week? It would be nice to have an acceptable text going forward. Jonathan is working on the SRMP and we are planning on getting you a draft of that next week.

Thanks in advance.

Dunbar

On Monday, March 4, 2024, 01:33:08 PM PST, ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov> wrote:

Thanks Dunbar,

Don will be back in the office on Wednesday.

I'll check with him when he gets back and see if we are good with the draft EES as it is now.

Regards,

Tina

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From: Dunbar Carpenter <dcarpent186@aol.com>
Sent: Monday, March 4, 2024 12:10 PM
To: ELAYER Tina * DEQ <Tina.ELAYER@deq.oregon.gov>
Cc: jwilliams alpine-env-llc.com <jwilliams@alpine-env-llc.com>
Subject: Re: Coker Butte (ECS16494) - Draft EES, IC report examples Dunbar Response

Hello Tina,

I am attaching my comments on Don's and your response to my proposed changes in the EES. I don't think that there are many areas of disagreement now, which is encouraging. I am not sure why one of Don's comments is X'd but it stands as written.

Please let me know what you think.

Thanks.

Dunbar

On Friday, February 23, 2024, 09:37:02 AM PST, ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov> wrote:

Good morning,

Attached you will find the draft EES with our responses to your proposed changes.

Don requested I use track changes so we could keep better track of the proposed changes and responses.

Don was also saying there is at least one proposed change that he thinks is a 'no-go' and we would need to go to DOJ on it.

There were a few issues with lessee vs. owner.

You'll also notice in Section 3 the restrictions regarding signage will need to align with the soil repository management plan (SRMP).

When will you and Jonathan have the SRMP ready for our review?

Happy Friday,

Tina

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From: Dunbar Carpenter <dcarpent186@aol.com>
Sent: Saturday, February 17, 2024 11:59 AM
To: ELAYER Tina * DEQ <Tina.ELAYER@deq.oregon.gov>
Cc: jwilliams@alpine-env-llc.com <jwilliams@alpine-env-llc.com>
Subject: Re: Coker Butte (ECS16494) - Draft EES, IC report examples

Hello Tina,

I have amended the EES and titled it DC DEQ Draft 2. My proposed changes are in italics, and the strike-throughs are self explanatory. I will require any leaseholder, including Hawthorne Renewables, to make annual inspection reports to me regarding compliance with the EES, which I will keep on file. Under current plans, Hawthorne would be a 30 year lessee. I will ask them to take photos to submit with the annual reports, but I have not included that language in the EES.

I removed my name as a Grantor, because I have no legal ownership in the land. I am an interest holder in the LLC, and am authorized to sign legal documents on its behalf.

As noted in our recent telephone conference, the soil on the repository is likely to be less contaminated than the untouched 12 acre former orchard property on the northern portion of Tax Lot 900. I plan on posting no trespassing signs on both areas.

Please review with Don and get back to me and Jonathan when you can. I will contact a surveyor to get an easement property description.

It would be very helpful to see a SRMP if you have one on file.

Thanks for your assistance.

Dunbar Carpenter

On Wednesday, February 14, 2024, 12:46:51 PM PST, ELAYER Tina * DEQ <tina.elayer@deq.oregon.gov> wrote:

Good afternoon,

Here is a copy of draft EES and an example of IC/CAP inspection form.

I need to modify the checklist to be applicable to the soil repository and change it from semi-annual to annual.

Pictures will also be helpful to add to the annual inspection reports.

The five-year report will be a summary of annual inspections of soil repository conducted by lessee.

Lessee/owner keeps the annual reports and then the five-year will need to be sent to DEQ for our records.

I'll look for examples of a soil repository management plan (SRMP) and send via email if I am successful.

Thanks,

Tina

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