

DANA Kevin * DEQ

From: Brooks Foster <bfooster@chenowethlaw.com>
Sent: Tuesday, July 26, 2022 4:27 PM
To: Bradley T. Crittenden; Kevin.DANA@state.or.us; Vrooman Gary L
Cc: PARRETT Kevin * DEQ
Subject: RE: SHA / DEQ — administrative order on consent
Attachments: Draft Order on Consent -- CLG redlines July 26, 2022 to DEQ.docx; Site Vicinity Map - Elk Ridge Estates - Ex B.pdf; Legal Description - Elk Ridge Estates - Ex. A.pdf; Tract E CAP - Ex. D.pdf; Tract F CAP - Ex. G.pdf

Thanks, Brad.

I am copying Kevin Parrett into this email and including the attachments to ensure he has them.

I believe the next step is for Gary to provide his input regarding the draft consent order. Gary, can we schedule a video conference or phone call?

I will be out of the country from Aug. 2 to 18, but I will be working as needed during that time. SHA would like to reach an informal agreement with DEQ regarding the terms of the consent order by around the middle of August to ensure we can put it out for public comment at the beginning of September. SHA, Brad, and I are committed to doing what is needed to help make that happen.

Brad and I removed the findings of fact from this draft of the consent order because they are the subject of emails Kevin Dana and I exchanged earlier today. At any point we can incorporate the draft findings into the draft consent order.

Brooks M. Foster
Shareholder

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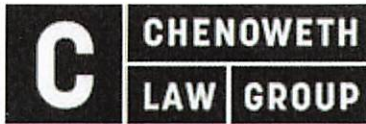
From: Bradley T. Crittenden <bccrittenden@chenowethlaw.com>
Sent: Tuesday, July 26, 2022 4:09 PM
To: Kevin.DANA@state.or.us; Vrooman Gary L <gary.l.vrooman@doj.state.or.us>
Cc: Brooks Foster <bfooster@chenowethlaw.com>
Subject: SHA / DEQ — administrative order on consent

Kevin and Gary,

Please see the attached revised administrative order on consent and supporting documents, which I am sending to you on behalf of St. Helens Assets, LLC ("SHA"). This revised order differs from the draft of the order I sent you on July 15, 2022, in that the proposed revisions in the attached draft are in response to a telephone conference Brooks had with Kevin Dana and Kevin Parrett on July 21, 2022. I have also included four exhibits in support of the revised order. Please review the attached documents and let us know when you're available for a phone call to discuss them.

Bradley Crittenden
Attorney

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INFORMATION CONTAINED IN THIS COMMUNICATION IS PRIVILEGED AND/OR CONFIDENTIAL, INTENDED ONLY FOR THE INDIVIDUAL/ENTITY NAMED ABOVE. IF READER OF THIS NOTICE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS EMAIL IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY PHONE (503) 221-7958 OR EMAIL, AND DELETE IT FROM YOUR COMPUTER. THANK YOU.

DANA Kevin * DEQ

From: Bradley T. Crittenden <bcrittenden@chenowethlaw.com>
Sent: Tuesday, July 26, 2022 4:09 PM
To: Kevin.DANA@state.or.us; Vrooman Gary L
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Bradley Crittenden
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Exhibit "A"

Real property in the County of Columbia, State of Oregon, described as follows:

PARCEL 1: BEGINNING 1659 FEET SOUTH OF THE NORTHEAST CORNER OF FRANCIS PERRY DONATION LAND CLAIM IN SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF COLUMBIA AND STATE OF OREGON; THENCE SOUTH ALONG THE EAST LINE OF SAID CLAIM 580 FEET TO A POINT; THENCE WEST 600 FEET TO THE CENTER OF HANKEY COUNTY ROAD NO. P-128 (RELOCATED HANKEY COUNTY ROAD NO 26); THENCE NORTHERLY ALONG THE CENTER OF SAID ROAD 180 FEET TO THE SOUTHERLY LINE OF A TRACT DESCRIBED IN DEED FROM HARLEY C. VANDOLAH, ET AL TO ALEX W. BLANKENSHIP, RECORDED JULY 17, 1936 IN BOOK 59, PAGE 245, DEED RECORDS OF COLUMBIA COUNTY, OREGON; THENCE SOUTH 47°55'00" WEST, ALONG THE SOUTHERLY LINE OF SAID TRACT, 180 FEET TO THE CENTER OF MILTON CREEK; THENCE NORTH 45°30'00" WEST 617.7 FEET; THENCE NORTH 153.8 FEET TO THE SOUTH LINE OF TRACT DESCRIBED IN DEED FROM J.A. VAN DOLAH TO JOSEPH L. SASIA RECORDED MARCH 29, 1919 IN BOOK 27, PAGE 272, DEED RECORDS OF COLUMBIA COUNTY, OREGON; THENCE EAST ALONG SAID SOUTH 1147.6 FEET TO A POINT; THENCE CONTINUING EAST ON AN EXTENSION OF SAID LINE TO THE PLACE OF BEGINNING, BEING IN COLUMBIA COUNTY, OREGON. EXCEPTING THEREFROM A TRACT DESCRIBED IN DEED TO LOREN BARRICK, ET UX, BY DEED RECORDED JUNE 2, 1972 IN BOOK 187, PAGE 13, DEED RECORDS OF COLUMBIA COUNTY, OREGON. EXCEPTING THEREFROM A TRACT DESCRIBED IN DEED TO FRED M. CHAMBERLAIN, ET UX, BY DEED RECORDED APRIL 7, 1987 IN BOOK 268, PAGE 638, DEED RECORDS OF COLUMBIA COUNTY, OREGON. ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE PLATS OF ELK RIDGE ESTATES, PHASE 1 AND 4, RECORDS OF COLUMBIA COUNTY, OREGON.

PARCEL 2: THAT PORTION OF THE FRANCIS PERRY DONATION LAND CLAIM NO. 57 IN SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF COLUMBIA AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

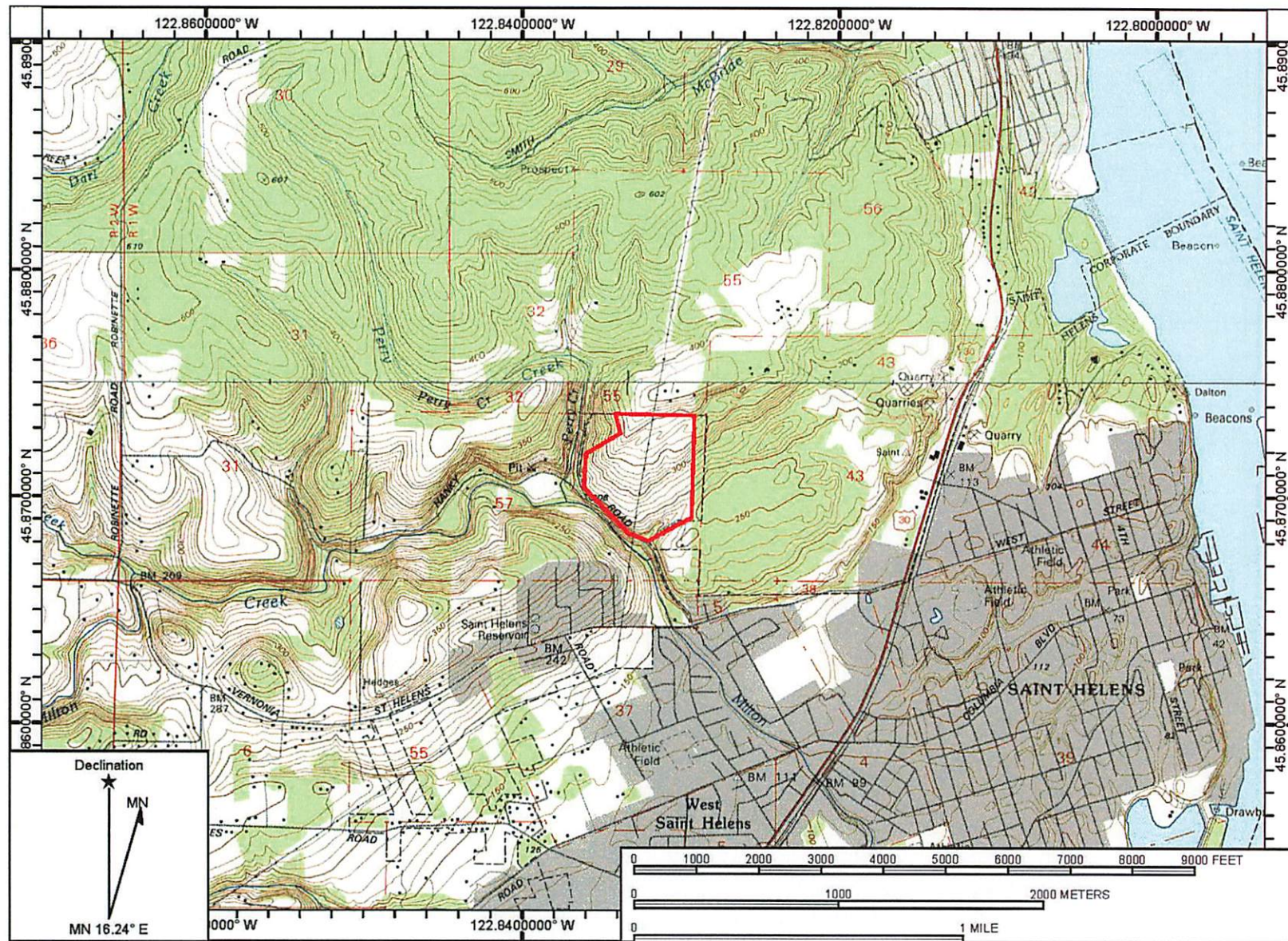
BEGINNING AT THE NORTHEAST CORNER OF SAID PERRY CLAIM IN SAID SECTION, TOWNSHIP AND RANGE; THENCE SOUTH ALONG THE EAST LINE OF SAID PERRY CLAIM, 1587 FEET; THENCE WEST 165 FEET; THENCE SOUTH 72 FEET; THENCE WEST 1147.6 FEET; THENCE NORTH TO THE CENTER LINE OF HANKEY COUNTY ROAD P-26, (ALSO KNOW AS COUNTY ROAD P-128); THENCE NORTHWESTERLY ALONG THE CENTER LINE OF SAID COUNTY ROAD TO ITS INTERSECTION WITH THE CENTER LINE OF MCCLINTOCK COUNTY ROAD; THENCE NORTHERLY ALONG THE CENTER LINE OF SAID MCCLINTOCK COUNTY ROAD TO THE NORTH LINE OF SAID PERRY CLAIM; THENCE SOUTH 88°00'00" EAST, ALONG THE NORTH LINE OF SAID PERRY CLAIM, 1742.42 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE PLATS OF ELK RIDGE ESTATE PHASE 1, 2 AND 4, RECORDS OF COLUMBIA COUNTY, OREGON. ALSO EXCEPTING THEREFROM LOT 61 OF ELK RIDGE ESTATES, PHASE 3, IN THE CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON.

PARCEL 3: LOTS 1, 2, 3, 4, 5, 6, 7, 11, 12, 13 AND 14 AND TRACT A, ELK RIDGE ESTATES PHASE 1, COLUMBIA COUNTY, OREGON. ALSO THAT PORTION OF RIDGEVIEW DRIVE VACATED BY ORDINANCE NO. 3053, RECORDED OCTOBER 11, 2007 AS FEE NUMBER 2007-012960, RECORDS OF COLUMBIA COUNTY, OREGON.


PARCEL 4: LOTS 15 THROUGH 60, INCLUSIVE, AND TRACT B, ELK RIDGE ESTATES PHASE 2, IN THE CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON.

PARCEL 5: LOTS 62, 63, 64, 65 AND 66, ELK RIDGE ESTATES PHASE 4, A REPLAT OF LOTS 8, 9 AND 10, ELK RIDGE ESTATES PHASE 1 AND REPLAT OF TRACTS C AND D, ELK RIDGE ESTATES PHASE 2, IN THE CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON.

EXHIBIT B



Source: USGS Topographic Map, 7.5-Minute St Helens Quadrangle, 1990

	<p>Date Drawn: 4/29/2013 CAD File Name: 826-12001-01sv_map Drawn By: LDG Approved By: NMW</p>	<p>Elk Ridge Development N 45.8712 Deg / W 122.8321 Deg St. Helens, Oregon</p>	<p>Site Vicinity Map</p>	<p>Project No. 826-12001-05 Figure No. 1</p>
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LEGAL DESCRIPTION
WASTE AREA
ELK RIDGE ESTATES PHASE 5

EXHIBIT "A"
(SHEET 1 OF 2)

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, COLUMBIA COUNTY OREGON, BEING A PORTION OF TRACT "E", "ELK RIDGE ESTATES, PHASE 5" A PLAT OF RECORD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS LAND SURVEYORS" AT THE SOUTHWEST CORNER OF THE AFOREMENTIONED TRACT "E", BEING ON THE NORTH RIGHT OF WAY LINE OF HANKEY ROAD, COUNTY ROAD NO. P-128 (25.00 FEET FROM CENTERLINE); THENCE ALONG THE NORTHWESTERLY LINE OF SAID TRACT "E" NORTH 59°08'33" EAST, 268.66 FEET; THENCE LEAVING SAID NORTHWESTERLY LINE, NORTH 65°55'08" EAST, 15.28 FEET; THENCE NORTH 57°39'27" EAST, 19.30 FEET; THENCE NORTH 73°09'37" EAST, 12.81 FEET; THENCE NORTH 66°44'19" EAST, 27.14 FEET; THENCE NORTH 72°01'06" EAST, 42.84 FEET; THENCE NORTH 85°05'30" EAST, 25.28 FEET; THENCE SOUTH 80°48'15" EAST, 53.70 FEET; THENCE NORTH 66°40'24" EAST, 71.50 FEET; THENCE NORTH 74°14'17" EAST, 42.12 FEET; THENCE NORTH 76°23'08" EAST, 51.61 FEET; THENCE NORTH 79°57'36" EAST, 24.77 FEET; THENCE SOUTH 73°12'50" EAST, 5.96 FEET; THENCE SOUTH 49°02'26" EAST, 3.82 FEET; THENCE SOUTH 28°57'03" EAST, 19.32 FEET; THENCE SOUTH 45°00'50" EAST, 14.27 FEET; THENCE SOUTH 01°32'04" WEST, 9.51 FEET; THENCE SOUTH 63°34'13" WEST, 20.14 FEET; THENCE SOUTH 61°59'59" WEST, 39.44 FEET; THENCE SOUTH 59°00'22" WEST, 45.62 FEET; THENCE SOUTH 57°26'12" WEST, 72.36 FEET; THENCE SOUTH 58°42'18" WEST, 98.49 FEET; THENCE SOUTH 55°54'18" WEST, 103.66 FEET; THENCE SOUTH 51°13'30" WEST, 58.03 FEET; THENCE SOUTH 49°33'52" WEST, 93.25 FEET TO THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED HANKEY ROAD (25.00 FEET FROM CENTERLINE); THENCE ALONG SAID NORTH RIGHT OF WAY LINE 99.76 FEET ALONG THE ARC OF A 411.40 FOOT RADIUS CURVE, CONCAVE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 13°53'39" (CHORD BEARS NORTH 57°06'10" WEST, 99.52 FEET); THENCE NORTH 64°02'59" WEST, 86.27 FEET TO A POINT OF CURVATURE; THENCE 28.46 FEET ALONG THE ARC OF A 549.95 FOOT RADIUS CURVE, CONCAVE NORTHEAST, THROUGH A CENTRAL ANGLE OF 02°57'55" (CHORD BEARS NORTH 62°34'02" WEST, 28.46 FEET) TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: OREGON STATE PLANE, NORTH ZONE, NAD 83, EPOCH 2010.00.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2021
DARREN E HAMMACK
57208

DATE OF SIGNATURE: 1-7-22
EXPIRES: 06/30/2023



4107 SE International Way, Suite 705, Milwaukie, Oregon 97222

Phone: 503.653.9093 Fax: 503.653.9095 Email: compass@compass-landsurveyors.com

HANKEY ROAD
CO. RD. NO. P-128

L=28.46'
R=549.95'
Δ=02°57'55"
CH=N62°34'02"W
28.46'

L=99.76'
R=411.40'
Δ=13°53'39"
CH=N57°06'10"W
99.52'

POINT OF
BEGINNING

LOT 67

LOT 68

LOT 69

LOT 70

LOT 71

LOT 72

LOT 73

LOT 15

LOT 16

LOT 17

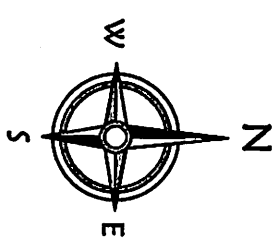
ELK MEADOWS DRIVE

"ELK RIDGE ESTATES PHASE 5"

"ELK RIDGE ESTATES PHASE 2"

TRACT E
"ELK RIDGE ESTATES PHASE 5"

TRACT E
"ELK RIDGE ESTATES PHASE 5"



60' 0 60'
SCALE: 1" = 60'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darren E Hammack

OREGON
JULY 13, 2021
DARREN E HAMMACK
57208

DATE OF SIGNATURE: 1-7-22
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8462 Exh2.dwg

EXHIBIT "A"

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

WASTE AREA IN TRACT E, "ELK RIDGE ESTATES
PHASE 5", SE 1/4 SECTION 32, T.5N., R.1W., W.M
COLUMBIA COUNTY, OREGON

2
2



LEGAL DESCRIPTION
WASTE AREA
TAX LOT 100
MAP 05-01-32DB

EXHIBIT "A"
(SHEET 1 OF 2)

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, COLUMBIA COUNTY OREGON, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2012-001028, COLUMBIA COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS LAND SURVEYORS" AT THE NORTHEAST CORNER OF TRACT "F", "ELK RIDGE ESTATES, PHASE 6", A PLAT OF RECORD; THENCE ALONG THE NORTH LINE OF SAID TRACT "F" NORTH 43°09'44" WEST, 61.02 FEET TO THE CENTERLINE OF A 100.00 FOOT WIDE TRANSMISSION LINE EASEMENT, DESCRIBED IN DEED BOOK 67, PAGE 161, COLUMBIA COUNTY DEED RECORDS; THENCE ALONG SAID CENTERLINE NORTH 11°55'30" EAST, 195.09 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE NORTH 45°06'55" WEST, 32.37 FEET; THENCE NORTH 17°10'58" WEST, 37.84 FEET; THENCE NORTH 23°58'32" EAST, 39.81 FEET; THENCE NORTH 40°10'43" EAST, 43.35 FEET; THENCE NORTH 34°53'17" EAST, 31.94 FEET; THENCE NORTH 30°45'17" WEST, 50.32 FEET; THENCE NORTH 01°23'47" WEST, 28.29 FEET; THENCE NORTH 59°14'05" EAST, 33.69 FEET; THENCE SOUTH 76°06'56" EAST, 20.16 FEET TO THE AFOREMENTIONED EASEMENT CENTERLINE; THENCE CONTINUING SOUTH 76°06'56" EAST, 18.95 FEET; THENCE SOUTH 67°28'42" EAST, 36.09 FEET; THENCE SOUTH 12°54'53" WEST, 51.49 FEET; THENCE SOUTH 13°01'46" WEST, 54.95 FEET; THENCE SOUTH 12°37'09" WEST, 54.25 FEET; THENCE SOUTH 46°14'14" WEST, 91.92 FEET TO THE TRUE POINT OF BEGINNING.

BASIS OF BEARINGS: OREGON STATE PLANE, NORTH ZONE, NAD 83, EPOCH 2010.00.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2021
DARREN E HAMMACK
57208

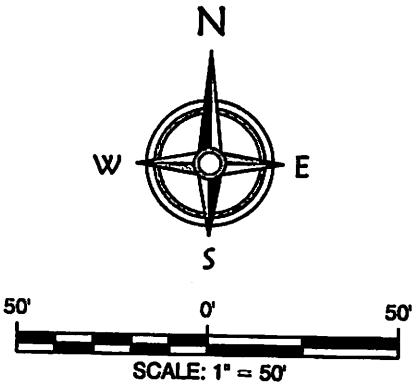
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4107 SE International Way, Suite 705, Milwaukie, Oregon 97222

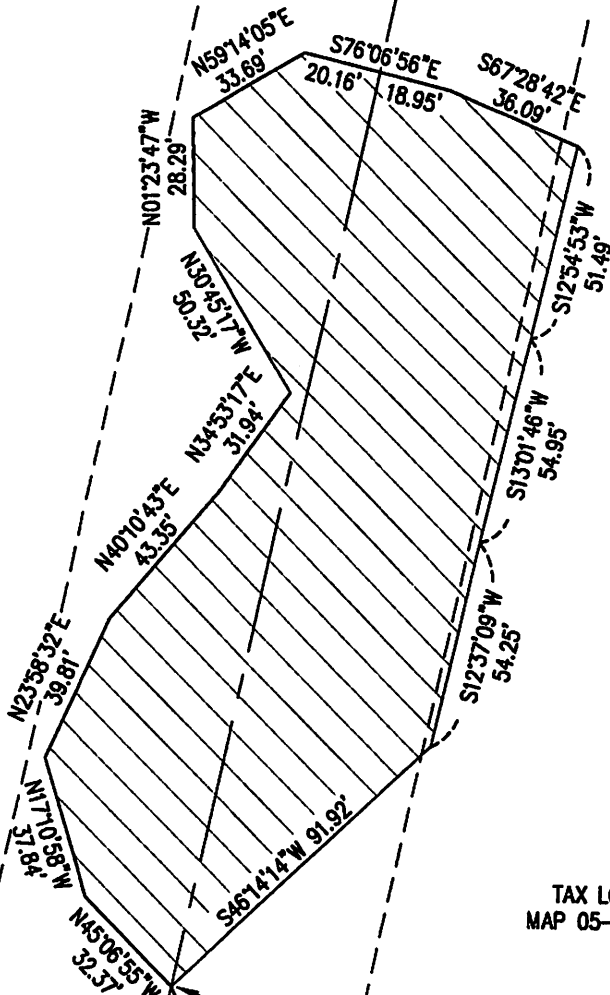
Phone: 503.653.9093 Fax: 503.653.9095 Email: compass@compass-landsurveyors.com



TAX LOT 100
MAP 05-01-32DB

DOCUMENT
NO. 2012-001028

TAX LOT 100
MAP 05-01-32DB



TRUE
POINT OF
BEGINNING

CENTERLINE OF 100.00'
TRANSMISSION LINE EASEMENT
BOOK 67, PAGE 161

POINT OF
COMMENCEMENT

LOT 74
"ELK RIDGE ESTATES PHASE 6"

TRACT F
"ELK RIDGE ESTATES, PHASE 6"

LOT 11
"ELK RIDGE
ESTATES
PHASE 1"

VALLEY VIEW DR

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darren Hammack

OREGON
JULY 13, 2021
DARREN E HAMMACK
57208

DATE OF SIGNATURE: 1-7-22
EXPIRES: 06/30/2023

8462 Exh.dwg

EXHIBIT "A"

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4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

WASTE AREA IN TAX LOT 100,
SE 1/4 SECTION 32, T.5N., R.1W., W.M
COLUMBIA COUNTY, OREGON

2

2