



Oregon

Kate Brown, Governor

Department of Environmental Quality

Northwest Region

700 NE Multnomah Street, Suite 600

Portland, OR 97232

(503) 229-5263

FAX (503) 229-6945

TTY 711

April 13, 2017

Tiffany Sweitzer
Hoyt Street Properties
1022 NW Marshall St., Unit 270
Portland, OR 97209-2989

RE: Certification of Completion Needed
for Pearl Court in Portland
ECSI #1624

Dear Ms. Sweitzer:

The Department of Environmental Quality (DEQ) has recently reviewed information on the Pearl Court site, located at 920 NW Kearney Street in Portland. The site is one of approximately 30 city blocks associated with the former Hoyt Street Railyard. Hoyt Street Properties, LLC purchased the Railyard in 1994 and entered into a *Stipulation and Consent Decree* (the "Consent Decree") with DEQ in February 2002 to address residual soil contamination across the majority of the Railyard blocks.

The portion of the Hoyt Street Railyard covered by the Consent Decree lies almost entirely to the north of NW Lovejoy Street. However, the Consent Decree also covers the Pearl Court site. Section 2.B.(2) of the Consent Decree states that "The facility subject to this Consent Decree includes . . . one block south of NW Kearney Street between NW 10th and NW 9th Avenues . . ." An attachment to the Consent Decree (enclosed with this letter for reference) confirms that the one block referred to is the Pearl Court site.

The Consent Decree also states, in Section 2.B.(7), that Burlington Northern Santa Fe (BNSF) Railway Company removed contaminated soils from the Pearl Court site in the summer of 1996, and that the site was subsequently purchased by Pearl Court Limited Partnership through a Prospective Purchaser Agreement with DEQ. Further, "DEQ has since determined that completion of the interim action by BNSF has resulted in a protective remedy . . . such that cap maintenance and deed restrictions are no longer necessary for this block."

The Pearl Court site appears to be eligible for a Certification of Completion under the Consent Decree. The site also appears eligible for a Certification of Completion of the Prospective Purchaser Agreement, and eligible for a No Further Action (NFA) determination.

DEQ will need to properly document the interim action taken by BNSF in order to make the NFA determination. Once the Pearl Court site has received an NFA, it can receive the Certifications of Completion. DEQ will need to charge for its time in conducting this work, and we are seeking your concurrence before initiating the work.

No action is required of you at this time. However, DEQ believes that this work is required under the Consent Decree, and will need to be completed as part of the overall Hoyt Street

Railyard project. At the current rate of redevelopment, DEQ anticipates that work under the Consent Decree will be completed in 5-8 years.

Please contact me at (503) 229-5369 or by e-mail at dana.kevin@deq.state.or.us if you have any questions about this letter. We appreciate all your work on the Hoyt Street Railyard project, and look forward to seeing the project through to completion.

Sincerely,

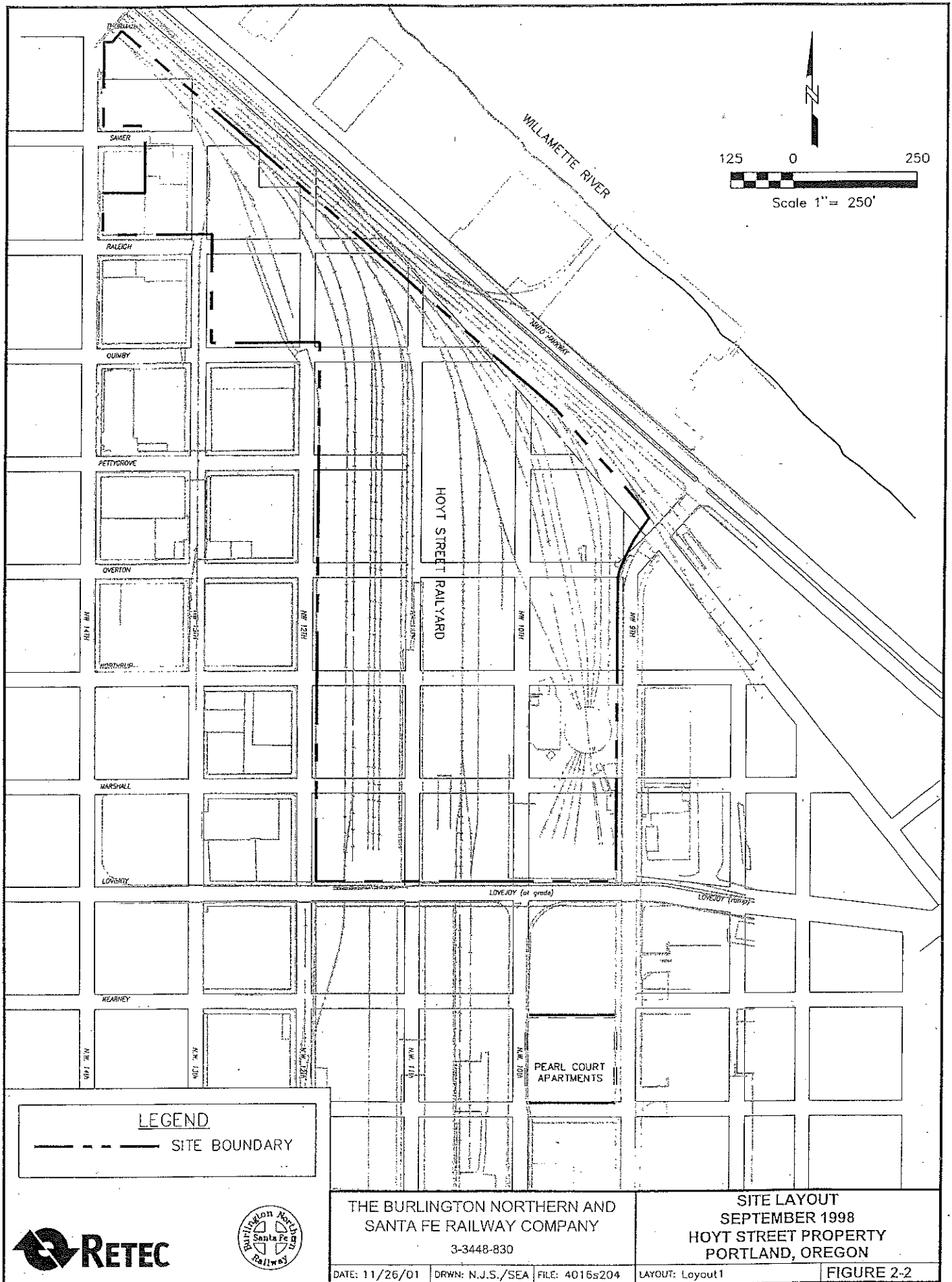


Kevin Dana, Project Manager
Northwest Region Cleanup

Enclosure: Hoyt Street Properties Site Boundary Map

cc: Donna Kelley, Portland Housing Authority
Richard Allan, Marten Law
ECSI #1080 File
ECSI #1624 File

ATTACHMENT A



LEGEND

--- SITE BOUNDARY



THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

3-3448-830

DATE: 11/26/01 DRWN: N.J.S./SEA FILE: 4016s204

SITE LAYOUT
SEPTEMBER 1998
HOYT STREET PROPERTY
PORTLAND, OREGON

LAYOUT: Layout1

FIGURE 2-2