



Oregon

Kate Brown, Governor

Department of Environmental Quality

Northwest Region

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TTY 711

November 21, 2024

Margaret Olson
US Environmental Protection Agency, Region 10
805 SW Broadway, Suite 500
Portland, OR 97205

Re: Petroleum Eligibility Determination
Ione Gas (former)
ECSI 6529

Dear Ms. Olson:

The Oregon Department of Environmental Quality has reviewed information associated with the property located at 320 Main St in Ione, Morrow County, Oregon. The review was performed to determine if the site is eligible for DEQ's State Response Cooperative Agreement. Based on the review of available information, DEQ has determined that site meets eligibility criteria and is eligible to receive funding.

In order to determine the site's eligibility, DEQ used the criteria provided by EPA in a document entitled *Information on Sites Eligible for Brownfields Funding under CERCLA § 104(k)*¹ as a guide.

Section 1.3.2 *Contamination by Petroleum or Petroleum Product* states...

"For a petroleum-contaminated site that otherwise meets the definition of a brownfield site to be eligible for funding, EPA or the state must determine:

1. There is no viable responsible party.
2. The site will not be assessed, investigated or cleaned up by a person that is potentially liable for cleaning up the site.
3. The site must not be subject to a corrective action order under the Resource Conservation and Recovery Act (RCRA) § 9003(h)."

"A Site for Which There is No Viable Responsible Party"

Section 1.3.2 states "...A petroleum-contaminated site may be determined to have no responsible party if the site was last acquired (regardless of whether the site is owned by the applicant/recipient) through tax foreclosure, abandonment, or equivalent government proceedings, and that site meets the criteria in (1) below. Any petroleum-contaminated site not acquired by a method will be determined to have a responsible party if the site fails to meet the criteria in both (1) and (2) below.

¹www.epa.gov/sites/default/files/2018-10/documents/web-content-info-on-site-eligibility.pdf

1. No responsible party has been identified for the site through:
 - a. an unresolved judgment rendered in a court of law or an administrative order that would require any party (including the applicant/recipient) to conduct the activities (including assessment, investigation, or cleanup) contemplated by the grant proposal/submitted as part of a site eligibility determination;
 - b. an unresolved enforcement action by federal or state authorities that would require any party (including the applicant/recipient) to conduct the activities (including assessment, investigation, or cleanup) contemplated by the grant proposal/submitted as part of a site eligibility determination; or
 - c. an unresolved citizen suit, contribution action or other third party claim brought against the current or immediate past owner for the site that would, if successful, require the activities (including assessment, investigation, or cleanup) proposed in the grant proposal to be conducted/submitted as part of a site eligibility determination.

2. The current and immediate past owner did not dispense or dispose of, or own the subject property during the dispensing or disposal of, any contamination at the site, did not exacerbate the contamination at the site, and took reasonable steps with regard to the contamination at the site...”

Response: 1. DEQ has not identified any unresolved judgments rendered in a court of law or an administrative order that would require a party to assess, investigate, or cleanup the site. DEQ does not have any unresolved enforcement actions against any party to assess, investigate, or cleanup the site. DEQ is unaware of any unresolved citizen suit, contribution action or other third party claim brought against the current or former owners that would require a party to assess, investigate, or cleanup the site.

2. Morrow County acquired the property through tax foreclosure on October 7, 2020.

“Cleaned Up by a Person Not Potentially Liable”

Section 1.3.2 states “Brownfields funding may be awarded for the assessment and cleanup of petroleum-contaminated sites provided they meet the requests below.

- 1) The applicant/recipient has not dispensed or disposed of or owned the property during the dispensing or disposal of petroleum or petroleum product at the site; and
- 2) The applicant/recipient did not exacerbate the contamination at the site and took reasonable steps with regard to the contamination at the site.”

Response: DEQ (the applicant) has not dispensed or disposed of or owned the property during the dispensing or disposal of petroleum or petroleum product at the site. DEQ has not exacerbated contamination at the site.

“Is not subject to any order issued under Resource Conservation and Recovery Act (RCRA) §9003(h)”

Response: The property is not subject to a corrective action order under the Solid Waste Disposal Act of RCRA.

Based on the above discussion, DEQ has determined the former Ione Gas property is eligible for petroleum funding from DEQ’s State Response Cooperative Agreement.

If you have any questions or need clarification of any of the issues addressed in this letter, please do not hesitate to me at (503) 860-3943.

Sincerely,

Katie DAUGHERTY

Katie Daugherty, R.G.
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Cleanup Program
Northwest Region