

1 8. Respondent intends to sell the Property to the City of Cornelius for a purchase price
2 that is based on fair market value and current market conditions.

3 9. On July 31, 2006, DEQ received a report that petroleum had been released from a
4 regulated UST at the Property and established Leaking UST (LUST) File No. 34-06-1375. In
5 January 2012, DEQ issued a Notice of Civil Penalty and Order to Comply to M&G Collections
6 LLC for failure to determine the full nature, magnitude and extent of the contamination caused by
7 the release from the UST. The Property was purchased by Islam R. El Masry on October 5, 2015.
8 Although EVREN Northwest, Inc. on behalf of Islam R. El Masry performed additional
9 investigations at the Property in 2018 and 2019, the presence of five out-of-compliance USTs
10 prevented closure of the UST release. Since July 31, 2006, DEQ has provided oversight of
11 investigation and cleanup work at the Property under Oregon Administrative Rules (OAR) 340-122-
12 0205 through 0360.

13 10. Pursuant to ORS 465.330, Respondent has incurred and owes \$39,325 in cost
14 recovery expenses and accrued interest related to oversight under the LUST Program as of
15 December 3, 2024, to DEQ for account no. T37434.

16 I. AGREEMENT

17 Respondent and DEQ hereby agree that:

18 1. This Mutual Agreement and Final Order (MAO) shall be effective upon the date
19 fully executed.

20 2. DEQ agrees to reduce the total amount due for the 2012 Lien, at the time of
21 execution of this MAO, from approximately \$62,624 to \$8,000.

22 3. DEQ agrees to reduce the total amount due for the 2018 Lien, at the time of
23 execution of this MAO, from approximately \$24,650 to \$8,000.

24 4. The reductions described in Section I, paragraphs 2 and 3 are based on the fact that
25 as of the date of this MAO, DEQ has not been able to collect on the 2012 Lien or the 2018 Lien, the
26 cost to DEQ to pursue collection of those liens, Respondent's current financial hardship, and the
27

1 public interest in transferring the property to a new owner that will remove the underground storage
2 tanks at the Property to allow for its future beneficial use.

3 5. Upon receipt of full payment of \$16,000, DEQ agrees to file a Release of Lien with
4 Washington County for the 2012 Lien and the 2018 Lien.

5 6. DEQ agrees to take no further action on Field Citation No. 2024-FC-8956.

6 7. Pursuant to OAR 340-012-0030(19) and OAR 340-012-0145(2), the violations
7 alleged in the Notice, will be treated as prior significant actions in the event a future violation
8 occurs.

9 8. Respondent waives any and all rights and objections Respondent may have to the
10 form, content, manner of service and timeliness of the Notice; to a contested case hearing and
11 judicial review of the Notice; and to service of a copy of this MAO.

12 9. This MAO resolves all civil claims of DEQ, based upon the facts alleged, for the
13 violations expressly alleged in the Notice. This MAO is not intended to limit, in any way, DEQ's
14 right to proceed against Respondent in any forum for any past or future violations not expressly
15 settled herein.

16 10. Respondent releases and waives any and all claims of any kind, known or unknown,
17 past or future, against the State of Oregon or its agencies, instrumentalities, employees, officers, or
18 agents, arising out of the matters and events set out in the Notice and this MAO. Any and all
19 claims includes but is not limited to any claim under 42 USC § 1983 et seq., any claim under
20 federal or state law for damages, declaratory, or equitable relief, and any claim for attorney's fees
21 or costs.

22 11. This MAO shall be binding on Respondent and its respective successors, agents, and
23 assigns. The undersigned representative of Respondent certifies that they are fully authorized to
24 execute and bind Respondent to this MAO.

25 ///

26 ///

27 ///

1 II. FINAL ORDER

2 The Environmental Quality Commission hereby enters a final order:

3 1. Requiring Respondent to pay \$16,000 to DEQ, due on the closing date for
4 Respondent’s sale of the Property to the City of Cornelius, as follows:

5 a. Send a check or money order in the amount of \$8,000 made payable to
6 “Department of Environmental Quality” to DEQ - Business Office, 700 NE
7 Multnomah Street, Suite #600, Portland, Oregon 97232. Include Case No.
8 LQ/UST-NWR-11-104 on the check or money order.

9 b. Send a check or money order in the amount of \$8,000 made payable to
10 “Department of Environmental Quality” to DEQ - Business Office, 700 NE
11 Multnomah Street, Suite #600, Portland, Oregon 97232. Include Case No.
12 LQ/UST-WR-2017-059 on the check or money order.

13 2. Requiring Respondent to pay \$15,000 to DEQ, due on the closing date for
14 Respondent’s sale of the Property to the City of Cornelius, as follows:

15 a. Send a check or money order in the amount of \$15,000 made payable to
16 “Department of Environmental Quality” to DEQ-Business Office, 700 NE
17 Multnomah Street, Suite #600, Portland, Oregon 97232. Please include
18 “Account No. T37434” on the check. Please also include, on the paperwork that
19 accompanies the check, or on blank paper accompanying the check, written
20 instructions to contact Dawn Ismerio for instructions on project information.

21
22 ISLAM EL MASRY (RESPONDENT)

23
24
25 _____
Date

Signature

26 _____
Name (print)

27 _____
Title (print)

DEPARTMENT OF ENVIRONMENTAL QUALITY and
ENVIRONMENTAL QUALITY COMMISSION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Date

Becka Puskas, Interim Manager
Office of Compliance and Enforcement

Date

Peter Donahower
Northwest Region Petroleum Cleanup Section Manager