

State of Oregon
Department of Environmental Quality

Memorandum

Date: March 6, 2014

To: Environmental Quality Commission

From: Dick Pedersen, Director

Subject: Agenda item C, Informational item: Brownfield reuse, green remediation and economic development opportunities through DEQ's Prospective Purchaser Agreement Program
March 19-20, 2014, EQC meeting

Why this is important More than three decades after passage of CERCLA, the Superfund law designed to ensure cleanup of contaminated properties by those responsible for the pollution, lingering effects of pollution continue to threaten public health and environmental quality at numerous sites. In some cases, holding all owners and operators jointly and severally liable now functions as a barrier to cleanup and redevelopment. When there are no longer any identifiable responsible parties, or when responsible parties have no ability to pay, contaminated properties can remain in limbo – especially because any new party coming on the scene as a prospective purchaser is unlikely to take on the liability and uncertainty associated with a contaminated property. DEQ uses Prospective Purchaser Agreements to provide an innovative approach to address these issues, including promoting brownfield reuse, encouraging green remediation and supporting economic and community development opportunities.

Background In 1995, Oregon passed ORS 465.327. The new law encouraged cleanup and productive reuse of contaminated property by allowing innocent purchasers or lessees to invest while limiting liability through formal agreements and other mechanisms. Since 1996, DEQ has helped negotiate more than 150 Prospective Purchaser Agreements in support of innovative projects around the state. Collectively, these projects involving PPAs have contributed to the cleanup of numerous properties and have significant public health and environmental benefits.

EQC involvement No action is requested. This item is presented as informational background on a popular DEQ program that often works with high-profile properties.

Available online 1. Project homepage: <http://www.deq.state.or.us/lq/cu/ppa.htm>

*Report prepared by Cheyenne Chapman
with other DEQ emergency response and cleanup program staff*