



Oregon

Kate Brown, Governor

Department of Environmental Quality

Western Region Eugene Office

165 East 7th Avenue, Suite 100

Eugene, OR 97401

(541) 686-7838

Fax (541) 686-7551

TTY 711

November 21, 2022

Bill Thomas
Farmers Co-op & Creamery
700 NE Highway 99W
McMinnville, OR 97128-2711

RE: Additional Work Required for Petroleum Leak

LUST No. 36-89-4071, Farmer's Coop Creamery, 700 E HWY 99W, MCMINNVILLE, YAMHILL

Dear Bill Thomas:

You are receiving this letter because the Oregon Department of Environmental Quality maintains an open file on your leaking underground storage tank. Additional investigation of the contamination and possible cleanup may be necessary before DEQ can issue a no further action determination indicating the petroleum contamination does not pose an unacceptable risk to human health and the environment. A no further action letter is usually needed to sell or refinance the property.

You are required to assess and clean up petroleum leaks and to submit all reports, plans, laboratory data and other documentation to DEQ per Oregon Administrative Rule 340-122-0217. If you have performed additional investigation or cleanup at the property but have not submitted this information to DEQ, please do so.

DEQ encourages you to sign the enclosed LUST Cost Recovery Agreement and return the Agreement to DEQ. Once DEQ receives the signed Agreement, the project will be assigned to the next available project manager. Information on the Leaking Underground Storage Tank Cleanup Program's cost recovery process may be viewed at <https://www.oregon.gov/deq/tanks/Pages/Cost-Recovery.aspx>.

The current workload for project managers is high, and it may take several months for a project manager to be assigned. However, submitting the signed Agreement would guarantee you a place on our project waiting list. Sites are generally assigned on a first come, first served basis, with some exceptions. If your site has extenuating circumstances that you believe increase the priority for assignment of a project manager, please reach out to me directly.

If you have any questions about the Leaking Underground Storage Tank Cleanup Program, visit our website <https://www.oregon.gov/deq/tanks/Pages/Leaking-Undergr-Tanks.aspx>. If you have any questions about this letter, please visit <https://www.oregon.gov/deq/tanks/Pages/FAQs-on-cleanup-notice.aspx> for more information, or call 541-686-7838 to be routed to DEQ's LUST Duty Officer. The LUST Duty Officer can also be reached by email at info.lust@deq.oregon.gov.

Sincerely,

Michael E. Kucinski, Manager
Western Region Cleanup & Emergency Response

Alternate Formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.oregon.gov.

Enclosure: Cost Recovery Form, FAQs on Underground Storage Tank cleanup notices
cc: File, LUST # 36-89-4071



OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY
LEAKING UNDERGROUND STORAGE TANK PROGRAM

LUST Cost Recovery Agreement

This document serves as an agreement between the undersigned (hereinafter "you") and the Department of Environmental Quality (DEQ) regarding DEQ site-specific technical consultation, review, and oversight of the investigation and/or cleanup of petroleum (hazardous substances) at the property located at:

Facility Name: MCMINNVILLE CREAMERY - CROPP COOPERATIVE/
FORMERLY:Farmer's Coop Creamery

Address: 700 E HIGHWAY 99W, MCMINNVILLE

LUST No.: 36-89-4071

DEQ agrees to review environmental documents submitted by you or on your behalf regarding the investigation and/or cleanup of the above-referenced site. Additional details regarding DEQ oversight will be established upon review of the initial site data.

DEQ requires that persons requesting DEQ site-specific technical consultation, review, and oversight of investigation and cleanup activities agree to the terms of this agreement and pay project oversight costs.

DEQ project oversight costs will include direct costs and indirect costs. Direct costs include site-specific expenses and legal costs. Indirect costs are those general management and support costs of the DEQ, including the Land Quality Division (LQD), allocable to DEQ oversight of this agreement and not charged as direct, site-specific costs. Indirect charges are based on a percentage of direct personal services costs. Review and oversight costs shall not include any unreasonable costs or costs not otherwise recoverable by DEQ under ORS 465.255.

DEQ costs are due within thirty (30) days of issuance of the monthly statement, by a check made payable to the "Department of Environmental Quality".

Electing not to enter into this agreement does not release you from any responsibility that you might have for any reporting requirements, investigation and/or cleanup of petroleum (hazardous substances) at the above referenced facility. This does not preclude the DEQ from conducting audits or inspections of all or portions of the investigation and cleanup activities associated with this facility. Enforcement action may be initiated if any violation of DEQ requirements is found.

Either DEQ or you may terminate this agreement by giving 15 days advance written notice to the other. Only those costs incurred or obligated by DEQ prior to the effective date of any termination of the agreement shall be recoverable under this Agreement. Termination of this agreement will not affect any other right DEQ may have for recovery of costs under any applicable law.

You will hold DEQ harmless for any claims (including but not limited to claims of property damage or personal injury) arising from DEQ review and/or oversight activities under this agreement.

This agreement is not and shall not be construed to be an admission by you of any liability under ORS 465.255 or any other law or as a waiver by you of any defense to such liability. This agreement is not and shall not be construed to be a waiver, release, or settlement of claims that DEQ may have against you or any other responsible person nor is this agreement a waiver of any enforcement authority that DEQ may have.

The DEQ Western Region Cleanup Program will be responsible for the review and oversight of the investigation and cleanup activities associated with the property. Please refer a site-specific inquiries to deqwr.cleanup@deq.oregon.gov.

All inquiries regarding cost recovery and/or invoices should be directed to Dawn Ismerio at 503-229-5812.

If the terms of this agreement are acceptable, please have it executed by an authorized officer in the space provided below. In order to more effectively schedule your project, please return this agreement within 30 days of receipt to: DEQ Western Region Salem Office, Cleanup Program, 4026 Fairview Industrial Drive SE, Salem, OR 97302 or you may scan and email the completed form to deqwr.cleanup@deq.oregon.gov.

Accepted and agreed to this 4th day of April, 2023

Signed By: Scott Fields

Print Name: Scott Fields

Title: McMinnville Creamery Plant Manager

Please provide the following information as to where the invoices should be sent:

Individual Name: Scott Fields

Title: Plant Manager

Company Name: McMinnville Creamery - CROPP Cooperative/
Formerly Farmers Cooperative & Creamery

Mail Address: 700 OR-99W

City, State: McMinnville, OR

Zip: 97128

Phone Number: (608) 625-3980

E-mail Address: scott.fields@organicvalley.coop



State of Oregon Department of Environmental Quality

Frequently Asked Questions on Underground Storage Tank Cleanup Notices

The Oregon Department of Environmental Quality's Leaking Underground Storage Tank Program works with responsible parties to reduce contamination of soil and groundwater.

An open, or "unresolved" LUST site means that a release has occurred from a petroleum underground storage tank system that requires corrective action. If not corrected, the petroleum or other hazardous substances leaking from the tank can seep into soil and contaminate groundwater, a vital source of drinking water. A leaking tank can also present other health and environmental risks, including vapor intrusion into buildings and residences and potential for fire and explosion.

Responsible parties are required to investigate and cleanup releases from underground storage tanks to protect public health and the environment. Many of these LUST sites have been unresolved for decades.

DEQ is therefore notifying responsible parties of their open LUST sites and the steps they need to take to cleanup contaminated sites properly.

In addition, DEQ is contacting responsible parties to help expedite cleanup in response to the U.S. Environmental Protection Agency's goal for DEQ to close, or resolve more LUST sites, which occurs when DEQ issues a No Further Action decision.

Why am I receiving this notification?

The notification and cost recovery agreements are sent to current property owners. If there are other potentially responsible parties DEQ should be aware of, please contact your regional office.

DEQ may designate a LUST site as high priority if there is significant potential for adverse impacts to public health and the environment. When DEQ designates a site as high priority, the requirement to cleanup the site is considered urgent. DEQ will contact the responsible party of these sites directly in addition to sending notifications.

I no longer own this property. Am I still responsible for cleanup?

A responsible party is usually the current owner or operator of the facility or property. However, previous owners or operators, or anyone who causes, contributes to or worsens the contamination, may be considered a responsible party as well.

What is a cost recovery agreement?

Oregon law (ORS 465.330) requires DEQ to recover all reasonable costs associated with the investigation and cleanup of contaminated sites from the responsible party(s). A cost recovery agreement contains details on DEQ's project oversight actions, as well as invoicing and payment requirements.

What happens after I sign the cost recovery agreement?

Once a cost recovery agreement is signed, the site is placed on a regional waitlist until DEQ can assign a project manager. Consult with a DEQ regional office about potential wait times. After a DEQ project manager is assigned, DEQ will provide a monthly cost recovery bill for project management costs. Please see the Leaking Underground Storage Tank Cleanup Information Packet for more information regarding DEQ's cost recovery.



An environmental consultant removing an old steel underground storage tank.

How much does DEQ's oversight cost?

The cost of DEQ's oversight depends on many factors, such as the degree and extent of contamination and the amount of DEQ oversight required. DEQ's oversight costs an average of \$200 per hour. Submitting complete and accurate work plans and reports to DEQ from experienced environmental consultants may reduce DEQ's costs. After a project manager is assigned, responsible parties can request an estimate for DEQ's oversight costs.

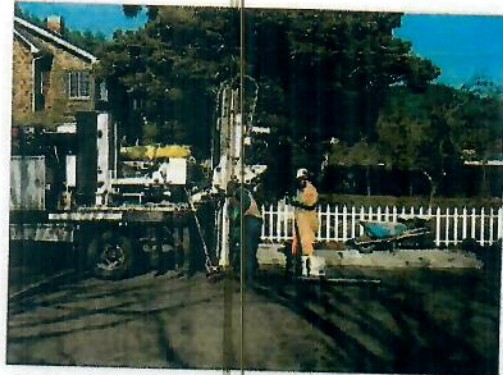
Why didn't DEQ notify me about this before?

DEQ notifies the responsible party upon receipt of a report of a release from an underground storage tank. The notification includes information and instructions on how to begin the cleanup process. It is then the responsible party's obligation to complete the cleanup or to notify any potential buyers of contamination during the sale of the property. All open LUST sites must be investigated and cleaned up.

DEQ will continue to oversee all open LUST sites until issuing a No Further Action decision. DEQ is also establishing an annual reminder process for responsible parties to ensure LUST sites are closed.

How long does it take to close the site with DEQ?

Once DEQ oversight begins, the time to cleanup and close the site varies based on factors encountered during the cleanup process such as the degree and extent of contamination. DEQ must review and approve the final cleanup report before issuing a No Further Action decision. Please contact your DEQ project manager for an estimated timeline.



Collecting soil samples next to a leaking underground storage tank.

Am I required to close this site?

Responsible parties are required to cleanup any leak from an underground storage tank in accordance with OAR 340-122-0217.

What happens if I don't do anything in response to this letter?

The letter from DEQ explains what action is required. If DEQ designated your site as high priority, signing a cost recovery agreement and initiating cleanup is required to avoid enforcement action. DEQ will provide advanced notice if urgent action is required.

How do I find my regional office contact?

If you have any questions or concerns, please contact your DEQ regional office:

Northwest Region

Ximena Cruz Cuevas

503-229-6811

Eastern Region

Alyssa Leidel

541-633-2023

Western Region

Sarah Kingery

541-321-3687

Resources

- [General program information](#)
- [Cleanup Manual](#)
- [Tanks Cleanup Guidance](#)

Alternative formats

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