



Oregon Department of Environmental Quality
JC Jones Oil Co.

Summary Information

The JC Jones Oil site is a former petroleum (gasoline and diesel) bulk storage facility that had both underground and above ground storage tanks. All storage tanks have been removed and disposed of off site. Multiple leaks and releases resulted in soil and groundwater contamination. Groundwater contamination is also suspected beneath the adjacent property, but there is no beneficial use of the groundwater. Approximately 422 tons of contaminated soil were excavated from the site and disposed of in Riverbend landfill. Contamination remains and the site was closed with a conditional NFA, Easement and Equitable Servitude and a Contaminated Media Management Plan that must be followed during any future development.

General Site Information

Site:	JC Jones Oil Co. (ECSI Site ID: CERCLIS (EPA) Id 209)		
Project Manager:	N/A - Project Completed.	Investigative Status:	Contamination Suspected
PM Phone:		NPL(National Priority Listing):	No
Address:	650 15th St. SE	Is this site an Orphan?	No
	Salem, 97301	Is this site a brownfield?	No
County:	MARION	Action Underway or Needed:	No Further Action (Conditional)
Region:	Western Region	Click for more details ...	

Site Documents

Click the link to view the document.

<u>File Name</u>	<u>Category</u>	<u>File Size MB</u>	<u>Document Date</u>	<u>Upload Date</u>
Updated 2015 CMMP.pdf	E&ES documents	4.0740	12/1/2015	8/8/2018
E&ES Recorded May 2018.pdf	E&ES documents	0.6373	5/1/2018	9/20/2018
CleanupReport2015.pdf	Reports	20.5657	1/19/2015	3/19/2015
SupplementalAssessmentReport.pdf	Reports	10.1557	11/2/2012	9/1/2017
Dec 2011 Assessment Report .pdf	Reports	4.2105	12/19/2011	10/26/2017
0209JCJonesOilCoStaffReport10222015.pdf	RODs/Staff Reports	2.7337	10/22/2015	10/29/2015
cNFALtrSept102018.pdf	Signed NFA letters	0.1417	9/10/2018	9/19/2018

This website application cannot be made compliant with the Americans with Disabilities Act. We apologize for any inconvenience and invite you to contact DEQ at 800-452-4011 or email deqinfo@deq.state.or.us for assistance in accessing this site

[Department of Environmental Quality](#)

700 NE Multnomah Street, Suite 600 Portland, OR 97232
Hours: Mon-Fri, 8 a.m.-5 p.m

Email: DEQInfo@deq.state.or.us | Phone: 503-229-5696 | Fax: 503-229-6124

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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

September 10, 2018

Ms. Linda Heniges, Trustee
J. C. Jones Family Trust
P.O. Box 20687
Keizer, OR 97307

RE: **Conditional** No Further Action Determination
for J.C. Jones Oil Company, Salem
ECSI # 209 and LUST # 24-10-0295

Dear Ms. Heniges:

The Oregon Department of Environmental Quality (DEQ) has completed a review of the available information and the closure report entitled Environmental Cleanup and Assessment Report for the JC Jones Oil Company Site, dated January 2015 and submitted to DEQ on your behalf. The J.C. Jones Oil Company Site address is 650 15th Street, SE, Salem, Marion County, Oregon, Tax Lots 4800 and 4900.

DEQ has determined that remedial action to address environmental contamination at the J. C. Jones Oil Company site is complete, and no further action is required as long as compliance with the Easement and Equitable Servitude and associated land use restrictions and contaminated material management plan is maintained. This determination is based on the DEQ regulations and the facts as we now understand them including, but not limited to the following:

- The site was a bulk fuel storage site with above ground storage tanks and underground storage tanks containing diesel and gasoline.
- Contamination occurred during tank filling and dispensing, and there was a product spill reported in 1975.
- Affected media include surface soil, subsurface soil, and shallow groundwater, and the investigations completed to date evaluated all of these media, and the potential for site-related contamination to reach the adjacent Shelton Ditch.
- In 2014 excavation and disposal of approximately 422 tons of contaminated soil from three areas of the site was completed.
- Some contamination remains in subsurface soil and shallow groundwater. Free (floating) petroleum product remains on the groundwater beneath parts of the site. DEQ's risk-based concentrations for construction worker and urban resident are exceeded for gasoline, diesel and benzene in soil and urban resident for ethylbenzene and benzene in groundwater. There is also the potential for construction and/or excavation workers to come into contact with free product. Although some contamination remains, the site currently meets DEQ's acceptable risk levels because the site is an industrial facility. The Easement and Equitable Servitudes document recorded with Marion County and the associated Contaminated Materials Management Plan is designed to prevent unacceptable risk from future exposure in the event that the property is sold or redeveloped.

- It is assumed that the property will remain an industrial property that is supplied with Salem drinking water.
- An opportunity to comment on the proposed closure was given to all neighbors as well as the city of Salem in November 2015. No comments were received.
- An Easement and Equitable Servitudes (EES) was recorded on the property on May 10, 2018. The EES restricts groundwater use; land use is restricted to exclude residential and agricultural uses; and contaminated soil and groundwater needs to be managed according to the approved Contaminated Media Management Plan should excavation or any other development take place on the property in the future.

Based on the available information, J. C. Jones Oil Company, Salem property, is currently protective of public health and the environment. The site requires no further action under the Oregon Environmental Cleanup Law, ORS 465.200 et seq. and under Oregon Administrative Rules (OAR) 340-122-0205 through 340-122-0360 unless new or previously undisclosed information becomes available, or there are changes in site development or land and water uses, or more contamination is discovered. DEQ has updated the Environmental Cleanup Site Information System (ECSI) and Leaking Underground Storage Tank (LUST) databases to reflect this decision.

This letter only applies to the release discussed above. If any contaminated soil or groundwater is encountered in the future, it must be handled and disposed of in accordance with the approved Contaminated Media Management Plan for the site and local, state and federal regulations. Monitoring wells should be maintained or decommissioned in accordance with Oregon Water Resources Department regulations.

A copy of the staff memo supporting this No Further Action decision can be viewed at <http://www.deq.state.or.us/lq/ecsi/ccsiquery.asp> (search Site ID 209). DEQ recommends keeping a copy of all of the documentation associated with this remedial action with the permanent facility records. If you have any questions, please contact Susan Turnblom at 541-687-07464, or via email at turnblom.susan@deq.state.or.us.

Sincerely,



Michael E. Kucinski, Manager
Western Region Environmental Cleanup
And Emergency Response Section

Attachments: Site Map, Contaminated Media Management Plan, Easement and Equitable Servitudes

cc: ECSI File #209/COMM, LUST file # 24-10-0295 (w/ attachments)
Susan Turnblom, DEQ Eugene (w/o attachments)
Water Resources Department Well Construction Program Coordinator (w/o attachments)

ec: Don Hanson, DEQ Eugene (w/o attachments)
Chris Wohlers, Wohlers Environmental, PO Box 1319, Lake Oswego, OR 97035 (w/o attachments)

Space above this line for Recorder's use.

After recording, return to:

Grantee

Oregon DEQ
165 East 7th Avenue, Suite 100
Eugene, OR 97401
Attention: Susan Turnblom

Grantor

Linda Heniges, Trustee
Jones Family Revocable Trust
P.O. Box 20687
Keizer, OR 97307

EASEMENT AND EQUITABLE SERVITUDES

This grant of Easement and acceptance of Equitable Servitudes ("EES") is made on November 10, 2015 between Jones Family Revocable Trust ("**Grantor**") and the State of Oregon, acting by and through the Oregon Department of Environmental Quality ("DEQ" or "**Grantee**").

** Linda Heniges
Trustee*

RECITALS

A. Grantor is the owner of certain real property located at 650 15th Street SE, Salem, 97301 in Salem, Oregon in Marion County Tax Map, Tax Lots 4800 and 4900 (the "**Property**") the location of which is more particularly described in Exhibit A to this EES. The Property is referenced under the name JC Jones Oil Company, ECSI # 209 in the files of DEQ's Environmental Cleanup Program at Western Region office located at 165 East 7th Avenue, Suite 100, Eugene, Oregon, and telephone 541-686-7838. Interested parties may contact the Western Region Eugene office to review a detailed description of the risks from contamination remaining at the Property

B. On October 22, 2015 DEQ selected the remedial action for the Property, as described in its Staff Memorandum in Support of a Conditional No Further Action. The remedial action requires, among other things: institutional controls restricting groundwater use, residential or agricultural use of the Property, and special procedures for excavation of contaminated soil.

C. On April 6, 2010, Grantor entered into a voluntary agreement with DEQ, under which Grantor agreed to implement the selected remedial action, including the required institutional controls.

D. This EES is intended to further the implementation of the selected remedial action and protect human health and the environment.

E. Nothing in this Easement and Equitable Servitude constitutes an admission by Grantor of any liability for the contamination described in the Easement and Equitable Servitude.

1. DEFINITIONS

- 1.1 "Acceptable risk level" has the meaning set forth in Oregon Revised Statute (ORS) 465.315 and Oregon Administrative Rule (OAR) 340-122-0115.
- 1.2 "Beneficial use" has the meaning set forth in OAR 340-122-0115.
- 1.3 "DEQ" means the Oregon Department of Environmental Quality, and its employees, agents, and authorized representatives. "DEQ" also means any successor or assign of DEQ under the laws of Oregon, including but not limited to any entity or instrumentality of the State of Oregon authorized to perform any of the functions or to exercise any of the powers currently performed or exercised by DEQ.
- 1.4 "Ecological receptor" has the meaning set forth in OAR 340-122-0115.
- 1.5 "Hazardous substance" has the meaning set forth in ORS 465.200
- 1.6 "Owner" means any person or entity, including Grantor, who at any time owns, occupies, or acquires any right, title, or interest in or to any portion of the Property or a vendee's interest of record to any portion of the Property, including any successor, heir, assign or holder of title or a vendee's interest of record to any portion of the Property, but excluding any entity or person who holds such interest solely for the security for the payment of an obligation and does not possess or control use of the Property.
- 1.7 "Remedial Action" has the meaning set forth in ORS 465.200 and OAR 340-122-0115.

2. GENERAL DECLARATION

2.1 Grantor, in consideration of Grantee's issuance of a No Further Action letter with conditions described above, grants to DEQ an Easement for access and accepts the Equitable Servitudes described in this instrument and, in so doing, declares that the Property is now subject to and must in future be conveyed, transferred, leased, encumbered, occupied, built upon, or otherwise used or improved, in whole or in part, subject to this EES.

2.2 Each condition and restriction set forth in this EES touches and concerns the Property and the equitable servitudes granted in Section 3 and easement granted in Section 4 below, runs with the land for all purposes, is binding upon all current and future owners of the Property as set forth in this EES, and inures to the benefit of the State of Oregon. Grantor further conveys to DEQ the perpetual right to enforce the conditions and restrictions set forth in this EES.

3. EQUITABLE SERVITUDES (REQUIRED ACTIONS AND RESTRICTIONS ON USE)

3.1. **Groundwater Use Restrictions.** Owner may not extract through wells or by other means or use the groundwater at the Property for consumption or other beneficial use. This prohibition does not apply to extraction of groundwater associated with groundwater treatment or monitoring activities approved by DEQ or to temporary dewatering activities related to construction, development, or the installation of sewer or utilities at the Property. Owner must conduct a waste determination on any groundwater that is extracted during such monitoring,

treatment, or dewatering activities and handle, store and manage waste water according to applicable laws.

3.2 Land Use Restrictions. The following operations and uses are prohibited on the Property:

- a. Residential use of any type; and
- b. Agricultural (food-crop) use of any

3.3 Soil and Groundwater Management. Except upon prior written approval from DEQ, Owner must adhere to the DEQ approved Contaminated Media Management Plan if any excavation of soil is conducted at the Property. Owner must also comply with the reporting requirements in accordance with Section 6.4 of this EES.

3.4 Use of the Property. Owner may not occupy or allow other parties to occupy the Property unless the controls listed in this Section 3 are maintained.

4. EASEMENT (RIGHT OF ENTRY)

During reasonable hours and subject to reasonable security requirements, DEQ may enter upon and inspect any portion of the Property to determine whether the requirements of this EES have been or are being complied with. Except when necessary to address an imminent threat to human health or the environment, DEQ will use its best efforts to notify the Owner 72 hours before DEQ entry to the Property. DEQ may enter upon the Property at any time to abate, mitigate, or cure at the expense of the Owner the violation of any condition or restriction contained in this EES, provided DEQ first gives written notice of the violation to Owner describing what is necessary to correct the violation and Owner fails to cure the violation within the time specified in such notice. Any such entry by DEQ to evaluate compliance or to abate, mitigate, or cure a violation may not be deemed a trespass.

5. RELEASE OF RESTRICTIONS

5.1. Owner may request release of any or all of the conditions or restrictions contained in this EES by submitting such request to the DEQ in writing with evidence that the conditions or restrictions are no longer necessary to protect human health and the environment. The decision to release any or all of the conditions or restrictions in this EES will be within the sole discretion of DEQ.

5.2. Upon a determination pursuant to Subsection 5.1, DEQ will, as appropriate, execute and deliver to Owner a release of specific conditions or restrictions, or a release of this EES in its entirety.

6. GENERAL PROVISIONS

6.1. **Notice of Transfer/Change of Use.** Owner must notify DEQ within 10 days after the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of Owner's interest in or occupancy of the Property. Such notice must include the full name and address of the Party to whom Owner has transferred an interest or right of occupancy. In addition, Owner must notify DEQ a minimum of 10 days before the effective date of any change in use of the Property that might expose human or ecological receptors to hazardous substances. Such notice must include complete details of any planned development activities or change in use. Notwithstanding the foregoing, Owner may not commence any development inconsistent with the conditions or restrictions in Section 3 without prior written approval from DEQ as provided in Subsection 3 of this EES or removal of the condition or restriction as provided in Subsection 5.1. This subsection does not apply to the grant or conveyance of a security interest in the Property.

6.2. **Zoning Changes.** Owner must notify DEQ no less than 30 days before Owner's petitioning for or filing of any document initiating a rezoning of the Property that would change the base zone of the Property under the Marion County zoning code or any successor code. As of the date of this EES, the base zone of the Property is General Industrial.

6.3. **Cost Recovery.** Owner will pay DEQ's costs for review and oversight of implementation of and compliance with the provisions in this EES, including but not limited to periodic review and tracking of actions required by this EES. This EES constitutes the binding agreement by the Owner to reimburse DEQ for all such eligible review and oversight costs. DEQ will establish a cost recovery account for tracking and invoicing DEQ project costs. DEQ will provide the Owner with a monthly statement and direct labor summary. DEQ costs will include direct and indirect costs. Direct costs include site-specific expenses and legal costs. Indirect costs are those general management and support costs of the State of Oregon and DEQ allocable to DEQ oversight of this EES and not charged as direct site-specific costs. Indirect charges are based on actual costs and are applied as a percentage of direct personal services costs.

6.4. **Inspection and Reporting.** When site excavation activities are conducted, owner will provide copies of summary reports and maps documenting the work as described in Section 9.0 of the Contaminated Media Management Plan.

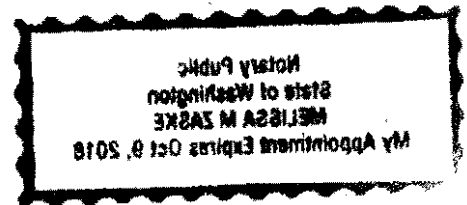
6.5. **Reference in Deed.** A reference to this EES, including its location in the public records, must be recited in any deed conveying the Property or any portion of the Property. Each condition and restriction contained in this EES runs with the land so burdened until such time as the condition or restriction is removed by written certification from DEQ, recorded in the deed

records of the County in which the Property is located, certifying that the condition or restriction is no longer required to protect human health or the environment.

6.6 Effect of Recording. Upon the recording of this EES, all future Owners are conclusively deemed to have consented and agreed to every condition and restriction contained in this EES, whether or not any reference to this EES is contained in an instrument by which such person or entity occupies or acquires an interest in the Property.

6.7 Enforcement and Remedies. Upon any violation of any condition or restriction contained in this EES, the State of Oregon, in addition to the remedies described in Section 4, may enforce this EES as provided in the DEQ J.C. Jones Oil Site Staff Memorandum in support of a conditional No Further Action Determination, dated October 22, 2015, or seek available legal or equitable remedies to enforce this EES, including civil penalties as set forth in ORS 465.900.

6.8 IN WITNESS WHEREOF Grantor and Grantee have executed this Easement and Equitable Servitude as of the date and year first set forth above.



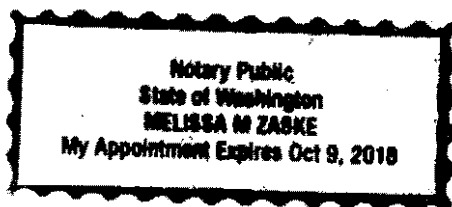
BY SIGNATURE BELOW, THE STATE OF OREGON APPROVES AND ACCEPTS THIS
CONVEYANCE PURSUANT TO ORS 93.808.

GRANTOR: Jones Family Revocable Trust

By: Linda Heniges, Trustee Date: December 11, 2015
Linda Heniges, Trustee

STATE OF OREGON)
) ss.
County of Marion)

The foregoing instrument is acknowledged before me this 11th day of
December, 2015, by personal appearance of identification, on its behalf.



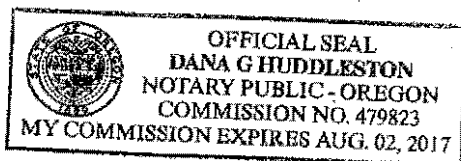
[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires: October 9, 2018

GRANTEE: State of Oregon, Department of Environmental Quality

By: Michael E. Kucinski Date: 12/16/2015
Michael E. Kucinski, Western Region Environmental Cleanup Manager

STATE OF OREGON)
) ss.
County of Lane)

The foregoing instrument is acknowledged before me this 16th day of
December, 2015, by Michael E. Kucinski of the Oregon Department of
Environmental Quality, on its behalf.



Dana G. Huddleston
NOTARY PUBLIC FOR OREGON
My commission expires: Aug. 02, 2017

EXHIBIT A

Legal Description of the Property



320 Church St. NE, Salem, OR 97301
PHONE (503)581-1431 FAX (503)364-8716

STATUS OF RECORD TITLE

FSBO Customer Marion
FSBO

ID
Your Reference No.

January 21, 2016
Title Number: 84842AM
Title Officer: Ashley Olson
Fee: \$200.00

We have searched the status of record title as to the following described property:

A tract of land in the Southwest quarter of Section 26, Township 7 South, Range 3 West, Willamette Meridian, in the City of Salem, Marion County, Oregon, being more specifically described as follows:

Blocks 1 and 2, Depot Addition, a recorded Subdivision in said City:

TOGETHER WITH a portion of that tract released to LAD Properties by Quitclaim Deed per Reel 1622, Page 372, Marion County Deed Records, being more specifically described as follows:

Beginning at a 5/8" iron rod at the intersection of the Easterly right-of-way line of 15th Street with the Southerly line of the Old Southern Pacific Railroad right-of-way; thence along said 15th Street right-of-way line North 8°51'26" East 60.07 feet to a 5/8" iron rod on the Northerly right-of-way line of said railroad, said rod also being the Southwest corner of that tract conveyed to Cummings Transfer Co. per Reel 823, Page 83, said Records; thence along the line common to said Railroad right-of-way and said Cummings Transfer tract South 78°18'47" East 194.29 feet to a 5/8" iron rod at the Southeast corner of said Cummings Transfer tract; thence leaving said right-of-way line, on a projection of the East line of said Cummings Transfer tract South 12°25'29" West 60.00 feet to a 5/8" iron rod on said Southerly railroad right-of-way line; thence along said right-of-way line North 78°18'47" West 190.55 feet to the point of beginning.

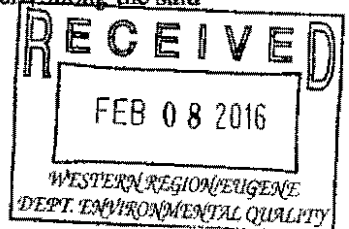
SAVE AND EXCEPT the following portion of said Block 1 of Depot Addition:

Beginning at the intersection of the Southerly line of the old Southern Pacific Railroad right-of-way with the Southwesterly right-of-way line of that portion of Turner Road which was vacated by Ordinance No. 3708, recorded in Volume 355, Page 221, Marion County Records; thence along said old Railroad right-of-way line North 78°18'47" West 63.32 feet to a 5/8" iron rod; thence leaving said right-of-way line South 11°41'13" West 25.81 feet to a 5/8" brass washer in a lead plug; thence South 88°24'06" West 80.36 feet to a 5/8" iron rod on the South line of said Block 1; thence along said South line South 88°01'42" East 164.01 feet to the Southeast corner of said Block on said vacated Turner Road right-of-way line; thence North 38°48'40" West 26.09 feet to the point of beginning.

Lot 5, Block 6, DEPOT ADDITION to Salem, in Marion County, Oregon. "Together with that portion of vacated South Sixteenth Street adjoining that would attach thereto by Ordinance No. 4976, Recorder's Fee No. 497-728".

A portion of Lot 6, Block 6, Depot Addition in the City of Salem, Marion County, Oregon, more particularly described as follows:

Beginning at the Northeasterly corner of said Lot 6, thence South along the Easterly line of said lot a distance of 80 feet to the centerline of that certain creek or waterway known as the Shelton Ditch; thence Northwesterly along said centerline 56 feet more or less, to a point on the Westerly line of said Lot 6; thence Northerly along the said



lot line 55 feet more or less to the Northwest corner of said lot on the South line of Leslie Street; thence Easterly along the lot line 49.97 feet to the place of beginning.

Vestee:

The Unknown Successor Trustee of J. Courtney Jones and the Unknown Successor Trustee of Dolores M. Jones of the J.C. Jones Family Revocable Trust, created by instrument dated June 11, 2001, in which Grantors are Trustors and Trustees

and dated as of December 21, 2015 at 7:30 a.m.

Said property is subject to the following on records matters:

Tax Information:

Taxes assessed under Code No. 92401000 Account No. R71018 Map No. 07S-03W-26CD 04900

NOTE: The 2015-2016 Taxes: \$2,035.59, are Paid

Taxes assessed under Code No. 92401000 Account No. R71005 Map No. 07S-03W-26CD 04800

NOTE: The 2015-2016 Taxes: \$3,653.94, are Paid

1. City liens, if any, of the City of Salem.
(No inquiry has been made. If no search is requested, this exception will remain in the policy. A charge of \$25.00 per account will be added if a search is requested)
2. The property lies within and is subject to the levies and assessments of the Marion Soil and Water Conservation District.
3. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
4. Rights of the public and governmental bodies in and to that portion of said premises now or at any time lying below the high water line of Sheldon Ditch, including any ownership rights which may be claimed by the State of Oregon as to any portion now or at any time lying below the ordinary high water line.

Such rights and easements for navigation and fishing as may exist over that portion of the property now or at any time lying beneath the waters of Sheldon Ditch.

All matters arising from any shifting in the course of Sheldon Ditch including but not limited to accretion, reliction and avulsion.

5. Easement for existing public utilities in vacated street area and the conditions imposed thereby.
Reserved by vacation order recorded: September 18, 1946
Instrument No.: Volume: 355 Page: 221
6. Easement for existing public utilities in vacated street area and the conditions imposed thereby.
Reserved by vacation order recorded: March 7, 1957
Instrument No.: Volume: 497 Page: 728
7. Reservation, including the terms and provisions thereof,
Recorded: September 30, 1980
Instrument No.: Reel: 227 Page: 710
8. Reservation, including the terms and provisions thereof,
Recorded: September 30, 1980
Instrument No.: Reel: 227 Page: 713

17. Personal Property Taxes assessed under Account No. P120888.
The 2015-2016 Taxes: \$0, plus interest, Paid

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

"Superior Service with Commitment and Respect for Customers and Employees"

26CD

LESLIE ST

4800
0.74 AC

4799
PARCEL 2
1.33 AC

4700
PARCEL 3
0.82 AC
4700B1

PART.

PLAT

2003-065

3800

4401
0.40 AC

27

3900

4000

LE

REEL: 4076

PAGE: 204

May 10, 2018, 04:23 pm.

CONTROL #: 506769

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 96.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.