



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Northwest Region

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TTY 711

July 1, 2025

via electronic delivery (email)

Skip Tarr
Tarr, LLC
2946 NE Columbia Blvd.
(PO Box 12570)
Portland, Oregon 97227

**Re: Conger Trust Expenditure of Funds and Close Out
Conger Facility
2429 North Borthwick Ave.
Portland, Oregon
ECSI 1139**

Dear Mr. Tarr:

On June 23, 2025, The Oregon Department of Environmental Quality (DEQ) received an email message from Elizabeth McManus, new trustee for the Conger Northwest Qualified Settlement Fund, stating that the trust funds are reaching exhaustion. The message requested coordination with DEQ to submit a petition to terminate the trust. This letter is intended to clarify financial obligations of the responsible party as well as suggest timing for termination of the trust.

Consent Order, DEQ No. OPVC-NWR-17-02, entered into by Skip Tarr, Tarr LLC, contains a financial assurance provision (Section 7.K) to ensure finances are available to perform all work through project closure. That obligation was initially met through the afore mentioned trust funds. DEQ requires an annual valuation report for all cleanup sites required to have financial assurance (attachment). DEQ documents show the annual reporting requirement confirmed by Dan Silver on January 20, 2022 who at that time supplied the 4th quarter 2021 valuation documents (attachment). That appears to be the last valuation report on record. DEQ also notified Dan Silver on September 22, 2022 of the trust account being underfunded compared to section 3.01 to 3.04 of the settlement agreement.

The Consent Order requires revise cost estimates which, in the case of significant differences, include revised financial assurance “adequate to assure financial capability at the level of the revised cost estimate.” According to Larry Burke (Phone call, June 27, 2025), the addition of 1,4-dioxane remediation caused an increase in the trust fund burn rate. Additionally, Larry Burke noted the project consultant has changed from Farallon to PNG Environmental (pending). DEQ requests revised cost estimates to account for the change in project consultant and the addition of 1,4-dioxane remediation. DEQ also requests required annual valuation reports be brought up to date in accordance with the cleanup financial assurance requirement.

The trustee may proceed with a petition to terminate the trust according to the terms of the trust. That termination petition should be submitted following the last substantive financial activity, which will be paying and submitting 2026 taxes.

Separate from the trust closure, DEQ wants to clarify that requirements of the Consent Order are still in effect, including the requirement for financial assurance. Work required by the Consent Order must continue and DEQ will invoice you for all costs included in the cleanup following closure of the trust in accordance with the Consent Order.

Please do not hesitate to contact me at (503) 819-1220 or Terra.Metta@deq.oregon.gov if you have any questions regarding this letter.

Sincerely,



Terra Metta

Project Manager

NWR Cleanup Section

Attachments: Order on Consent
 Conger Trust Agreement
 Cleanup Program Financial Assurance Compliance
 Email from January 20, 2022
 Email from September 22, 2022

EC: David Lacey, DEQ
 Gary Vrooman, DOJ
 Larry Burke, DWT, LLC
 Elizabeth McManus, trustee

CC: ECSI No. 1139 File