



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Northwest Region

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June 10, 2025

Annie Shaha
Asgard, LLC
Portland, OR 97202

via electronic delivery (email)

**Re: DEQ Response to Correspondence March 25 through May 9, 2025
Gerber Legendary Blades Facility
14100 SW 72nd Avenue, Portland, Oregon
ECSI# 118**

Annie Shaha:

The Department of Environmental Quality (DEQ) has received correspondence from Asgard LLC (Asgard) between March 7, and May 9, 2025, regarding the Gerber Legendary Blades (GLB) facility (the facility; ECSI #118) located at 14100 SW 72nd Avenue, Portland Oregon. Asgard is currently participating in DEQ's Voluntary Cleanup Program (VCP) to address suspected historical releases of hazardous substances from the facility. This letter addresses Asgard's correspondence.

New Project Management Letter Response

DEQ received your letter¹ requesting a new Project Manager to oversee cleanup activities at GLB facility.

I would like to clarify information provided in your letter and share information about Oregon Cleanup regulations and DEQ policies that govern cleanup decision making by our Project Managers. Based on the information provided in your letter, it does not appear that the DEQ Project Manager assigned to your project mismanaged the VCP process or made decisions inconsistent with DEQ cleanup policy.

Your letter indicates that Asgard entered the VCP with the objective of limiting cleanup work to addressing vapor intrusion concerns beneath the GLB building to obtain a No Further Action (NFA) determination. DEQ shares Asgard's concern about risks associated with the vapor intrusion pathway and we appreciate Asgard's willingness to voluntarily address these unacceptable human health risks under DEQ oversight. However, limiting cleanup work to one potential exposure pathway would not meet the standards for cleanup defined by Oregon Cleanup regulations. It is not DEQ's policy to issue NFA determinations unless all current or reasonably likely future risks associated the release of hazardous substances are addressed.

Your letter expresses the opinion that the DEQ Project Manager's direction to further evaluate potential risks associated with groundwater discharge to Ball Creek represents a change in direction for your project. Your letter also expresses concern that the perceived change in direction was informed by information provided by the adjacent facility (the former Williams Controls Facility, ECSI #4081). For clarification, our understanding of the nature of suspected historical releases from the GLB facility is

¹ Asgard LLC. 2025. Letter to Amanda Wozab (DEQ), Re: Request for New Project Management, Gerber Legendary Blades Site, 14100 SW 72nd Avenue, Portland, Oregon, ECSI #118. March 7.

based on information provided in documents submitted to DEQ by or on behalf of Asgard or GLB. The *Data Gaps Investigation Work Plan*² and *Vapor Intrusion Data Gaps Investigation and Focused Feasibility Study Report*³ (FFS) identify a former floor drain in the GLB building as a likely source of chlorinated volatile organic compounds (cVOCs) to sub-slab vapor and/or groundwater. The FFS was the first submittal from Asgard that discusses the conceptual site model (CSM) associated with the GLB facility, including potential human health and ecological exposure pathways. The direction from the DEQ Project Manager to further evaluate the ecological pathway associated with potential groundwater discharges to Ball Creek was based on the newly presented information about the CSM in the FFS. The direction to evaluate this pathway is consistent with DEQ policy, including the *Conducting Ecological Risk Assessments*⁴ guidance. It is commonplace, reasonable, and encouraged for Project Managers to provide comments or direction based on new information to ensure that cleanup work is conducted consistent with regulations and policy. DEQ provided additional information about the potentially complete ecological exposure risk pathway via email on May 5, 2025, in a draft memorandum *Gerber Legendary Blades (GLB), Ecological Risk Assessment*, dated February 17, 2025.

Your letter appears to express the position that DEQ should hold the Williams Controls facility solely responsible for cVOC contamination in groundwater. As you know, the DEQ Project Manager has acknowledged the cVOC trespass groundwater plume from the upgradient Williams Controls facility, including during a meeting on January 15th, 2025. The DEQ Project Manager has also shared relevant correspondence between DEQ and Curtiss-Wright outlining our expectations that they fully evaluate their contributions to the plume. During the January 15th meeting, the DEQ Project Manager indicated that we understand that cVOC releases to groundwater from the GLB facility have co-mingled with the cVOC release from off-property. This understanding is based on the information provided on behalf of Asgard in the recent FFS. Under Oregon law, where co-mingled contamination in groundwater occurs, all parties that contributed to the contamination are responsible for the necessary cleanup in its entirety. Your letter expresses surprise that the DEQ Project Manager subsequently requested Asgard further evaluate the groundwater to surface water pathway to Ball Creek, although the DEQ Project Managers direction was consistent with our January 15th discussion.

Your letter expresses concern about the DEQ Project Manager's recommendation that Asgard consider voluntarily evaluating perfluorinated chemical use at the site. However, the DEQ Project Manager did not require Asgard to take any specific action at this time. Instead, the recommendation acknowledged forthcoming rulemaking that will identify perfluorinated chemicals as hazardous substances. DEQ subject matter experts working on rulemaking have identified several potential industrial activities that may have used perfluorinated chemicals, including chrome plating facilities. GLB previously reported⁵ releases of hazardous substances associated with metal plating activities to DEQ. The DEQ Project Manager's recommendation for Asgard was made based on information provided to us by GLB, our subject matter expert's knowledge of potential perfluorinated chemical sources, and the status of forthcoming rulemaking. Project Managers are encouraged to proactively inform the parties working in the VCP of changes to regulations that may affect future cleanup work or decision making.

Finally, your letter states that an editorial mistake in the DEQ Project Manager's recent correspondence (TCE vs PCE) has contributed to your concern about the Project Manager's ability to oversee cleanup at the GLB facility. It appears that the DEQ Project Manager quickly acknowledged the typo, and that

² GeoEngineers. 2024. Data Gaps Investigation Work Plan, Gerber Legendary Blades Site, 14200 SW 72nd Avenue, Tigard, Oregon, DEQ ECSI ID 118. March 5.

³ GeoEngineers. 2024. Vapor Intrusion Data Gaps Investigation and Focused Feasibility Study Report, Gerber Legendary Blades, 14200 SW 72nd Avenue, Portland, Oregon, DEQ ECSI ID 118.

⁴ DEQ. 2020. Conducting Ecological Risk Assessments. September 14.

⁵ Gerber Legendary Blades. 1986. Clean Up Report For Chromic Acid Discharge. May 12.

despite the typo, the meaning and intent of the correspondence was understood. I agree that typos are unfortunate, and this typo warranted acknowledgement and correction. However, this kind typographical error does not, in our opinion, reflect in the slightest on the ability of a project manager.

Invoice Dispute Response

DEQ received your email⁶ objecting to and refusing payment for staff time related to assessing potential ecological risk included on DEQ Invoice HSRAF25-2207. Your refusal to pay was based on the assertion that DEQ's time included in the invoice was related to work associated with the neighboring property. During the January 15, 2025, meeting with both DEQ and Asgard's legal representatives present, it was explained that Asgard and Williams Controls are both responsible for investigating the nature and extent of cVOC contamination since site operations on both properties contributed to the contamination. DEQ pursued the assessment of these potential cVOC groundwater impacts as part of oversight of Asgard's cleanup work under the VCP.

This email also alleges that DEQ refuses to provide Ecological Risk Assessment groundwater screening values, groundwater sample locations, groundwater concentrations that DEQ used to identify potential ecological hot spots. Please note that ecological screening level values are published as part of the *Conducting Ecological Risk Assessments* guidance, which is available on our website (<https://www.oregon.gov/deq/hazards-and-cleanup/env-cleanup/pages/era.aspx>). DEQ provided our toxicologist's assessment of potential groundwater hot spots on May 5, 2025, as an attachment to a meeting invitation.

The Voluntary Cleanup Pathway Information Packet

(<https://www.oregon.gov/deq/FilterDocs/VCUPathwayInfoPacket.pdf>) clearly defines DEQ's and the responsible party's roles and responsibilities throughout the Investigation and Cleanup process. It outlines the invoicing process and the contractually binding responsibility of the responsible party to pay for DEQ's services upon entering the VCP. Per this document, interest will be charged on past due amounts. DEQ is required by law to pursue collection of unpaid balances by assignment of the debt to the Oregon Department of Revenue or an independent collection agency or directly by cost recovery action or recording liens on property owned by the responsible party.

Draft FFS and Data Gap Report Issue Email

DEQ received your email⁷ in response to a May 5, 2025, meeting invitation to discuss the concerns raised in your previous correspondence and project next steps. Your email reiterated Asgard's position regarding payment of DEQ Invoice HSRAF25-2207 and listed additional concerns with DEQ's review of the FFS. I have addressed each of your concerns below:

- *"DEQ did not review the Ecological Risk section that was included in Asgard's draft FFS"*
DEQ reviewed the FFS in full. As noted above, the DEQ project team's review of the FFS identified the need for additional ecological assessment.
- *"DEQ did not account for data from Williams Controls. In fact, that entity is not even mentioned in the memo"*
DEQ reviewed the groundwater data provided in FFS Table 1 (Summary of Select Volatile Organic Compounds in Groundwater). These data are relevant to the GLB facility.

⁶ Asgard. 2025. Email to: Dawn Ismerio (DEQ); Subject: DEQ Invoice. April 24.

⁷ Asgard. 2025. Email to: Amanda Wozab (DEQ); Subject: Re: Gerber Legendary Blades Discussion. May 7.

- *“There are questions about soil in the riparian zone (between the southwest portion of the building and Ball Creek) and surface water sampling, both of which are addressed in Asgard’s draft FFS”*

DEQ identified potential ecological receptors that should be considered when assessing potential risks to ecological receptors. These risks are not adequately addressed in the FFS.

- *“DEQ completely ignored current groundwater data, and instead analyzed 20-year-old data that was then compared to current RBCs”*

DEQ reviewed the data presented in Table 1 of the FFS and compared them to the current ecological RBCs. GLB may collect current groundwater data under a DEQ-approved work plan to support an assessment of potential ecological risks.

Gerber Legendary Blades Discussion Email

DEQ received your email⁸ stating that Asgard entered the VCP to alleviate a prospective buyer’s concerns around vapor intrusion issues under the building. As noted above, DEQ does not issue no further action (NFA) determinations for individual pathways. A NFA determination requires sites to evaluate all potential exposure pathways and implement protective remedies for all potential risks. As previously stated, the request to assess potential ecological pathways at your site is appropriate and consistent with Oregon law and DEQ policy.

Options

There are various options to move this site forward. Below are some of our suggestions. Regardless of any of these presented options, Asgard is responsible for paying costs incurred through its agreement with the VCP Program. Continued refusal to make payments will result in collections and/or a lien on the Gerber property.

Consent Order that Encompasses All Remaining Site Work

Asgard could enter an Order on Consent (Consent Order) that encompasses all remaining site work. A Consent Order would provide structure to the cleanup process and include a defined Statement of Work to holistically address all current and potentially future risk, including vapor intrusion and any other identified potential risk pathways.

Vapor Intrusion Letter with an Order to address Other Risk Pathways

Asgard can move forward focusing its efforts to address the vapor intrusion exposure pathway working cooperatively under the guidance of DEQ in the VCP program. Concurrently, Asgard and DEQ would enter a Consent Order that would provide a structured outline and schedule of work to address all other identified potential risk pathways. Once a protective remedy for the vapor intrusion is implemented and confirmed through monitoring, DEQ could issue a letter stating that Asgard implemented a protective remedy for the vapor intrusion pathway.

Potential Purchaser Agreement (PPA) for Prospective Buyer

A potential buyer of the property could enter DEQs PPA Program. A Prospective Purchaser Agreement is a legally binding agreement between DEQ and a prospective purchaser. Prior to purchase of the property, DEQ and the Prospective Purchaser would agree to a scope of work and schedule to address onsite contamination. PPAs can often help buyers and sellers decide who will

⁸ Asgard. 2025. Email to: Amanda Wozab (DEQ); Subject: Re: Gerber Legendary Blades Discussion. May 9.

pay for and complete cleanup of the property. A PPA limits the purchaser's liability to DEQ for environmental cleanup of the property for historic contamination.

Closing

I hope the information provided herein helps set clear expectations of the investigation and remediation process with DEQ. We value your voluntary and cooperative participation in the Cleanup Program and our priority is to have risks posed by hazardous substances released from the GLB facility fully assessed and cleaned up, as necessary to protect human health and the environment. We look forward to receipt of outstanding invoice balances and hearing how you would like to proceed with cleanup and investigation of risks at the GBL property.

Please contact me at (503) 705-9961 or Amanda.Wozab@deq.oregon.gov if you have questions regarding this letter.

Sincerely,

Amanda Wozab

Amanda Wozab
Section Manager
NWR Cleanup Section

EC: Wesley Thomas, DEQ
Jim Orr, DEQ
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ECSI No. 118 File