

Oregon

Kate Brown, Governor

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June 14, 2017

Mr. Scott Pruitt, Administrator
Environmental Protection Agency
Office of the Administrator (1101A)
1200 Pennsylvania Ave, N.W.
Washington, DC 20460

RE: EPA's Record of Decision for the Portland Harbor Superfund Site

Administrator Pruitt:

As the Director of the Oregon Department of Environmental Quality (DEQ), I urge you to work with your staff at the United States Environmental Protection Agency (EPA) to continue moving as quickly as possible to implement the Portland Harbor Record of Decision (ROD), issued earlier this year. I have been in close communication with Oregon Governor Kate Brown on this important matter, and I know that she shares my strong desire to keep the momentum going that we have built to get this major Superfund site cleaned up and put back to the full productive potential it has as a centerpiece of the Pacific Northwest economy.

The Portland Harbor Superfund Site is one of the largest Superfund sites in the nation, spanning a 10-mile stretch of the Lower Willamette River in the heart of the Portland metropolitan region. Over 150 years of industrial and urban uses have left a legacy of heavily contaminated sediments and riverbanks presenting significant and unacceptable risks to people's health and the environment, particularly to people who eat contaminated resident fish. Those who rely on these fish, including Portland's ever growing number of low income and houseless residents, are at risk for a variety of health effects, including cardiovascular disease, diabetes, and various types of cancer. Newborns of nursing mothers who consume these fish are at greatest risk. They may suffer from low birth weight, lifelong reduced IQ, or alterations in reproductive function.

The risks to human health and the environment are too great, and any delay in ROD implementation only exacerbates the problem. EPA must initiate post-ROD work as soon as practicable in order to achieve our shared goal: timely completion of cleanup that protects people from unacceptable exposure to contamination in the Harbor. Further, with every year of delay, the Portland metropolitan area loses opportunities for economic, social, and cultural revitalization in this key part of the region.

Specifically, DEQ believes that remedial design should begin by the end of 2017 in at least three of the five high priority sediment management areas (SMAs). These areas include:

- Gasco – former gas manufacturing site where sediments are contaminated with PAHs and tar which are susceptible to river erosion;
- Arkema – former pesticide manufacturing site where sediments are contaminated with dioxins/furans, DDT and other pesticides;

- RM11E – upriver-most site with the highest concentration of PCBs in smallmouth bass;
- Willamette Cove – former dry dock and industrial site where sediments are contaminated with PCBs and dioxins/furans that is currently used by a homeless houseboat community; and
- Cathedral Park – major City park where sediments are contaminated with PCBs and heavy metals.

Initiation of remedial design this year, along with baseline sampling, will set the stage for remedial action (construction work) to begin as soon as 2020. Without a continued sense of urgency by EPA, DEQ is concerned that it will not be possible to implement the ROD and complete site-wide remedial actions for decades.

Initial cleanup tasks, such as those described above, need not be delayed by the ongoing non-judicial mediation through which public and private entities, including the State of Oregon, are working to allocate the costs associated with investigation and cleanup of sediment contamination in Portland Harbor. In fact, information gleaned in these initial cleanup tasks may inform the ongoing allocation work.

The ROD is the culmination of over 17 years of study to identify contamination, assess risks to human health and the environment, and evaluate cleanup options for the Harbor. EPA's cleanup decision reflects not only the results of many years of study, but an overwhelming public sentiment that EPA must act to make substantial improvements toward a cleaner and healthier river. During a 90-day public comment period on its draft cleanup plan, EPA received feedback from thousands of individuals and organizations affected by the cleanup. The majority of comments received asked for a more aggressive cleanup that dredged more, capped more, and encouraged early actions to get cleanup underway as soon as possible. EPA responded by selecting a remedy that more aggressively targets nearshore areas of the river where exposures are the greatest, while applying less stringent cleanup criteria in the federal navigation channel. This approach strikes a reasonable balance by targeting cleanup efforts where the greatest risk reductions can be realized, while maintaining a remedy that is both flexible and responsive to new data and site-specific conditions. The State of Oregon documented its concurrence with this approach in a letter dated December 22, 2017.

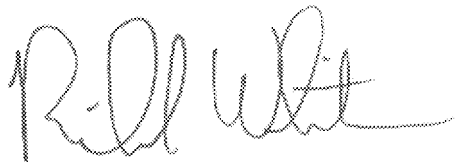
As expressed in the State's concurrence letter, EPA's cleanup plan presents financial, technical, and administrative challenges consistent with any project of this scope and magnitude. DEQ firmly believes that these challenges can and should be overcome during design and implementation of the remedy. In doing so, EPA must:

- Provide for legal and administrative incentives to encourage potentially responsible parties to promptly enter into performance agreements consistent with CERCLA, the NCP, and EPA policy and guidance;
- Divide the Harbor into manageable work areas for purposes of efficiently prioritizing design and construction;
- Dedicate sufficient staff and resources towards getting timely cleanup underway in priority cleanup areas;

- Continue to coordinate closely with Tribal governments, key stakeholders, and the community in order to meet the construction schedule, efficiently manage project costs, and solicit support of all actions taken consistent with the remedy;
- Support innovative engineering solutions and flexibility during remedy design to improve implementability and manage project costs;
- Develop a comprehensive long-term monitoring plan and data management system with Potential Responsible Parties (PRPs) to assess remedy effectiveness, which may not be measurable for some time;
- Improve community outreach and education on the risks of eating contaminated fish, including close coordination with the Oregon Health Authority to update to the existing fish advisory;
- Allow DEQ, through consultation with EPA, to perform certain oversight functions in order to maximize resources and achieve cleanup as soon as possible; and
- Be prepared to employ appropriate enforcement tools, if necessary, to secure performance

The Portland Harbor is a tremendous resource to the citizens of Oregon. DEQ remains committed to working with EPA on moving cleanup forward to restore the Harbor to its fullest potential as the economic, social, and cultural hub of the Portland metropolitan region.

Sincerely,



Richard Whitman
Director

Cc: Michelle Pirzadeh, Acting Regional Administrator, EPA Region 10
Jim Woolford, Director, EPA OSRTI
Sheryl Bilbrey, Director, EPA Office of Environmental Cleanup
Davis Zhen, Manager, EPA Region 10 Site Cleanup Unit 2
Jason Miner, Office of Governor Kate Brown, Natural Resources Policy Manager
Jim McKenna, Office of Governor Kate Brown, Portland Harbor Policy Analyst
Kevin Parrett, Manager, ODEQ Northwest Region Cleanup Program
Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of Siletz Indians
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation of Oregon
Nez Perce Tribe
National Oceanic and Atmospheric Administration
Oregon Department of Fish and Wildlife