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**From:** Imeson, Thomas J [tom.imeson@nwnatural.com]  
**Sent:** 6/23/2017 10:47:40 PM  
**To:** Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]; Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]  
**CC:** Elliott P. Laws (elaws@crowell.com) [elaws@crowell.com]  
**Subject:** FW: Portland Harbor/Gasco

Byron and Kel,

First, I'd like to thank you again for being so generous with your time at our meeting to discuss the Portland Harbor Superfund Site. We genuinely appreciate your interest in making progress toward cleaning up the harbor and the Gasco sediments site. As we discussed at the meeting, we will provide you with additional information and recommendations for moving forward with Gasco in the next few days.

Another issue we discussed relates to the sampling needed to move forward with Portland Harbor. As you may know, Region 10 recently released its proposed sampling plan. The email below includes our initial comments to the Jim Woolford and Sheryl Bilbrey, including some significant concerns. We hope that the Region will react positively to our comments but it is also possible further involvement from EPA headquarters will be appropriate to resolve issues, so I wanted to keep you informed.

Please feel free to contact me if you have any questions or comments.

Tom Imeson  
Vice President, Public Affairs  
Northwest Natural

**Ex. 6**

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**From:** Imeson, Thomas J  
**Sent:** Thursday, June 22, 2017 2:01 PM  
**To:** James Woolford; Sheryl Bilbrey  
**Subject:** Portland Harbor/Gasco

Dear Sheryl and Jim:

As we have previously discussed, NW Natural is moving forward with EPA Region 10 to design a remedy for the Gasco sediments site. EPA has recently approved our schedule for submission of technical basis of design memoranda as well as preliminary and final remedial design documents. With the State of Oregon and the City of Portland, we also submitted, on May 23, a proposal for the collection of initial data to establish harborwide baseline conditions.

Last week, we received EPA's June 6, 2017 "Sampling Plan for Pre-Remedial Design, Baseline and Long-Term Monitoring." We were pleased to see that EPA's Sampling Plan clearly distinguishes data needs associated with sediment management area-specific pre-remedial design from harborwide baseline data collection and that the scope of some elements of EPA's anticipated baseline data collection are generally in line with our vision for the work. Based on our initial review, however, we have some significant concerns with EPA's approach:

- Some of EPA's identified data needs do not appear reasonably related to implementation or performance monitoring of a CERCLA cleanup. For example, anadromous and migratory fish have home ranges too large for their tissue to provide meaningful information about site conditions or the effect of cleanup activities.

- The scope of some of the tasks within the Sampling Plan, especially those related to pre-remedial design, is vast. For example, EPA anticipates that 1080 to 1470 sediment cores will be required just to define sediment management area (SMA) boundaries; this is nearly double the number of cores (860) collected in the RI/FS. As we've discussed, pre-remedial design and design level data collection should be conducted by parties that will perform those remedies, and should be scoped and sequenced on the basis of site-specific conditions.
- Because of the extensive scope of EPA's prescribed pre-design sampling, it seems extremely unlikely that enough responsible party commitment can be obtained in the timeframe specified to fund this work as part of the "initial sampling approach" EPA presents it as. We note that EPA's cover letter states that EPA is "open to discussing" SMA characterization that would be adequate to finalize the allocation short of full design, but we remain concerned that there appears to be a significant difference among the parties' expectations concerning what data is required and when it must be obtained.
- EPA's letter states that it intends sampling to begin before the end of 2017 and that it will therefore initiate a 60 day negotiation period on a draft Consent Order and the Sampling Plan within the next two weeks. This accelerated schedule strongly implies EPA is at least contemplating enforcement action if an agreement is not reached immediately. Even assuming that negotiations at this very complex site could be concluded so quickly, EPA's expectation that the parties will "prepare investigation-specific planning documents including: work, field sampling and analysis plans; standard operating procedures; and quality assurance and health and safety plans to describe the sampling rationale, data quality objectives, sampling procedures, analytical methods, and data analysis approach" for EPA approval prior to commencing sampling makes actual in-water sampling in 2017 highly unlikely.
- EPA's letter requests that the letter recipients begin negotiations toward the Consent Order from a confidential proposal submitted by unidentified parties on June 6. EPA did not provide a copy of this proposal. We were not able to obtain the proposal until June 15, two days into the 14-day window to discuss the Sampling Plan before EPA stated it would initiate the consent order negotiation period. The absence of transparency about what EPA is or may be negotiating with other parties, coupled with the brief window EPA has allowed for discussion before an apparently formal enforcement process commences, is very difficult to manage.

At EPA's request, we reached out to the other parties we understand have expressed interest in participating in baseline sampling. Although the United States stated an immediate willingness to coordinate with us, the proponents of the other proposal advised us that they had scheduled an exclusive meeting with EPA and were unavailable to meet with us. We are pleased that, after we expressed our concern that EPA initiate negotiations for implementation of the ROD in a fair and transparent manner, EPA cancelled this separate meeting, encouraged those parties to meet with us, and extended its pre-negotiation window by an additional two weeks. We now have a conference call scheduled with the developers of the other plan this afternoon (June 22) and a meeting scheduled among EPA and all interested parties on June 26.

We appreciate and share EPA's commitment to maintaining forward progress on the site. We will keep you updated on our progress, and we hope that you will continue your direct involvement with this project to ensure that the improved working relationship between EPA and the PRPs for which you have been responsible is maintained as we proceed through these negotiations.

Tom Imeson  
Vice President, Public Affairs  
Northwest Natural

**Ex. 6**

Sent from my iPhone