

Pre-RD Group's Proposal for Pre-RD Investigation and Baseline Sampling

Meeting with EPA Region 10, Seattle
August 28, 2017

For Settlement Purposes Only

Agenda for August 28 meeting

- Roll call and introductions
- Pre-RD Group offer is voluntary
- Areas of agreement/scorecard
- Areas of remaining disagreement
 - AOC
 - SOW and Work Plan
- Limitations of the Pre-RD Group

Pre-RD Group Vision

- Our proposal is a robust plan, estimated cost exceeds \$15 million
- Group ready to implement
- Need to complete in two years – a shared goal
 - Will require expedited EPA reviews and approvals
- Meets ROD's stated need for more information
- Will provide updated data to refine the remedy and establish baseline
- Provides information needed to progress allocation among PRPs
- Pre-RD Group's plan written independently of EPA's June plan

Pre-RD Group's Vision (cont'd)

- **Key issue: RI data 10-15 years old – decision documents do not represent current conditions**
 - Makes allocation among PRPs difficult
 - Interim PRP studies show changes in site conditions
 - Support PRPs' understanding that site is cleaner now than EPA's ROD reflects
 - Data collected in past 5 years show improvements, but were not considered in ROD decision
 - New information may support less active remediation than shown in ROD
 - ROD did not establish accurate urban/downtown/up-river background loading
 - Site risks may be over-stated based on current conditions, lack of site-specific fish consumption info
- **A pre-RD scope of work is needed to establish current conditions**
 - Fish tissue levels, sediments, etc. to create confidence by PRPs
- **Work is aligned with EPA Superfund reform goals**
 - Move sites along
 - Follow the data, use focused scoping to target key remedy areas

Overview of negotiations on scope

Scope element	Pre-RD Group offer	EPA Current Position	Areas of Disagreement
1. Bathymetric survey	<ul style="list-style-type: none"> Bank-to-bank, site-wide survey to assess changes in sediment sedimentation and river bottom elevation 	OK	None
2. Surface sediment sampling: establish current conditions, refining SMA boundaries, determining baseline for the site	<ul style="list-style-type: none"> Initial plan of 200 unbiased samples (plus SMA samples) Increased to 345 unbiased samples (580 total) Revise statistical strategy <ul style="list-style-type: none"> Added 145 unbiased samples for EPA Site = 9 segments Reoccupying 87 stations Added 3-pt composites Sufficient statistical power (based on PCB analysis) Analyze for focused COC's 	<ul style="list-style-type: none"> No movement to date <ul style="list-style-type: none"> Need 420+ unbiased samples Need to monitor at RM scale (21 segments) Statistical consultant to provide backup analysis – none provided Must analyze all COCs 	Number of unbiased samples (345 vs. 420+) COC's for analysis
3. SMB fish tissue sampling	<ul style="list-style-type: none"> SMB fish tissue samples at 95 stations in Site Analyze for focused COCs (minus PAH) 	<ul style="list-style-type: none"> 95 samples in site ok Only whole body sampling ok Must analyze all COCs 	COC's for analysis
4. Surface water sampling	<ul style="list-style-type: none"> 8 transects, 3 seasonal events, 3 substations per transect Added XAD sampler Analyze for focused COCs (total and dissolved) 	<ul style="list-style-type: none"> Use XAD samplers to meet low detection levels Must analyze all COCs 	COC's for analysis – could drive volume to impractical limits

Overview of scope negotiations (cont'd)

Scope element	Pre-RD Group offer	EPA Current Position	Areas of disagreement
5. Subsurface sediment coring to refine remedial footprint boundaries	<ul style="list-style-type: none"> 90 sediment cores typically 10-15 feet deep and 6 feet in near-shore areas 2-foot sample increments Analyze for focused COC's 	<ul style="list-style-type: none"> Originally requested +1000 cores (100% design level) Moved to agree to 90 cores 1-foot sample increments Focused COCs plus geotechnical parameters, NAPL ID TOC, grain sized 	Pre-RD Group offer <ul style="list-style-type: none"> Focused COCs Plus TOC and grain size
6. Fish acoustic tracking study	<ul style="list-style-type: none"> Pilot and year-long full study 	OK. interpreting fish tissue data and the suitability of SMB as an indicator of remedy effectiveness	None
7. Camera survey of anglers	<ul style="list-style-type: none"> 12 stationary cameras at select locations for + 1 yr Data on location and frequency of fishing along river 	OK. Could be useful for informing fish consumption advisories/IC's.	None
8. Downtown Reach/Upstream Reach sampling	<ul style="list-style-type: none"> 40 sediment samples (20 in Downtown, 20 in Upstream) to assess incoming load to Site 10 SMB samples increased to 25 samples Added 3-point sediment composites Analyze for focused COC's 	<ul style="list-style-type: none"> Require 60 sediment samples – split Downtown / Upstream 40 SMB – split Downtown / Upstream Analyze all COCs 	Number of sediment samples Number of SMB COC's for analysis

Overview of scope negotiations (cont'd)

Scope element	Pre-RD Group offer	EPA position	Areas of disagreement
9. Sediment traps	<ul style="list-style-type: none"> ▪ Revised offering 2 transects between RM 11.8 and 16.2 - data of contaminant loading into the Site e ▪ 2 samples per transect ▪ 3 sampling events ▪ Focused COCs only 	<ul style="list-style-type: none"> • OK with 2 transects vs 5 • All COCs must be analyzed • Would forego these if Pre-RD Group analyzes throughout for all COCs 	COCs for analysis
10. Upstream /Background pore water samples for metals	<ul style="list-style-type: none"> ▪ 8 upstream locations co-located with sediment samples ▪ Sampling naturally occurring metals only (As and Mn) 	OK, locations should be targeted to appropriate site conditions	None

Key areas of disagreement on work scope

- * Number of COCs to be analyzed
 - * Substantial cost impacts
 - * Schedule impacts on project, including QA/QC reporting, threatens 2-year goal
 - * General practice post-ROD is to narrow COC list to a subset of COCs based on co-location, toxicity, & significance in the risk assessments, as is done in the PH ROD
 - * Remedial footprint of Focused COCs encompasses the majority of the COCs at the Site
- * Number of unbiased samples in surface sediments
 - * Additional analyses delay project
 - * Sample increment (1-foot vs. 2-foot)
 - * We have increased sample count by 200 to meet EPA concerns (new total 580)
 - * Currently will achieve sufficient statistical (0.8) power needed by EPA and the Pre-RD Group
- * Sediment and SMB fish samples for upstream areas (40 vs. 60 that EPA wants)
 - * Our DQO is not focused on difference between downtown and upstream

AOC status—issues not yet resolved

- **Data use – will be evaluated by Pre-RD Group per AOC Section 3.1 in two reports:**
 - SMA footprint report, Pre-design investigation (PDI) Evaluation Report
- **Costs charged to project**
 - Agreed no NRD trustee oversight costs or role in this project
 - Need clarity that trustee costs through grants from EPA will not be billed to this project
 - EPA's cost of developing its own sampling plan not charged to this AOC
 - Will pay oversight costs from date negotiations with EPA began in June
 - Cap on EPA and ODEQ oversight costs
- **Dispute resolution provision involving expert panel / HQ EPA staff**
 - Toll penalties on disputed items
 - Need external panel to quickly resolve technical disputes
- **EPA work “takeover” not consistent with limited, short term project**
- **No scope increase unless mutually agreed by EPA and Group**

SOW status—issues not yet resolved

- Work Plan must be approved at time of signature of AOC or 2-year schedule will not be achievable
- PDI Evaluation Report includes analysis of data collected and its implications
 - Refine SMAs
 - Generate new SWACs
 - Collect data from downtown/upstream areas and consider impact on achieving cleanup standards
 - Review implications of new data on food web model
- EPA review time periods must be achieved to deliver this work in a meaningful time frame – June 2019 report

Conclusions

- **Pre-RD group companies are willing to fund and execute the work**
 - Each has committed substantial resources to bring forth our proposal to this point
- **Our coalition is fragile; we have lost several members**
- **Seek better working relationship with EPA**
 - Improve pace of remedy implementation
 - Support allocation process
 - Promote and support EPA Superfund reform initiatives
- **Thank you for this opportunity.**