

Message

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**From:** Kelly, Albert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08576E43795149E5A3F9669726DD044C-KELLY, ALBE]  
**Sent:** 11/16/2017 4:46:45 PM  
**To:** rich.gold@hklaw.com  
**Subject:** FW: Portland Tribune Editorial Board: Our Opinion: Superfund cleanup must not be delayed

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830

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**From:** Skadowski, Suzanne  
**Sent:** Thursday, November 16, 2017 10:59 AM  
**To:** Kelly, Albert <kelly.albert@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Senn, John <Senn.John@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Cc:** Holsman, Marianne <Holsman.Marianne@epa.gov>  
**Subject:** Portland Tribune Editorial Board: Our Opinion: Superfund cleanup must not be delayed

Good morning:

Wanted to be sure you saw this week's Op-Ed on Portland Harbor, coincidental to the NYT inquiry.

This follows last week's Portland Tribune story: <http://portlandtribune.com/polluters-in-drivers-seat-for-superfund-cleanup-plan>

Thank you,  
Suzanne

**Our Opinion: Superfund cleanup must not be delayed**  
<http://portlandtribune.com/our-opinion-superfund-cleanup-must-not-be-delayed>  
Portland Tribune Editorial Board | November 14, 2017

The secrecy of the talks is troubling, particularly in a process in which trust and credibility are key. It took the EPA more than 16 years to devise the river cleanup plan, released in the waning days of the Obama administration. The baseline study could take two years and then the actual cleanup is expected to take another 13 years.

Those advocating for a cleanup of the Willamette River were alarmed by last week's news that the Trump administration has given industrial polluters a larger say in how they will clean up their toxic legacy in Oregon's iconic waterway.

So were we.

As detailed by Portland Tribune reporter Steve Law, the Environmental Protection Agency is considering allowing four of the Willamette's largest past polluters to head a key study that will provide a baseline for future efforts to remove contaminants from the river sediment.

It's key for companies that polluted the river to be involved in the cleanup. But river watchers say those believed to make up the Gang of Four tapped by EPA chief Scott Pruitt have until now seemed more intent on slowing down the cleanup of the Superfund site than finding solutions.

U.S. Sen. Jeff Merkley told the Tribune he fears the secret deliberations may be intended to "unravel" years of work on the project.

At issue is who will pay for a new assessment of the river's health. Some past studies of sediment and toxicity levels in fish are now up to a decade old.

The Oregon Legislature earmarked \$8 million to finance a new baseline study and the state, joined by the city of Portland and NW Natural (an industrial polluter) gave the EPA plans to do so in late May.

But as Law reported last week, EPA officials were secretly meeting with a group of industrial polluters who wanted to control the study.

The EPA refused to disclose the four companies involved but the Portland Tribune learned that one is Arkema, a chemical company based in France that once manufactured DDT on the river. The other members are thought to be Evraz, a Russian-owned steel company; Texas-based Exxon-Mobil; and an entity known as Marine Group, which may be more than one company.

The secrecy of the talks is troubling, particularly in a process in which trust and credibility are key.

It took the EPA more than 16 years to devise the river cleanup plan, released in the waning days of the Obama administration. The baseline study could take two years and then the actual cleanup is expected to take another 13 years.

Given that the EPA won't confirm the four entities making a pitch to fund the baseline study, it's hard for us to know if they can be trusted.

That's not the case with the proposal put forth by the city, state and NW Natural.

All three entities likely contributed to the pollution, which means they will be on the hook for cleanup costs. But unlike some of the other polluters, these three parties have strong connections to the Portland community and said from the start they want to clean up the river as quickly and efficiently as possible.

This is a key point, as every year that passes without mitigating the historic pollution is a year that halts needed development along the river.

Last summer, as the EPA was preparing its Record of Decision to guide the cleanup, we urged a practical approach that recognized that there is no longer a "fund" of federal money to mitigate Superfund sites. Rather, the cost will be borne primarily by local public agencies and private companies that polluted the river — in some cases decades ago.

As a result, we need a plan that acknowledges that the cost of removing all trace of pollutants is prohibitive, that avoids litigation and moves quickly to start mitigation in the river's most polluted areas.

If secret meetings with unnamed private out-of-state (and, likely out-of-country) interests produce a plan for a baseline study that achieves those goals and earns the backing of the city, state and local private polluters, it should be considered.

Otherwise, it should be viewed as a diversion that muddies the waters and slows down a project that should have started years ago.

**Suzanne Skadowski**

Public Affairs | Media Relations Specialist

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**From:** Kelly, Albert

**Sent:** Wednesday, November 15, 2017 4:18 PM

**To:** Skadowski, Suzanne <[Skadowski.Suzanne@epa.gov](mailto:Skadowski.Suzanne@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Senn, John <[Senn.John@epa.gov](mailto:Senn.John@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Cc:** Holsman, Marianne <[Holsman.Marianne@epa.gov](mailto:Holsman.Marianne@epa.gov)>

**Subject:** RE: NYT re Portland Harbor, EPA enforcement -- draft statement

This is well done. Thank you

Albert Kelly

Senior Advisor to the Administrator

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202 306 8830

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**From:** Skadowski, Suzanne

**Sent:** Wednesday, November 15, 2017 5:47 PM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Senn, John <[Senn.John@epa.gov](mailto:Senn.John@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Kelly, Albert <[kelly.albert@epa.gov](mailto:kelly.albert@epa.gov)>

**Cc:** Holsman, Marianne <[Holsman.Marianne@epa.gov](mailto:Holsman.Marianne@epa.gov)>

**Subject:** RE: NYT re Portland Harbor, EPA enforcement -- draft statement

Hi Liz --

We're sending the Portland Harbor statement to NYT, attributed to R10 Acting RA Michelle Pirzadeh:

The Administrator has made it a priority to bring potentially responsible parties to the table to ensure that PRPs are doing what is necessary to clean up toxic land sites. As EPA moves forward with implementation of the Portland Harbor Record of Decision, we are in negotiations with PRPs and working with our tribal, state and local partners. EPA's negotiations are an important step in the Superfund process to help move the cleanup forward. EPA is currently negotiating with a number of PRP groups to conduct baseline sampling, refine cleanup areas, or design and complete cleanup of early action sites. EPA's enforcement of the Superfund laws, including negotiations with PRPs, helps ensure that the responsible parties pay principle is applied fairly. While EPA cannot give details about on-going negotiations, the final agreements will be available to the public.

Thank you.

Suzanne

**Suzanne Skadowski**

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**From:** Skadowski, Suzanne

**Sent:** Wednesday, November 15, 2017 8:52 AM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Senn, John <[Senn.John@epa.gov](mailto: Senn.John@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto: wilcox.jahan@epa.gov)>; Kelly, Albert <[kelly.albert@epa.gov](mailto: kelly.albert@epa.gov)>

**Cc:** Holsman, Marianne <[Holsman.Marianne@epa.gov](mailto: Holsman.Marianne@epa.gov)>

**Subject:** RE: NYT re Portland Harbor, EPA enforcement -- draft statement

Got it, thank you.

We will send statement (after Kell's approval) to NYT with attribution to Acting RA or Superfund Director (checking now).

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**From:** Bowman, Liz

**Sent:** Wednesday, November 15, 2017 8:42 AM

**To:** Skadowski, Suzanne <[Skadowski.Suzanne@epa.gov](mailto: Skadowski.Suzanne@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Senn, John <[Senn.John@epa.gov](mailto: Senn.John@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto: wilcox.jahan@epa.gov)>; Kelly, Albert <[kelly.albert@epa.gov](mailto: kelly.albert@epa.gov)>

**Cc:** Holsman, Marianne <[Holsman.Marianne@epa.gov](mailto: Holsman.Marianne@epa.gov)>

**Subject:** RE: NYT re Portland Harbor, EPA enforcement -- draft statement

Email is preferable, and since they reached out to you all directly, it would be best coming back from you all.

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**From:** Skadowski, Suzanne

**Sent:** Wednesday, November 15, 2017 11:42 AM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Senn, John <[Senn.John@epa.gov](mailto: Senn.John@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto: wilcox.jahan@epa.gov)>; Kelly, Albert <[kelly.albert@epa.gov](mailto: kelly.albert@epa.gov)>

**Cc:** Holsman, Marianne <[Holsman.Marianne@epa.gov](mailto: Holsman.Marianne@epa.gov)>

**Subject:** RE: NYT re Portland Harbor, EPA enforcement -- draft statement

Hi Liz,

Thank you very much for the edits.

We'll check with our Acting RA and ECL Director on attribution.

Are you still planning to talk with the NYT reporter directly, or do you want to email a statement instead?

Thanks,  
Suzanne

**Suzanne Skadowski**

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**From:** Bowman, Liz  
**Sent:** Wednesday, November 15, 2017 8:35 AM  
**To:** Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>  
**Cc:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Senn, John <Senn.John@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>  
**Subject:** RE: NYT re Portland Harbor, EPA enforcement -- draft statement

Some suggested edits below & looping in Kell – can we attribute this to the RA or the head of the Superfund program there?

**R10 Portland Harbor statement for the record:**

The Administrator has made it a priority to bring PRPs to the table to ensure that potentially responsible parties (PRPs) are doing what is necessary to clean up toxic land sites. As EPA moves forward with implementation of the Record of Decision remedy, we are in negotiations with PRPs and working with our tribal, state and local partners. EPA's negotiations are an important step in the Superfund process to bring parties to the table and help move the cleanup forward. EPA is currently negotiating with a number of PRP groups to conduct baseline sampling, refine cleanup areas, or design and complete cleanup of early action sites. EPA's enforcement of the Superfund laws, including negotiations with PRPs, helps ensure that the "polluter pays" principle is applied fairly. While EPA cannot give details about on-going negotiations, the final agreements will be available to the public.

**Optional background only info:**

The Superfund enforcement program gets Superfund sites cleaned up by finding the companies or people responsible for contamination at a site, and negotiating with them to do the cleanup themselves, or to pay for the cleanup done by another party (i.e., EPA, state, or others). By placing the burden of cleanup on those responsible for the contamination, EPA can use its limited Superfund money at sites where potentially responsible parties do not exist or the PRPs ability to pay for the cleanup is small or lacking altogether. EPA prefers to reach an agreement with a PRP to clean up a Superfund site instead of issuing an order or paying for it and recovering the cleanup costs later. A Superfund settlement agreement is written in the form of an administrative order on consent or a judicial consent decree.

The work of the Superfund enforcement program preserves taxpayer dollars and the scarce resources of the Superfund trust fund to address truly abandoned and orphaned sites. For every dollar spent by the Superfund enforcement program, private parties commit to spending eight dollars toward cleanup work, leading to restoration of land and water, facilitating reuse and revitalization, and protecting communities and taxpayers.

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**From:** Skadowski, Suzanne  
**Sent:** Wednesday, November 15, 2017 10:10 AM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Cc:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Senn, John <Senn.John@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>  
**Subject:** RE: NYT re Portland Harbor, EPA enforcement -- draft statement

Hi Liz,

I can chat about this any time. Marianne will be in a bit later this am.

**Suzanne Skadowski**

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**From:** Bowman, Liz  
**Sent:** Tuesday, November 14, 2017 4:07 PM  
**To:** Holsman, Marianne <[Holsman.Marianne@epa.gov](mailto:Holsman.Marianne@epa.gov)>  
**Cc:** Skadowski, Suzanne <[Skadowski.Suzanne@epa.gov](mailto:Skadowski.Suzanne@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Senn, John <[Senn.John@epa.gov](mailto:Senn.John@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** Re: NYT re Portland Harbor, EPA enforcement -- draft statement

Let's chat tomorrow morning, thank you for this!

Sent from my iPhone

On Nov 14, 2017, at 7:04 PM, Holsman, Marianne <[Holsman.Marianne@epa.gov](mailto:Holsman.Marianne@epa.gov)> wrote:

Hi Liz:

We can check with folks here about attribution. We thought you were going to be talking with the reporter, so hadn't thought about regional attribution.

Marianne

Follow us!

<image001.png> <image002.png> <image003.png> <image004.png> <image005.png><image006.png>

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**From:** Bowman, Liz  
**Sent:** Tuesday, November 14, 2017 3:52 PM  
**To:** Skadowski, Suzanne <[Skadowski.Suzanne@epa.gov](mailto:Skadowski.Suzanne@epa.gov)>  
**Cc:** Holsman, Marianne <[Holsman.Marianne@epa.gov](mailto:Holsman.Marianne@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Senn, John <[Senn.John@epa.gov](mailto:Senn.John@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** RE: NYT re Portland Harbor, EPA enforcement -- draft statement

Thank you, Suzanne. I am adding Jahan to this as he is good at helping us shorten and tighten quotes. Who would this be attributed to from R10? Can we discuss tomorrow?

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**From:** Skadowski, Suzanne  
**Sent:** Tuesday, November 14, 2017 6:36 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>  
**Cc:** Holsman, Marianne <[Holsman.Marianne@epa.gov](mailto:Holsman.Marianne@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Senn, John <[Senn.John@epa.gov](mailto:Senn.John@epa.gov)>  
**Subject:** RE: NYT re Portland Harbor, EPA enforcement -- draft statement  
**Importance:** High

Hi Liz,

Below is our Portland Harbor draft media statement for your use, w/ optional background info. I understand that John is also providing you info on the overall enforcement program. Please let me know if you need any more info or have any questions.

Thank you,  
Suzanne

**R10 Portland Harbor statement:**

As EPA moves forward with implementation of the Record of Decision remedy, we are actively engaged in negotiations with Potentially Responsible Parties and also working closely with our tribal, state and local partners. EPA's negotiations are an important step in the Superfund process to bring parties to the table and help move the cleanup forward, which is in line with the Administrator's priorities. EPA is currently negotiating with a number of PRP groups to conduct baseline sampling, refine cleanup areas, or design and complete cleanup of early action sites. EPA's enforcement of the Superfund laws, including negotiations with PRPs, helps ensure that the "polluter pays" principle is applied fairly. While EPA cannot give details about on-going negotiations, the final agreements will be available to the public.

**Optional background only info:**

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The work of the Superfund enforcement program preserves taxpayer dollars and the scarce resources of the Superfund trust fund to address truly abandoned and orphaned sites. For every dollar spent by the Superfund enforcement program, private parties commit to spending eight dollars toward cleanup work, leading to restoration of land and water, facilitating reuse and revitalization, and protecting communities and taxpayers.

**Suzanne Skadowski**  
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---

**From:** Grantham, Nancy  
**Sent:** Monday, November 13, 2017 4:38 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>  
**Subject:** Fwd: FYI only -- NYT re Portland Harbor, EPA enforcement

FYI - Eric Lipton contacting state of Washington re EPA enf and Portland harbor sf site

Thx ng

Sent from my iPhone

Begin forwarded message:

**From:** "Skadowski, Suzanne" <[Skadowski.Suzanne@epa.gov](mailto:Skadowski.Suzanne@epa.gov)>  
**Date:** November 13, 2017 at 4:24:06 PM EST  
**To:** "Grantham, Nancy" <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>, "Senn, John" <[Senn.John@epa.gov](mailto:Senn.John@epa.gov)>, "Colip, Matthew" <[colip.matthew@epa.gov](mailto:colip.matthew@epa.gov)>, "Cohen, Nancy" <[Cohen.Nancy@epa.gov](mailto:Cohen.Nancy@epa.gov)>  
**Cc:** "Holsman, Marianne" <[Holsman.Marianne@epa.gov](mailto:Holsman.Marianne@epa.gov)>  
**Subject:** FYI only -- NYT re Portland Harbor, EPA enforcement

Hi folks -- just FYI on this heads up from our Oregon state partner. R10 has not been contacted by NYT.

**Suzanne Skadowski**  
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Facebook: [@eparegion10](https://www.facebook.com/eparegion10)

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**From:** FLYNT Jennifer [<mailto:Jennifer.FLYNT@state.or.us>]  
**Sent:** Monday, November 13, 2017 11:01 AM  
**Subject:** FW: Media Contact [Action Requested: NYT - Portland Harbor]

**Date and Time Contacted:** 11/9/17, 11/10/17  
**Publication/Station:** NYT  
**Reporter's Name and Phone Number:**  
Eric Lipton  
NYT Washington Bureau  
202 862 0448 office  
202 370 7951 mobile  
[lipton@nytimes.com](mailto:lipton@nytimes.com)<<mailto:lipton@nytimes.com>>

**Topic Discussed:** Eric is working on a story about the **differences in environmental enforcement between the Trump and Obama administrations**. Kevin spoke with him about **Portland Harbor** and summarized what we've been telling other reporters regarding **EPA's negotiations with an industry group to collect new data, basically summarizing Richard's two letters to Michelle Pirzadeh**.

Eric also would like to interview Richard or Leah on the broader range of enforcement including water and air.

Kevin was out of the office when the reporter contacted him. The reporter did not expect an immediate response.

**Reporter's Deadline:** He does not have an immediate deadline

**Next Steps:** I will check with Leah and Richard about a possible interview and coordinate with Kevin. I'll inform other offices as appropriate.

**Primary DEQ Contact:** Flynt

**Secondary DEQ Contact:** Parrett

**Were public records requested?** No