

Ms. Barbara Quinn,
Portland Harbor Community Advisory Group
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Ms. Gina McCarthy, Administrator, National EPA
Mr. Dennis McLerran, Director, Region 10 EPA
Ms. Kristine Koch
Ms. Elizabeth Allen
Ms. Anne Christopher
Mr. Sean Sheldrake
Ms. Cami Grandinetti

cc: Mayor Charlie Hales, Commissioner Fish, Commissioner Saltzman, Commissioner Fritz,
Commissioner Novick, Michael Jordan, Director of Environmental Services; Representative Tina
Kotek; Representative Lew Frederick, Nina DeConcini, Director DEQ; Kevin Parrett, DEQ; Matt
McClincy, DEQ.

Dear EPA representatives,

For the sake of equity and environmental justice for Portlanders as well as for environmental health we must have a cleanup that is effective in the long-term and addresses the special conditions of the lower Willamette: particularly its contamination with persistent pollutants and its complex hydrology.

Persistent Pollutants: PCBs and heavy metals do not break down

The most toxic of the persistent pollutants present in the lower river are PCBs (polychlorinated biphenyls), PAHs (polycyclic hydrocarbons), DDTs, dioxin/furans and heavy metals such as lead, cadmium, mercury, asbestos, zinc and others. The heavy metals never break down or neutralize, and will continue to enter the food chain in the river and cause harm unless removed. For all intents and purposes the same is true of PCBs, targeted as the most toxic chemical in the river, because it has no known break down time. Reliance on Monitored Natural Recovery will not result in the neutralizing of these contaminants.

The lower Willamette has complex hydrology

In a volatile river system with complicated hydrology subject to floods, earthquakes, tidal action, prop wash and other navigational activity, scours regularly, and has large debris moving along the bottom, there is no reliable way to isolate persistent pollutants from the sediments and water column through either Monitored Natural Recovery or capping. "This combination of large rivers interacting, dynamic geomorphology within a transitional landscape, and tidal effects transmitted up the Columbia from the ocean create some of the most complex hydrology in the Willamette Basin...The extent of available information limits the degree to which the full complexity of these patterns can be described..." (2013, Bureau of Environmental Services, City of Portland website).

These conditions make recontamination of the river a likelihood with MNR and capping as the main remediation methods. This scenario is an unacceptable outcome of the cleanup. It serves no one and is a waste of resources. In order to address these extremely toxic pollutants and avoid recontamination it is necessary to use more active remediation: removal by dredging.

Performance bonds must be required in the ROD

MNR and capping are proposed in all options and increase the likelihood of recontamination at some level. If they are the main remediation method as suggested in EPA's recommendation, there is a chance of recontamination at a higher level. Therefore, the Record of Decision (ROD) needs to include the requirement of Performance Bonds and state that any cleanup activity resulting from recontamination must be fully funded by polluters rather than the community.

Option G with enhancements must be the cleanup plan

Option G with enhancements best addresses these particular conditions and will achieve cleanup goals in a more reasonable time frame. The enhancements to option G should include:

- 1) More shoreline remedial action in order to include all potential shoreline contaminant sources
- 2) added targeted dredging for more removal of persistent pollutants and
- 3) elimination of the proposed CDF at T4, Slip 1

The time frame of cleanup can be shortened

The cleanup under option G with enhancements could be shortened from the estimate given in the Proposed Plan by having more cleanup activities going at the same time.

New information about volatilization of PCBs needs to be included

The latest information about volatilization of PCBs needs to be examined as a pathway of contamination to humans and the environment as part of the process to evaluate both human health and ecological risk.

The companies who have profited from doing business on the lower Willamette have externalized costs by exposing residents of Portland not only to chemicals dumped in the river, but also chemicals that can go airborne such as PCBs. New studies have shown small PCB molecules can enter the air from water and cause harm to people within a 5-mile radius (Carpenter, 2015, http://mediad.publicbroadcasting.net/p/wnpr/files/201508/385_volatile_pcbs.pdf). PCBs are not only a known human carcinogen, they are an endocrine interrupter and harm the reproductive system. They are especially damaging to children and the per-born causing more magnified harm to them. Most Portland residents live in a 5-miles radius of the lower river which means all Portlanders likely have been exposed and will pay with additional health costs.

Monitored Natural Recovery (MNR) should not be the main remediation method

Natural recovery does not work on persistent pollutants, nor is it reliable within a river hydrology system as complex as that of the lower Willamette. Further, Monitored Natural Recovery or “natural spreading” has not worked for the last 100 years and so it is not a method to heavily rely on now, especially since the Proposed Plan says serious contaminants are spread all over the 10-mile site. MNR will not get the river to acceptable levels in any known time frame. The contaminants will continue to harm both humans and environmental health indefinitely which is unacceptable. A volatile river system with persistent pollutants that don't break down in any known time frame is not an appropriate choice for MNR as the main remediation method as proposed in option I.

Reliance on spreading of contaminants is not an appropriate cleanup method

Heavy reliance on MNR allows too much contaminated sediment to continue to spread over the site and into the lower Columbia to negatively affect the health of humans, fish and other wildlife in areas that may have not been contaminated previously. Spreading is not an appropriate approach to cleanup of persistent pollutants and violates the treaty rights of native American tribes who should not be poisoned because they depend on lower Willamette and lower Columbia River salmon for food and to fulfill cultural practices.

To combat the issue of spreading, the ROD needs to include a requirement for careful environmental monitoring of contaminants in air and water, an action plan to address excesses and communication channels to public should be open throughout construction.

Community inclusion

The ROD should contain a requirement for regular communication between EPA, DEQ and the PHCAG during the remedial design and construction phase of the cleanup. Residents are the largest group of stakeholders and those who literally own the river. They need to be included in all decisions about the river cleanup going forward.

There has been astonishing unity among residents and community groups including PHCAG, Portland Harbor Community Coalition (PHCC), Audubon Portland, and Willamette Riverkeeper, and the Yakama Nation who have all asked for option G with enhancements. All agree that there needs to be a cleanup that results in fish as safe as those immediately upriver in a reasonable time frame. All agree the cleanup needs to result in equity---a lower Willamette that is safe for all users. That means safe access to the riverfront, safe contact with sediments, safe swimming, air that is safe from chemical release, and fish that are as edible as in the rest of Portland's Willamette River.

Groups and residents have all expressed the same goals: that this safety should be realized in a known time frame and that we have long term surety about the cleanup.

Unfair costs

Residents should not be liable for unfair costs. We had nothing to do with dumping industrial waste on the bottom of the river and should not be held responsible for industry's poor disposal practices. BES should trace contaminant releases up city pipes to find those responsible for the releases rather than passing on costs of their cleanup to the public. Those companies who continue to profit handsomely from doing business on the lower Willamette have externalized costs by exposing the residents of Portland to chemicals dumped in the river, some of which can go airborne such as PCBs and effect residents within a 5-mile radius. Portlanders are paying and will continue to pay with health costs and should not be burdened with business related cleanup costs.

Jobs

Jobs that arise from the cleanup should be kept local as much as possible and as close to the site as possible since that is where the most negative effects of contamination exists. Local job training and apprenticeships should also be included.

Equity

Agencies and political leaders cannot continue to allow businesses to use our air and water as their personal dumping ground for harmful chemicals or there will be never be equity for residents. It is time to require that polluters fix the problems they create and profit from. Resident have clearly stated they want a plan that makes the river safe and usable for ALL. There needs to be equity for all users of the river, not just some.

Inclusion of Environmental Justice communities

During the remedial design and construction phase, particular effort needs to be made by EPA, DEQ and the City of Portland to include, fund and support Environmental Justice communities: communities of color, ethnic groups, immigrants, native Americans and houseless people. These groups are more exposed to the negative effects of contamination due to a subsistence fishing, a cultural preference for

resident fish, contact with shoreline sediments while fishing, camping or swimming, and/or living in proximity to the river. At the same time EJ groups are more difficult to engage by the usual means of outreach due to language barriers, economic barriers, trust issues and isolation from mainstream media. A concerted effort needs to be made to include Environmental Justice communities through culturally appropriate outreach and through support of Portland Harbor Community Coalition (PHCC) which has established trust relationships with most of the EJ groups effected by contamination. PHCC would be an invaluable partner during the remedial design and construction phase of the cleanup. PHCC's efforts to organize the EJ communities should be supported and funded throughout the process of the cleanup.

Livability and Environmental monitoring

Monitoring of both air and water needs to occur at regular intervals downriver of construction work including into the Multnomah Channel and Columbia River to keep excess contamination in check. Care should be taken especially to monitor PCB release into the air. An action plan should be in place to immediately address excess contamination of air or water.

The ROD should include a requirement for monitoring of the environment as well as regular EPA reports online or by other easily accessible means to the community about specific activities during construction, including air and water monitoring results. Laboratory turnaround times for results should be as expedient as possible and funded by polluters.

Monitoring of lights, odors, noise and all other possible issues that could affect livability of surrounding residential neighbors should also be required in the ROD. Neighbors should have an easy means of contacting EPA such as an 800 number, if livability issues need to be reported.

Care for the lower Willamette watershed

There needs to be an assurance in the ROD that upland source control by DEQ will continue and be complete via legal means. Currently the Proposed Plan states that a legally binding requirement "may" be used to compel source control. It should be changed to ensure that it will be used to require the needed upland source control work.

Restoration of habitat

Wildlife do not have the luxury of avoiding the 10-miles of the lower Willamette River. It is an important part of the watershed and serves as a migration pathway and habitat for several important endangered or declining species: Chinook salmon, steelhead, Lamprey eel and white sturgeon. Adults migrate upriver to spawn and juveniles migrate down river to the Columbia and ocean. Since all species require habitat, especially off-current or shallow water habitat for rest, feeding and to avoid predators, it is vitally important to restore habitat as soon construction occurs. MNR, capping and dredging will disturb and degrade habitat by reducing diversity of vegetation and other amenities, so restoration of vegetation and other habitat amenities needs to occur during construction, not only as part of the NRDA program. The funding for restoration of habitat should be fully paid for by Potentially Responsible Parties.

Testing of fish tissue needs to begin and continue throughout the construction phase

A baseline for fish tissue contaminant levels needs to be established as soon as possible and continue throughout the construction process so the effects of the remedies can be reflected in the testing. The method of testing should be consistent between agencies and PRPS and should be established in the ROD.

A list of items that need to be included in the ROD:

- **Regular meetings with the community through the PHCAG should occur** throughout the remedial design and construction process, either monthly or quarterly in a neutral location.
- **Support for outreach to Environmental Justice communities** in the remedial design and construction process is vital for their protection during cleanup.
- **Environmental monitoring** should occur at regular intervals downstream of construction including the Multnomah Channel and Columbia River.
- **Livability monitoring** for lights, odors, noise and other livability issues needs to occur and a communication channel between residents and EPA should be established for reporting issues.
- **Performance or assurance bonds** to protect against remedy failure or recontamination
- **Legally binding source control required by the State of Oregon.** Language in the Proposed Plan states that a legally binding requirement “may” be used. It should be changed to ensure that it will be used to require the needed upland source control.
- **Fish tissue monitoring** needs to occur throughout the cleanup process and a baseline for fish tissue contamination should be established as soon as possible. The method of testing fish tissue must be consistent between agencies and PRPs so results can be compared over time to measure remedy success or failure.
- **Restoration of habitat during construction** should be included in the cost of cleanup and fully paid for by PRPs.
- **No separate operable units.** These could delay construction with the need for separate studies, plans and orders. It could cause overall reduced effectiveness due to less coordination between adjacent work areas.
- **Upland source control should include all 30,000 lineal ft. of shoreline** in order to address all sources of contamination.
- **Clean to background levels that reflect future improvements.** Where Remedial Action Levels (RALs) for cleanup are limited by existing background levels, new samples need to be tested to determine existing background levels and RALs accordingly.
- **EPA should be in charge of remedial design and in-water work.** EPA has experience and capacity for in-water work and should remain in control. DEQ should concentrate on upland source control which needs to be well-done and complete in order to have a successful cleanup.

Thank you for your consideration.

Sincerely,

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