From:	James McKenna
To:	Chip Humphrey/R10/USEPA/US@EPA
Cc:	Eric Blischke/R10/USEPA/US@EPA; Gene Revelas; Jennifer Woronets; Keith Pine; Bob Wyatt; Patty Dost
Subject:	RE: LWG Response to EPA's Data Lock-Down Comments
Date:	11/04/2010 06:35 PM

Thanks Chip. I'll discuss this with our technical team and get back to you if we have any questions. Your email indicates the Agency is requiring these changes, and hence these comments are directed in nature. Please let me know if this characterization of your comments is correct. If so, I will notify the LWG Exec that these comments are subject to the 14-day timeline to notify EPA of a dispute per our Administrative Order.

Thanks, Jim.

-----Original Message-----
From: Humphrey.Chip@epamail.epa.gov [mailto:Humphrey.Chip@epamail.epa.gov]
Sent: Thursday, November 04, 2010 5:23 PM
To: James McKenna
Cc: Blischke.Eric@epamail.epa.gov; Gene Revelas; Jennifer Woronets; Keith Pine; Bob Wyatt
Subject: Re: LWG Response to EPA's Data Lock-Down Comments

Jim,

Please see our responses below to the LWG's proposal to address EPA's comments on the draft RI regarding data that was collected after the data lockdown date for the draft RI/BRA report. EPA agrees with some elements of your proposal but is requiring addition changes to the document to incorporate new data.

In addition to information requested in EPA's responses to LWG's proposal below, EPA is requesting the following changes:

Maps - EPA, comment 218 requested maps and figures that included the RM 11E downtown reach data. A new set of RM 11-12 maps should be developed and presented for all indicator chemicals.

Currently, downtown reach data is presented only in Section 2 (sample location maps). However, comment 218 refers specifically to Section 5 maps and figures. At a minimum, Section 5 should include a maps that depict indicator chemicals in the downtown reach for surface/subsuface sediments.

With respect to figures, certain key figures should also be updated similar to the tables we discussed. Specifically,. Figures 5.6-1 through 5.6-6 present data for the various reaches and should be updated.

Response to LWG Proposal

1. LWG and EPA agree that the data set to be used for the RI and risk assessments is to be unchanged (i.e., data lock-down of June 2008);

   EPA agrees with the June 2008 data lock-down date for the risk assessment with the exception of the recent PBDE fish tissue data and Osprey egg data. EPA does not agree with the data lock-down date for the RI. EPA is providing direction on additional changes to the proposal for presentation of new data in the RI. It is clear that the additional studies cited by EPA will add substantial value in evaluating the nature and extent of contamination in the RM 11 and BP Arco locations as well as an improved CSM. EPA believes these changes can be incorporated easily into the revised RI Report. EPA believes that July, 17, 2010 (the date of EPA's comments on the RI Report) is a reasonable cut-off for including new data.

2. LWG will update the project data base with the finite list of recent studies of bedded sediment that EPA cited in their comments to the draft RI (i.e., the downtown reach sampling conducted by the City, ARCO-BP post-source control in-water data; and new data from RM 11 east) as well as some others identified by the RI/FS team (e.g., the Post Office Bar and U.S. Mooring data sets);

   EPA agrees, but believes that some additional studies are relevant to the RI, and need to be included. LWG should propose a list of studies/data sets that will be included and EPA will provide feedback on additional studies to be included.

3. LWG will not conduct a "survey" to determine the full universe of any and all new data sets;

   EPA does not agree. Comment states in part: "Expand the data set for the RI to include data collected subsequent to June 2008." The specific examples cited were instances where EPA was aware of data that was collected. The LWG should make reasonable efforts to identify any significant new data sets relevant to the RI since the June 2008 cut off.

4. The updated electronic project data base will be provided to EPA as soon as practicable, enabling the Agency to conduct their own queries and searches;

   EPA Agrees

5. A bibliography of these new data sets will be provided in an appendix of the revised RI, along with hard copies of reports generated by the party(s) who conducted the studies (including their tables of the data and related maps);

   EPA Agrees

6. Text will be added to the appropriate paragraphs of Sections 5 and 10 of the revised RI that states new data at RM 11 east provides a more accurate depiction of the nature and extent of contamination (namely, PCBs), including the vertical extent;

   EPA Agrees

7. Text will be added to the appropriate paragraphs of Section 5 (e.g., Section 5.6.2.1) that refers to post-data lockdown data from the downtown reach that was collected by the City.

   EPA Agrees

8. Tables 5.6-3 through 5.6-6 and Table 5.6-13 will remain the same because they reflect the agreed-upon data lockdown data set (i.e., June 2008).

   EPA does not agree. In particular, Table 5.6-13 is directly relevant to the downtown reach data and should be updated to reflect the substantial amount of downtown reach data to support the CSM discussion presented in Section 10 and elsewhere.

New text will be added to Section 10, CSM, that refers to the post-data lockdown data discussed in Section 5.6 (i.e., downtown sediment data collected by the City). The new text in Section 10 will note that the additional upstream data provides support for the currently established upstream study boundary of RM 11.8.

In addition to addition to the discussion outlined above, the discussion should also discuss the downtown reach data as it relates to the CSM and the recontamination potential posed by sources in the downtown reach. The work being performed at the Zidell site, the Portland MGP site, the PGE site and efforts to control city CSO discharges in the downtown reach should be discussed as it relates to the CSM and recontamination potential.

Regarding updating site maps, Section 5 maps should be updated to include surface and subsurface sediment concentration maps for all indicator chemicals in the downtown reach (RM 11.8 – 15). RM 11 – 12 surface and subsurface maps should be updated for all indicator chemicals.

Please let us know if you have any questions regarding EPA's response to the LWG's proposal.

thanks
Chip

LWG Response to EPA's Data Lock-Down Comments

James McKenna
to:
Chip Humphrey, Eric Blischke
11/01/2010 04:56 PM

Cc:
Jennifer Woronets, Bob Wyatt , Keith Pine, Gene Revelas

Chip and Eric:

EPA provided two comments on the draft RI that requested new data be presented in the RI and FS that was collected after our agreed-upon data lockdown date (i.e., June 2008). The two comments were S23 and S218. Based on recent conversations with you and the Agency team, the LWG proposes the following as a response to these comments:

1. LWG and EPA agree that the data set to be used for the RI and risk assessments is to be unchanged (i.e., data lock-down of June 2008);
2. LWG will update the project data base with the finite list of recent studies of bedded sediment that EPA cited in their comments to the draft RI (i.e., the downtown reach sampling conducted by the City, ARCO-BP post-source control in-water data; and new data from RM 11 east) as well as some others identified by the RI/FS team (e.g., the Post Office Bar and U.S. Mooring data sets);
3. LWG will not conduct a "survey" to determine the full universe of any and all new data sets;
4. The updated electronic project data base will be provided to EPA as soon as practicable, enabling the Agency to conduct their own queries and searches;
5. A bibliography of these new data sets will be provided in an appendix of the revised RI, along with hard copies of reports generated by the party(s) who conducted the studies (including their tables of the data and related maps);
6. Text will be added to the appropriate paragraphs of Sections 5 and 10 of the revised RI that states new data at RM 11 east provides a more accurate depiction of the nature and extent of contamination (namely, PCBs), including the vertical extent;
7. Text will be added to the appropriate paragraphs of Section 5 (e.g., Section 5.6.2.1) that refers to post-data lockdown data from the downtown reach that was collected by the City.
8. Tables 5.6-3 through 5.6-6 and Table 5.6-13 will remain the same because they reflect the agreed-upon data lockdown data set (i.e., June 2008).
9. New text will be added to Section 10, CSM, that refers to the post-data lockdown data discussed in Section 5.6 (i.e., downtown sediment data collected by the City). The new text in Section 10 will note that the additional upstream data provides support for the currently established upstream study boundary of RM 11.8.

Please let us know if this proposal is acceptable to the Agency and we will include it in our comprehensive table of resolved issues.

Thanks,

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