UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply To
Attn Of: ECL-115

April 6, 2006

James M. Anderson
DEQ Northwest Region
Portland Harbor Section
2020 SW Fourth Ave, Suite 400
Portland, OR 97201

RE: Portland Harbor Joint Source Control Strategy Milestone Report – March 2006

Dear Mr. Anderson:

EPA has reviewed the March 2006 Milestone Report for Upland Source Control at the Portland Harbor Superfund Site submitted by DEQ on March 24, 2006. We can construe that DEQ has spent a lot of time and hard work in developing this report and appreciate the effort put into this document. We do, however, have many comments and concerns with the report. We have enclosed several questions and comments regarding the report (Enclosure 1) that we would like to discuss with DEQ. In some cases, we have provided suggested changes and have enclosed an example of those suggested changes (Enclosure 2).

We would like to set a meeting with you to discuss the contents of the enclosures. From our earlier telephone discussion this week, we will be setting that meeting at the April 12, 2006, Portland Harbor TCT meeting. We look forward to meeting with you.

Sincerely,

Kristine M Koch

Kristine Koch
Remedial Project Manager
U.S. Environmental Protection Agency

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Enclosure 1
EPA Comments on the
Portland Harbor Joint Source Control Strategy Milestone Report – March 2006

General

Comments: Much of the explanation of how sources are identified is in the JSCS, why is it rewritten in the Milestone Report?

Section 2.0

Comments: Why is a detailed discussion about when the sources were identified in relation to the NPL listing in this Report? Why is it relevant to reporting on how the JSCS is being implemented? Is there a substantive difference in how the JSCS is being applied to a facility due to the timeframe the source was identified? If so, what is the substantive difference?

Comments: Section 2.1, page 5 states that the NPL listing "curtailed" the strategy recommendations for potential sources, but in Section 2.2. it is stated that DEQ's site discovery and assessment work continued after the listing. These statements are inconsistent. Again, why is this discussion in the Report if it is not substantively relevant to how the JSCS is being implemented? If it is relevant to how the JSCS is being implemented, please explain.

Section 3.0

Comments: Page 5-6, **Direct discharges**: Are there any POTW discharges within the ISA? POTWs can be potential sources when industrial users discharge waste water and storm water to the POTW and the pollutants are not regulated adequately.

Section 6.0

These comments are tied to Section 7.4.6 of the PH JSCS. "DEQ will identify ***issues affecting the ability to make source control decisions or completeness determinations****,* ***for any step of the source control process*** *(i.e., identification, characterization, and implementation). In addition, DEQ will* ***propose ways to resolve issues*** *and a* ***desired timeframe for resolution****."*

Comments: Page 9, **Issue 1**: Why are these six facilities singled out as needed accelerated schedules for source control work? Are they unwilling to work with DEQ in controlling sources? The milestone report is not clear on why these facilities are an issue for source control; it just states "For a number of different reasons…"

What part of the source control process is there an issue? Is their a particular pathway that is problematic?

The resolution was for "…DEQ… to first identify the sites then accelerate their schedule for source control work." This (to first identify) sound like DEQ needs to identify sites with potential sources, which has already been done. If the intent of DEQ was to state that the sites that are not progressing at an acceptable pace need to be identified by DEQ, it was not portrayed in this sentence. The second resolution (accelerate their schedule for source control work) seems to imply that the problem is with DEQ PM's schedule management. Is this true?

Additionally, a timeframe was not provided for resolving this issue other than "DEQ will report on efforts to accelerate source control work at these sites in the next Milestone Report (June 2006)." Does this mean that DEQ plans to resolve this issue for these sites by June 2006?

Suggested changes: DEQ should strike first sentence from the second paragraph. Provide the issue(s) for each facility in a sub-issue (e.g., Issue 1a: Premier Edible Oil). Briefly state the issue(s) for the site, including the pathway(s) and process(s) that are problematic. Present the proposed resolution(s) for dealing with issue (this may be a process including meetings, letters, orders, schedule modifications, etc.). Finally, DEQ needs to provide a timeframe for resolving the issue with the facility (e.g., June 2006). DEQ should report on the status of each issue in subsequent milestone reports.

Comments: Page 10, **Issue 2**: Why is Gasco separated from the facilities in Issue 1? The milestone report is not clear on why the Gasco facility is an issue for source control. This issue/resolution implies that the problem is with DEQ PM's schedule management (second sentence in second paragraph) and the fact that Gasco is still collecting information when they were listed by DEQ as an active site in 1999. Is the problem really with DEQ management or with data collection or something else? There is no timeframe proposed for resolving this issue.

Suggested changes: Briefly state the issue(s) for the site, including the pathway(s) and process(s) that are problematic. Present the proposed resolution(s) for dealing with issue (this may be a process including meetings, letters, orders, schedule modifications, etc.). Finally, DEQ needs to provide a timeframe for resolving the issue with the facility (e.g., June 2006). DEQ should report on the status of each issue in subsequent milestone reports.

Tables

These comments are tied to Section 7.4.1 of the PH JSCS. "DEQ is evaluating and identifying potential upland sources of contamination to Portland Harbor to determine if further investigation or source control measures are required. DEQ will ***present a table***

of potential upland sources *identified through upland site discovery activities (see Appendix B for more information)* ***and the status of their review****."*

Comments: It appears that Tables 1, 2 and 3 provide the list of sites that are potential upland sources. It is unclear why DEQ chose to provide this information in three tables rather than one, as described in the PH JSCS, other than to point out the timing of discovery. This could have been done in one table. It is also unclear why DEQ did not include all properties adjacent to the Willamette River as potential upland sources for at least the storm water pathway. Did DEQ use the JSCS screening values in prioritizing all identified facilities in all of the tables?

Comments: **Table 1**: Why is the information in Table 1 different from Tables 2 and 3? Why aren't Time Oil and ARCO listed in Table 4? The information (project management input and DEQ Follow-Up) in Table 1 is not necessary for the milestone report and some of the information in seems out of date and may misrepresent the upland source.

Comments: **Table 2**: Why aren't Alder Creek Lumber, Babcock Land Company, LLC, City of Portland Water Pollution Lab, Columbia Sand & Gravel, Hampton Lumber Sales/CMI NW, Hendren Tow Boats, RK Storage, Santa Fe Pacific Pipeline, and Transloader International (General Construction Company) listed in Table 4?

Comments: **Tables 2 & 3**: EPA does not understand DEQ's priority scheme in these tables. Only PA, XPA, and RI are listed as high priority giving the impression that DEQ is still investigating all these sites and has not conducted any source control measures at these sites. It also gives the impression that DEQ has not listed any sites as high priority because high-priority sties are expected to move forward with aggressive source control measures and these sites are still in the investigation phase.

Comments: **Table 4**: Why aren't Esco Landfill Sauive Island, Gasco/Siltronic, Koppers Inc., Texaco Product Pipeline, and Vanwater and Rogers listed in Tables 1, 2 or 3? Why are there listings for Gasco, Siltronic, and Gasco/Siltronic? What are the differences between these sites? Facilities in Table 4 have different names than those in Tables 1, 2 or 3, which makes it difficult to compare tables. Information in column 7 does not reflect current status from other information in table. Why is the information in column 6 important for the Milestone Report? The City of Portland outfalls are only storm water conveyance system rather than a site: no need to list other pathways. The City of Portland has many outfalls with different activities and priorities at each one. The table should list each outfall as pathway and then describe SCE/SCD for each one. Why are headings in Table 4 different from the PH JSCS?

Comment: Site names in Tables 1, 2 and 3 do not match those in Table 4.

Suggested changes: DEQ should provide one table that is a comprehensive list all sites that have been considered, historically or currently, a potential upland source to the Willamette River, including those sites that DEQ has already determined are not a source through their investigation process. This will show that DEQ has considered all sources of contamination to the Superfund Site. Information in this table should be limited to site identification (e.g., site name [common, legal, and former, as applicable], site address, ESCI #, river mile, etc.) (Tables 2 & 3, columns 1 & 2; Table 4, columns 1, 2, 3 & 4), name of DEQ PM (Table 4, column 5), contamination migration pathways (Table 4, column 9), project status for each pathway (e.g., not started, PA, XPA, RI, completed) (Table 4, column 7), major SCE tasks to be completed for each pathway (Table 4, column 11), and expected SCE completion date (month and year) or completion date if project status is completed (Table 4, column 12?).

These comments are tied to Section 7.4.2 of the PH JSCS. "Preliminary investigation activities at upland sites are designed to determine if a site is an ongoing source of contamination to the river. Sites that are identified as current or potential sources will be characterized and prioritized, and then may require either initiation of source control measures or further evaluation to determine if source control measures are required. DEQ will ***present a table of confirmed sources*** *of contamination to the river, the* ***basis for that determination****, and the* ***priority of the site*** *for source control. High-priority sites will be identified in the initial Milestone Report based on existing site information, and subsequent Milestone Reports will identify any new high-priority sites as new information becomes available. Source control is expected to move forward at high-priority sites without delay."*

Comments: Table 4 did not specifically provide the basis for the determination of confirmed sources; it was included in Column 13 **Pathway determination**. A confirmed source is one that has a potential or complete contaminant migration pathway to the Willamette River and has contaminants of interest to the Portland Harbor Superfund Site. DEQ only provided whether the pathway was complete, insignificant, or incomplete; there was no information on contaminants. The term 'insignificant' should not need to be used since there is no definition provided. It would be better to provide a basis that contaminants of interest are not a concern (e.g., contaminants within 1 order of magnitude of SLV, contaminants comply with NPDES permit limits, etc.) and rank the pathway as low priority (Table 4, column 14).

Comments: The JSCS provided that the priority scheme would result from comparing data from each media to the JSCS SLVs and, along with other information

known, a high, medium, or low priority would be given to each identified source. High priority sources would be facilities that needed to move to source control action and stop further investigations and assessment. This scheme does not appear to be applied in the Tables.

Suggested changes: DEQ should provide one table that is a comprehensive list all sites that have been identified as a confirmed upland source to the Willamette River. This table should include the site name (same name as used in potential upland sources table), basis for the determination that this is a confirmed source (e.g., storm water - complete pathway for copper, phthalates, and PCBs), and site priority (Table 4, column 15). DEQ may include this information in the same table as the potential upland sources. Additionally DEQ may provide the determination for why a particular pathway is not a confirmed source (e.g., Overland transport/sheet flow - incomplete pathway: berm prevents overland pathway) and priority level for each pathway (Table 4, column 14).

These comments are tied to Section 7.4.3 of the PH JSCS. "Source control decisions conducted at upland sites will [be] briefly summarized. The Milestone Reports will include a ***summary of the source control evaluation****, the* ***basis for*** *determination that* ***upland source control measures*** *are necessary, a* ***summary of the selected source control measure****, and a* ***schedule for implementation*** *of the source control measure. DEQ will present* ***a table of the source control decisions for each contaminant migration pathway*** *for* ***confirmed or potential sources*** *of contamination to the river."*

Comments: A summary of the source control evaluation was not provided other than the source was complete, insignificant, or incomplete. This is not enough information about the source control evaluation to identify a confirmed source (See comments for Section 7.4.2.). The basis for upland source control measures was not adequately provided in Table 4 (columns 13, 14 and 15). Examples of adequate basis would be: contaminants 2 or more order(s) of magnitude above SLV; contaminants exceed NPDES permit limits; etc. Not all SCMs are provided in Table 4, column 18 (e.g., Paving at Calbag Metals for storm water). A schedule for implementation of each SCM is not provided in Table 4: column 20 provides the completion date (month, year) for each SCM, although not all entries provide a date; column 22 provides a schedule for SCM, although only limited or no schedule information is provided (a schedule consists of more than just a SCM due date – See additional comments on Section 7.4.4); and column 23 provides the date SCM is complete, which is the same information provided in column 20. The columns in Table 4 do not progress in logical order in the source control process which makes it difficult to determine where DEQ is in the source control process.

Comments: Section 9.0, page 15, second paragraph, indicates that sites that have completed upland source control are shaded. These sites were all given priority of low or medium. Why did DEQ chose to proceed on these sites when there are other high-priority sites that are still being evaluated? If these sites were high priority for source control and are now low priority because of DEQ source control efforts, then they should be identified as high priority sites, but DEQ could add another column for post-SCD site priority where they can indicate that the site is now low priority. For some pathways at some sites, DEQ indicated "no SCM necessary" in Table 4, column 18, without providing any explanation for this. Why do some entries have "N/A" and others state "no SCM necessary?" What is the difference?

Suggested changes: Make suggested changes for Section 7.4.2. Include list of contaminants evaluated and basis for upland source control measures. Make sure **all** SCMs implemented for each pathway at each site are included in Table 4, column 18. Be consistent in entering information. Provide a schedule with milestones (proposed activities and estimated completion dates) for all SCMs, including those that have been completed. DEQ should add a column for SCD where it is indicated either "SCM needed" or "no SCM needed." Table should progress in order of source control process.

*These comments are tied to Section 7.4.4 of the PH JSCS. "For ongoing source control measures, a summary of their status will be provided in the Milestone Reports. The status report will summarize **activities completed to date**, **proposed activities**, and a target **schedule for completion**. To the extent practical, DEQ will collect information and/or make **estimates of the mass or volume** of contaminants removed, contained, treated or otherwise controlled, in order to help communicate to stakeholders on the progress of source control activities."*

Comments: See comments for Section 7.4.3 regarding SCM schedule. Why hasn't DEQ provided mass or volume of contaminants removed, contained, treated or otherwise controlled when SCM complete? To help in evaluating whether the source control being taken will be effective or consistent with the Harbor cleanup, the performance standards, e.g., cleanup levels, that DEQ set in each media needs to be provided for each completed source control measure.

Suggested changes: Make suggested changes for Section 7.4.3. Provide mass or volume of contaminants removed, contained, treated or otherwise controlled for completed SCMs. Include clean-up levels for completed activities.

*These comments are tied to Section 7.4.5 of the PH JSCS. "A summary of **complete source control measures** will be provided in the Milestone Reports. The status report*

will provide a ***description of the source control measure****, the* ***date the source control measures was complete****, the* ***date of EPA review and comment****, and* ***any operation and maintenance requirements****."*

Comments: See comments for Sections 7.4.3 and 7.4.4 regarding completed source control measures. DEQ has provided three places for EPA review and comment in the process: (1) review of SCE; (2) review of SCM selection; and (3) review of completed SCM. Make sure that the data in these columns is correct (e.g., there are places where the information for SCE review is in the SCM evaluation column). Information in these columns can be minimized (e.g., waiting on SCE, submitted 10/2004 no comments received, submitted 10/2004 comments received 11/2004, etc.)

These comments are tied to Section 7.4.7 of the PH JSCS. "DEQ will provide the ***source control schedule*** *and quarterly updates to the schedule (See Section 6.0)* ***in order of site priority****. The schedule will list the* ***site name****,* ***priority****,* ***known contaminant migration pathways****,* ***status of source control documents*** *(i.e., Source Control Evaluation, Source Control Decision, Source Control Design; and Implementation Report). Target dates that have changes will be listed and an explanation for the change will be reported."*

Comments: See comments for Sections 7.4.1 through 7.4.5. Why didn't DEQ put these in order of site priority? Is Table 4, column 17 (Source control alternative evaluation and schedule) the same as Source Control Design? Why isn't there a column for the Implementation Report? Will EPA get to review this document as allowed in the PH JSCS Section 7.3? Is this the purpose for Table 4, column 24?

Suggested changes: The facilities should be listed by priority so that all high priority facilities would be listed first (maybe in a different color), medium second, and low last. The headings in the table should match those in the PH JSCS.

Enclosure 2
Example Milestone Report
Table 1. Source Control Evaluation/Decision

Site Identification					Source Control Evaluation					Source Control Decision					
Site Name	**ESCI #**	**River Mile**	**Address**	**DEQ PM**	**Potential Contaminant Migration Pathway**	**Project Status**	**Major SCE Tasks**	**Contaminants Evaluated**	**SCE Completion Date (m-y)**	**Confirmed Source (y/n)**	**Basis for Confirmed Source**	**Need Source Control (y/n)**	**Pathway Priority**	**Site Priority**	**EPA Review Status**
Company A	1234	0.0	123 Location Way	Mr. Clean	Overland Transport/ Sheet Flow	completed			March 2005	no	incomplete pathway; berm prevents overland transport	no	NS	TBD	Waiting on SCE
					Bank Erosion	completed			March 2005	no	incomplete pathway; concrete bulkhead along shoreline	no	NS		
					Groundwater	XPA	Conduct well monitoring; review SCE	BETX, PAHs, PCBs, DDD, DDE, DDT	June 2006						
					Storm Water	not started	Characterization of conveyance system; develop monitoring plan; catch basin/in-line clean out; sample removed solids; in-line monitoring; review SCE	Cu, Pb, Zn, TPH, phthalates, SVOCs	June 2006						
					Overwater Activities	completed			March 2005	no	incomplete pathway; no overwater activities at site	no	NS		
					Other	completed			March 2005	no	incomplete pathway; no other pathways identified at site	no	NS		
Company B	4321	0.0	234 Location Way	Mr. Clean	Overland Transport/ Sheet Flow	completed			March 2005	no	incomplete pathway; all surface routed to storm water conveyance system	no	NS	High	Submitted 7/2005; no comments rec'd
					Bank Erosion	completed			March 2005	no	incomplete pathway; concrete bulkhead along shoreline	no	NS		
					Groundwater	completed		TPH, PAHs, PCBs, chlorinated pesticides	June 2005	yes	complete pathway; NAPL plume	yes	High		
					Storm Water	completed		Cu, Zn, phthalates, PCBs	June 2005	yes	complete pathway: outfall 1-Cu, phthalates, outfall 2-PCBs	yes	Medium		
					Overwater Activities	completed			March 2005	no	incomplete pathway; no overwater activities at site	no	NS		
					Other	completed			March 2005	no	incomplete pathway; no other pathways identified at site	no	NS		

Enclosure 2
Example Milestone Report
Table 2. Source Control Implementation

Site Identification						Source Control Implementation							
Site Name	**ESCI #**	**River Mile**	**Address**	**DEQ PM**	**Site Priority**	**Contaminant Migration Pathway**	**Contaminants of Concern**	**Clean-up Levels**	**Selected SCMs**	**Completed SCM(s) (m-y)**	**Mass/Volume Removed/Controlled**	**O & M Requirements**	**EPA Review Status**
Company B	4321	0.0	234 Location Way	Mr. Clean	High	Groundwater	TCE	TCE = 0.005 ppm	Pump & Treat				
									Install Sheet Pile Wall	March 2006	500 gallons		
						Storm Water	Cu, PCBs	Cu = 10 ppm PCBs = 0.7 ppm phthalates = 0.8 ppm	Clean out system	October 2005	3 tons	Inspect and monitor conveyance system annually; Clean out system at least every 5 years	Submitted 01/2006; rec'd comments 02/2006
									Install Berms	October 2005	1 ton/year	Inspect monthly during storm season; Clean area regularly to remove debris	Submitted 01/2006; rec'd comments 02/2006

Enclosure 2
Example Milestone Report
Table 3. Source Control Schedule

Site Identification						Source Control Schedule													
							Source Control Evaluation							Source Control Design			Source Control Implementation		
Site Name	ESCI #	River Mile	Address	DEQ PM	Site Priority	Contaminant Migration Pathway	PA	XPA	RI	SCE Report	DEQ Review	DEQ SCD	EPA Review	SCMs Alternatives Evaluation	DEQ Select SCMs	EPA Review	Complete SCM(s)	DEQ Report	EPA Review
							(m-y)	(m-y)	(m-y)	(m-y)	(m-y)	(m-y)	(m-y)	(m-y)	(m-y)	(m-y)	(m-y)	(m-y)	(m-y)
Company B	4321	0.0	234 Location Way	Mr. Clean	High	Overland Transport/ Sheet Flow	August 2004			November 2004	December 2004	March 2005	July 2005						
						Bank Erosion	August 2004			November 2004	December 2004	March 2005	July 2005						
						Groundwater	August 2004	November 2004		February 2005	March 2005	June 2005	July 2005	November 2005	December 2005	January 2006	April 2007	July 2007	August 2007
						Storm Water	August 2004	November 2004		February 2005	March 2005	June 2005	July 2005	August 2005	August 2005	September 2005	October 2005	December 2005	January 2006
						Overwater Activities	August 2004			November 2004	December 2004	March 2005	July 2005						
						Other	August 2004			November 2004	December 2004	March 2005	July 2005						
Company A	1234	0.0	123 Location Way	Mr. Clean	TBD	Overland Transport/ Sheet Flow	August 2004			November 2004	December 2004	March 2005	July 2006						
						Bank Erosion	August 2004			November 2004	December 2004	March 2005	July 2006						
						Groundwater	August 2004	November 2005		February 2006	March 2006	June 2006	July 2006	October 2006	November 2006	December 2006	December 2007	March 2008	April 2008
						Storm Water	August 2004	November 2005		February 2006	March 2006	June 2006	July 2006	October 2006	November 2006	December 2006	May 2007	August 2007	September 2007
						Overwater Activities	August 2004			November 2004	December 2004	March 2005	July 2006						
						Other	August 2004			November 2004	December 2004	March 2005	July 2006						