EPA Comment and Discussion	LWG Comment Category	LWG Comment Response
EPA Comment G1a -The revised Table, footnotes, and any discussion should clearly state that the pathways are **Contaminant Migration Pathways** with the assumption that a complete contaminant migration pathway is only complete when the pathway is complete (e.g., a stormwater connection that discharges to the river via outfall) and there are contaminants of interest (COIs) associated with the pathway. **LWG Response -** We believe that the table is consistent with this definition of contaminant migration pathways and this is the LWG's intent. **Path Forward -** Additional clarification in the table footnotes and report text will be provided. **January 21 EPA Response -** General Comment G1a: EPA agrees with the response.	1	LWG agrees with this approach.
EPA Comment G1b - The table should also depict potential future sources (e.g., current groundwater plumes that do not reach the river but may in the future if not controlled). Such sources should be designated as potential contaminant migration pathways. **LWG Response -**Entries in the table do reflect these conditions, but do not explicitly identify the pathway designation as "future". As an example, the groundwater pathway for Premier Edible Oil is entered as c, H,C reflecting that there is insufficient information to determine if the groundwater migration pathway was or is complete. The implication is that this designation applies to future conditions	1	LWG agrees with this approach. The footnote will be added: *If there is insufficient information to determine if a given contaminant migration pathway is complete, then this designation applies to future conditions as well.*

LWG COMMENT CATEGORIES

1 – Agree or can accept without qualification
2 – Agree to implement as directed, but also propose alternative/additional work
3 – Agree to implement in the FS Process
4 – Disagree, not a LWG AOC responsibility

Do Not Quote or Cite – This document is currently under review by US EPA and its federal, state and tribal partners, and is subject to change in whole or part

EPA Comment and Discussion	LWG Comment Category	LWG Comment Response
as well. **Path Forward** – This approach should not be modified for the draft RI. **January 21 EPA Response** - General Comment G1b: EPA agrees with the response. However, EPA requests the addition of a footnote to clarify that if there is insufficient information to determine if a given contaminant migration pathway is complete, that this designation applies to future conditions as well.		
EPA Comment G3a - EPA does not agree with the H* designator presented by the LWG in their response. The Current Overwater Pathway should be viewed as regular overwater activities or overwater structures that have the potential to release contaminants to the river. **LWG Response** – The LWG feels that the EPA and LWG definitions are very similar for the current condition. **Path Forward** - Do not use H*. Based on information in site summaries, use C (b) if there are current operations (e.g., *regular overwater activities or overwater structures that have the potential to release contaminants to the river*). Use H (a) if releases are documented in the DEQ SPINS database or Coast Guard records. **January 21 EPA Response** - General Comment G3a: EPA agrees with the response. However, a footnote should be added to clarify that the H (a) designation for the historical overwater release pathway	1	LWG agrees with this approach. A footnote will be added*: The overwater pathway is designated H-a or C-a when a release has been documented in DEQ SPINS database, Coast Guard records, or other such documentation.* The distinction between H and C is January 1, 2004, the approximate time in which the DEQ JSCS program was implemented.

LWG COMMENT CATEGORIES

1 – Agree or can accept without qualification
2 – Agree to implement as directed, but also propose alternative/additional work
3 – Agree to implement in the FS Process
4 – Disagree, not a LWG AOC responsibility

EPA Comment and Discussion	LWG Comment Category	LWG Comment Response
will only be used if releases are documented in the in the DEQ SPINS database, Coast Guard records or other such documentation.		
EPA Comment G3b - EPA recommends the LWG consider the types of current overwater structures, activities, and safety controls (e.g., BMPs, SPCC, containment, etc.) at sites and describe the current status and potential threat to the river. Historical overwater sources should be classified as "H" when there is some evidence that there were potential historical overwater releases (e.g., potential historical overwater contaminant migration pathway, b). **LWG Response** – EPA's recommendation will require substantial file review and interpretation of site activities and implementation of spill prevention plans. These interpretations based on the file record may or may not accurately reflect the current status. The LWG believes that these determinations are the responsibility of DEQ under the JSCS and are in a much better position to make these evaluations. **Path Forward** – Assign all currently operating overwater activities a C (b). Rely on public data bases for historical conditions **January 21 EPA Response-** General Comment G3b: EPA does not agree with the proposed path forward. EPA believes that some assessment of the potential for overwater releases is warranted. For example, current operations should be C,c if unsure and C,b if the current BMPs are inadequate or if they don't have a SPCC plan.	4	LWG does not agree with this approach and reiterates its response to this comment: EPA's recommendation will require substantial file review and interpretation of site activities and implementation of SPCC plans. These interpretations based on the file record may or may not accurately reflect the current status. The LWG believes that these determinations are the responsibility of DEQ under the JSCS and that DEQ is in a much better position to make these evaluations. LWG did provide an assessment tool, reviewing release records (Comment G3a). With the example provided, EPA is essentially asking LWG consultant engineers to make professional assessments on the adequacy of existing BMPs and the implications of not having a SPCC (including at sites where one is not legally required) based solely on a paper review of available DEQ records. LWG is not willing to accept this kind of professional liability on sites in which they have no involvement. LWG is also unclear as to whether EPA means to refer to Spill Prevention Control and Countermeasures (SPCC) plans, required by federal rule under 40 CFR Part 112, which applies to certain facilities having above or below ground storage of oil over certain thresholds, or Stormwater Pollution Control Plans (SWPCP), which are required by DEQ of all holders of

LWG COMMENT CATEGORIES

1 – Agree or can accept without qualification
2 – Agree to implement as directed, but also propose alternative/additional work
3 – Agree to implement in the FS Process
4 – Disagree, not a LWG AOC responsibility

EPA Comment and Discussion	LWG Comment Category	LWG Comment Response
		Oregon 1200-Z NPDES Stormwater Discharge Permits. If EPA intends the latter, every such permit holder should have an SWPCP (they are a required part of the 1200-Z permit application) and BMPs (they are a required part of SWPCPs). Table 5.1-4 of the Round 2 Report listed all holders of the 1200-Z General Permit as of 2006 within the Harbor, so all of these permittees are presumed to have both SWPCPs and BMPs. The LWG is not in a position to judge the adequacy of either the SWPCPs or the BMPs.
EPA Comment G4 - The information portrayed in the table should reflect the current understanding of the contaminant transport pathway rather than the release. For example: There is currently a groundwater plume reaching the river that was the result of a historic release from an UST at a site. Both the historic and current pathways for groundwater would be represented as "a" in the table. However, if the source area (i.e., the contaminated soil from the UST release) has been cleaned up and the contaminant migration pathway was eliminated through treatment, control, or achieving acceptable levels (i.e., risk levels or applicable and relevant or appropriate requirements -ARARs) at the river bank, then the groundwater pathway could be represented as "d." **LWG Response** – The table does reflect the status of the migration pathway, not the release or source, based on the information assembled in the site summaries. ARARs are not yet established for the Portland Harbor Superfund Site. The LWG has never compared site data to potential ARARs of any kind, though the site summaries may reference an evaluation done by others. A systematic ARAR evaluation would be a significant undertaking	3	LWG agrees that ultimate determinations as to whether source control is required must focus on determinations as to whether the contaminant migration pathway is complete at levels or loads that pose risk. The LWG does not agree, however, with EPA's approach set forth in this comment. The LWG is not in a position to screen the upland migration pathway data as suggested by EPA. Conducting that task would be a very significant undertaking involving multiple subjective determinations which would include building extensive databases of upland sampling results, determining which samples are appropriate for screening based on data quality, detection limits, location and temporal nature as compared to other data, and then conducting such screening. LWG assumes that is what DEQ Project Managers are doing, and they are in a much better position to do it given their knowledge of the sites and participation in development of sampling plans. The LWG assumes that those Project Managers will continue to update the JSCS Milestone Table as data is obtained and evaluated.

LWG COMMENT CATEGORIES

1 – Agree or can accept without qualification
2 – Agree to implement as directed, but also propose alternative/additional work
3 – Agree to implement in the FS Process
4 – Disagree, not a LWG AOC responsibility

EPA Comment and Discussion	LWG Comment Category	LWG Comment Response
which would include building databases and identifying appropriate ARARs. **Path Forward** – No change in the approach used to evaluate migration pathways **January 21 EPA Response** - General Comment G4: EPA does not agree with the proposed path forward and believes that the LWG response misinterprets EPA's comment. The key point of our comment is that the CSM and Table 5.1-2 should focus on contaminant migration pathways. Although a migration pathway may be complete (e.g., stormwater pathway, groundwater pathway), if the level of contaminants detected do not pose a potential risk to human health or the environment based on a comparison to screening levels (risk-based or standards-based) then the contaminant migration pathway should be considered incomplete (d). EPA recommends use of Joint Source Control Strategy screening level values (JSCS SLVs) to make this determination. If there was a historical groundwater plume that discharged to the river, but was subsequently cleaned up, then that contaminant migration pathway should be portrayed as H,a and C,d.		The LWG will, however, take into account source control information that is available at the time the CSMs are developed for the SMAs in the FS. LWG also points out that EPA/DEQ has had ample opportunity to comment on table entries and, as described above, LWG has accepted the majority of these comments. If pathway designations are still in question, DEQ is in a far better position to make these assessments. We assume that screening is a component of the Milestone Table entries. It is our expectation that future versions of the Milestone report will be consistent with EPA/DEQ comments on Table 5.1-2, and the LWG will be able to take such information into account as it evaluates recontamination potential for specific SMAs in the FS. With respect to the last sentence, LWG does consider a site with historical groundwater contamination that was subsequently cleaned up as H-a (b,c), C-d. This assessment is based on the file reviews conducted for the site summaries in which this kind of determination was documented in the files. The designations are not based on LWG screening of the data.
EPA Comment G5 - The Table presented in the Round 2 Report only presents upland sites that are currently in DEQ's cleanup program for source control. However, additional sources that have the potential to affect the Portland Harbor site have been identified and should be presented in the table (e.g., Portland General Electric Substation L, PPL, Zidell, Ross Island, City of Portland outfalls,	3	LWG agrees with this concern, but recommends an alternative approach. The inclusion of additional TSCA, RCRA, and historical sites on the table is a new request. LWG is not currently in possession of files for these sites and it is quite likely that information needed to fill in table entries is not available, particularly for historical sites. LWG will evaluate available source control information for these sites in the FS

LWG COMMENT CATEGORIES

1 – Agree or can accept without qualification
2 – Agree to implement as directed, but also propose alternative/additional work
3 – Agree to implement in the FS Process
4 – Disagree, not a LWG AOC responsibility

EPA Comment and Discussion	LWG Comment Category	LWG Comment Response
potential Albina district sources, etc.). **LWG Response -** The LWG table includes all ECSI sites within the study area (½ mile of the river between RM 2-11.8). Note there are more sites on the LWG table than in the JSCS table and none of the RM 11-11.8 sites are in the JSCS table. Fifty-five nearshore ECSI sites upstream of the Portland Harbor Study Area (RM-11 to Oregon City) were identified in the Round 2 Report (Table 5.2.-1) and will be addressed as part of the upstream loading term in draft RI. **Path Forward** – Update Table 5.2-1 for the draft RI. **January 21 EPA Response -** General Comment G5: EPA agrees with the response. Please note that Table 5.1-2 should also include TSCA (General Electric) and RCRA (Univar) sites within the study area. Listing upriver sources separately from upland sources is acceptable as long as the report is clear. In addition, the JSCS table focuses on current sources and may not include historical sources that are not on the list (e.g., Albina shipyard) that should also be included on the revised Table 5.1-2.		SMA CSM process. Historical sites will be addressed qualitatively in Section 4 of the Draft RI Report. TSCA and RCRA sites will not be included in the table at this late date.
EPA Comment G6 - When a pathway is not applicable to a site (e.g., a site will not have riverbank erosion pathway if it is not adjacent to the river) it should be noted as not applicable (N/A) rather than leaving it blank. **LWG Response** – The LWG agrees with this recommendation. **Path Forward -** This recommendation will be incorporated in the	1	LWG agrees with this approach.

LWG COMMENT CATEGORIES

1 – Agree or can accept without qualification
2 – Agree to implement as directed, but also propose alternative/additional work
3 – Agree to implement in the FS Process
4 – Disagree, not a LWG AOC responsibility

EPA Comment and Discussion	LWG Comment Category	LWG Comment Response
draft RI table. **January 21 EPA Response -** General Comment G6: EPA agrees with the response.		
EPA Comment G7 - An assessment of the potential for groundwater contamination at sites without groundwater data should be presented in the revised Table. The groundwater contaminant migration pathway should be designated as incomplete, d, if site information suggests that subsurface releases were unlikely. Further, sites without groundwater data and for which subsurface releases impacting groundwater are possible should be designated as insufficient information, c. **LWG Response** – The table currently uses "NS" (not sampled) for these sites. We feel that this is a more factual representation of the status of the pathway than trying to make interpretations based on inconsistent reporting available in the DEQ files. The LWG believes that these determinations are the responsibility of DEQ under the JSCS and DEQ is in a much better position to make these evaluations. **Path Forward** – Continue to use the "NS" designation for migration pathways with no data. **January 21 EPA Response -** General Comment G7: EPA does not agree with the proposed path forward. EPA believes that some assessment of the potential for impacts to groundwater should be performed even though groundwater sampling has not been	2,4	LWG does not agree with this approach and reiterates its response: The LWG believes that these determinations are the responsibility of DEQ under the JSCS and DEQ is in a much better position to make these evaluations. LWG is willing to conduct a preliminary evaluation as follows: There are about 20 sites with no groundwater data on the source table. LWG will review DEQ LUST and confirmed release internet records for these sites. If a release has been confirmed the COI box will be NS (1,5 for example) but the status will still be c.

LWG COMMENT CATEGORIES

1 – Agree or can accept without qualification
2 – Agree to implement as directed, but also propose alternative/additional work
3 – Agree to implement in the FS Process
4 – Disagree, not a LWG AOC responsibility

EPA Comment and Discussion	LWG Comment Category	LWG Comment Response
performed. For example, a site where a release of hazardous substances has not occurred is fundamentally different than a site where a release of hazardous substances has occurred even though groundwater has not been collected at either site.		
EPA Comment G8 - The City of Portland Combined Sewer Outfalls (CSOs) and stormwater outfalls should be included in the revised Table. **LWG Response -** The source table is limited to ECSI sites within ½ mile of the river. City stormwater and CSO outfalls are not ECSI sites and therefore, are not included on the table. Stormwater, wastewater, and CSOs will be addressed in other portions of the draft RI. Stormwater is being addressed through loading based on the LWG stormwater sampling program. In agreement with EPA, the goal of the LWG stormwater program was to provide an assessment of stormwater loading by extrapolating the results of focused sampling to land use and drainage area to the study area. Information regarding the City CSO and stormwater outfalls that is equivalent to that provided in table 5.1-2 and for other public and private outfalls will be provided in table and narrative format in the draft RI. Specifically, the CSO abatement program and physical system (including CSO locations, dates of construction, interceptors, and control) will be provided in Section 3. Information on historical and current flow, estimates of overflows, and COIs - to the extent that this information is available - will be provided in the Source Section (Section 4) of the draft RI. A summary of the results of the LWG stormwater sampling and a summary of the current wastewater permits will also be provided in Section 4. Stormwater loading and wastewater loading	1	LWG does not agree with this approach but will do it. A major characteristic of the source table is that it evaluates pathways at a particular area. Adding City stormwater and CSO discharges collectively as two line items is not consistent with other table entries. As noted in our initial response, stormwater is addressed in several sections of the report. Two lines will be added to the table, one for City of Portland Stormwater (ECSI 2425) and one for CSOs.

EPA Comment and Discussion	LWG Comment Category	LWG Comment Response
(i.e., for permitted wastewater discharges), to the extent that this information is available, will be provided in Section 6. All the above information will be incorporated into the site-wide CSM (Section 10). **Path Forward** – Do not include City of Portland CSOs and stormwater outfalls in the table. **January 21 EPA Response** - General Comment G8: EPA does not agree with the proposed path forward. EPA acknowledges that City of Portland stormwater and combined sewer overflow (CSO) outfalls are not ECSI sites. However, the City of Portland stormwater investigation is a key element of the overall source control evaluation. As a result, EPA believes that City of Portland stormwater and CSO outfalls should be included in Table 5.1-2. City of Portland stormwater and CSO outfalls should be included as two entries in Table 5.1-2 and assessed for contaminant migration potential and COIs.		
EPA Comment G9 - Please add the following disclaimer to the bottom of the table: "The information contained in this table, particularly information judging whether a source or pathway is historic or current, former versus existing, complete or incomplete, is based on information as of September 2008. New information about historic and ongoing sources and pathways may be discovered in the future and the status of a pathway for any particular site likely will change over time." **LWG Response** – The LWG can accept this recommendation if EPA agrees that their recent response to comments constitute "information	1	LWG agrees with this approach.

LWG COMMENT CATEGORIES

1 – Agree or can accept without qualification
2 – Agree to implement as directed, but also propose alternative/additional work
3 – Agree to implement in the FS Process
4 – Disagree, not a LWG AOC responsibility

EPA Comment and Discussion	LWG Comment Category	LWG Comment Response
as of September 2008" and that the response is specific as to the source of the information for the table - modifying the statement as follows: *"The information contained in this table is based on information obtained by LWG from DEQ files as of July 2006 and correspondence with EPA reflecting conditions as of September 2008. Information on sites upriver of RM 11 is limited to LWG review of ECSI web pages as of September 2008. New information about historic and ongoing sources and pathways may be discovered in the future and the status of a pathway for any particular site may change over time."* **Path Forward** – Include the modified disclaimer to the table. **January 21 EPA Response -** General Comment G9: EPA agrees with the response.		
EPA Comment 122 – 2. For Direct Discharge, Stormwater/Wastewater should be separated into 3 categories: stormwater, CSO and wastewater. Many sites may have multiple discharges, with different COIs in each discharge. **LWG Response** – The source table currently assesses stormwater and wastewater together, however, nearly all entries assess stormwater only. There are approximately 12 individual NDPDES permitted wastewater discharges discharging to the study area and an unknown number of historic wastewater discharges. The LWG has assembled the wastewater reports for active facilities for the last three years and	1	LWG agrees with this approach. A flag and footnote will be added to the "C" entry for sites with current waste water discharges (e.g., C[1]). The footnote will read: *This site has an active individual NPDES industrial wastewater permit with a direct discharge to the river. See Table 4.x-x for additional information* (i.e., Table 5.1-4 for the Round 2 Report).

EPA Comment and Discussion	LWG Comment Category	LWG Comment Response
this information is being used to evaluate the loading term for wastewater for fate and transport. We are not aware of any current permitted wastewater discharges that are out of compliance. Wastewater contributions to the river will be assessed by evaluating the loading term in the Fate and Transport Section of the draft RI . This effort will assemble the available monthly discharge reports for the last three years for permitted facilities. A comprehensive accounting of stormwater loading will be addressed in the Fate and Transport section of the draft RI. Finally, available information on CSOs will be specifically addressed in Source section of the draft RI. To be consistent with this approach, the LWG plans to limit the entries on the direct discharge portion of the revised Table 5.1-2 to stormwater and overwater discharge information. **Path Forward** – The entries in the table for stormwater/wastewater almost always reflect only the stormwater pathway. Modify the table entries to include only stormwater for upland sites; wastewater will be evaluated in the loading term. **January 21 EPA Response -** Comment 122: EPA does not agree with the proposed path forward. Sites with wastewater discharges should be flagged with a footnote indicating that wastewater discharges exist. Because CSOs do not apply to specific upland facilities, the CSO category may be eliminated with the exception of the generic CSO category described in General Comment G8 above.		

LWG COMMENT CATEGORIES

1 – Agree or can accept without qualification
2 – Agree to implement as directed, but also propose alternative/additional work
3 – Agree to implement in the FS Process
4 – Disagree, not a LWG AOC responsibility