

**FINAL MEETING SUMMARY – Portland Harbor Community Leader Group (CLG)
June 10, 2020 (initial meeting) & June 17, 2020 (follow-up meeting) | Online Only**

Action Items	Who?	Status
1. Schedule a meeting the week of June 17 to continue discussing the Collaborative Group and follow up on the Oil Facility Inspection presentation.	Triangle, EPA, and Community Leaders	Complete
2. Distribute Collaborative Group Proposal update following the June 17 meeting.	Triangle and EPA to Community Leaders	By July 3
3. Conduct follow-up on Willamette Cove upland remedial action selection questions.	Oregon Dept. of Environmental Quality (DEQ) with Community Leaders	By July 31
4. Conduct follow-up regarding information related to the sewage overflow at Cathedral Park and distribute information.	Oregon Dept. of Environmental Quality (DEQ) to Community Leaders	By July 31

Welcome, Agenda, and Introductions – Triangle Associates

Welcome and Introductions

The Facilitator started the meeting by acknowledging the time and participation of all attendees in the online webinar and pausing to observe and acknowledge the moment of the global pandemic and nationwide protests. The Facilitator clarified the purpose of the meeting: to provide a forum for community leaders to receive updates regarding the Portland Harbor Superfund Site and the opportunity to ask questions. The Facilitator reviewed the logistics of using the online webinar platform including how to access materials from the meeting.

The Facilitator introduced the staff from EPA, DEQ, and the City of Portland. The Facilitator then led a round of introductions for the community leaders participating in the meeting. In total, 14 community leaders attended the online webinar (see Appendix A: List of Participants). The Community Leaders provided their names and affiliations.

Water Acknowledgement

The Facilitator introduced (b) (6), Occupy St. Johns, to provide a water acknowledgment to open the meeting. (b) (6) introduced a photo of Willamette River water to the meeting attendees, discussing how each meeting helps heal the river, and that the water will be returned to the river after the meeting.

Land Acknowledgement

The Facilitator introduced (b) (6), North Willamette Watershed Council, to provide a land acknowledgment and to address current events occurring nationwide. Sarah offered an acknowledgment of the land, a commitment to healing the river, and comments regarding racial and environmental injustice nationwide.

Meeting Purpose

An outline of the meeting purpose/objectives were provided to participants as follows:

- Receive updates on the Portland Harbor Community Involvement Plan (CIP).
- Receive a presentation on EPA’s role in oil facility inspections and oil spill practice response drills/exercises.
- Discuss and vote (if possible) on the Community Leader Collaborative Group Proposal. If time allows, discuss proposed next steps and provide feedback.
- Receive an update on the Information Management Plan (IMP) work from the City of Portland.

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Portland Harbor Superfund Team Updates, Led by EPA

Portland Harbor EPA Team Updates

The Facilitator introduced Calvin Terada, EPA Region 10 Director of the Superfund and Emergency Management Division to discuss changes to the Portland Harbor team. Calvin shared information and team updates, including Caleb Shaffer as the new Portland Harbor Team Lead, and the potential hiring of an additional local remedial project manager. Calvin noted that EPA Region 10 has approximately 200 different sites which are covered by 30 remedial project managers.

EPA Community Involvement Plan (CIP) Updates and Opportunity for Feedback, EPA

Community Involvement Plan (CIP) Finalization

The Facilitator introduced Laura Knudsen, EPA Region 10 Community Involvement Coordinator, to provide updates regarding EPA’s Draft Community Involvement Plan (CIP) for the Portland Harbor Superfund Site. Laura shared several presentation slides covering what the CIP is, who developed it and how, who provided input and when, what changes EPA will make and when, how comments from the public will be incorporated, and when the CIP will be finalized.

In addition to these updates, Laura also noted the next steps EPA plans to take to complete the Portland Harbor CIP. Laura noted EPA is in the process of reviewing and documenting the comments received online, via email, and in writing and will incorporate suggestions into the Final CIP. EPA will also produce a summary of the CIP purpose and its development process and translate it into languages other than English. EPA anticipates finalizing and publishing the Portland Harbor CIP and summary by the end of July.

For additional information, the [full CIP presentation](#) can now be viewed online.

Source Control with DEQ and Overview of Site-wide and Specific-Area Updates

The Facilitator welcomed Dave Lacey, DEQ Portland Harbor Source Control Coordinator to provide brief updates on the public comment period regarding source control and the Willamette Cove Upland Site. Dave shared that the Willamette Cove Upland Site comment period has been extended until the end of August. Dave also noted that DEQ was in the process of reviewing comments received for the City of Portland Outfall Source Control Decision. DEQ noted the intention to provide follow-up information to several community leaders after the meeting.

Collaborative Group Next Steps

The Facilitator provided an overview of steps taken regarding the Collaborative Group between the March and June meetings. The Facilitator explained there were two proposed changes from EPA as represented in the 2nd Revised Collaborative Group Proposal. The changes to the proposal included:

- **Proposed Change 1:** A change to the language describing the purpose of the group. This change removes “restoration” as a topic where EPA would receive feedback from the Collaborative Group.
- **Proposed Change 2:** A change to consensus voting for the group. This change redirects the Collaborative Group to provide individual member recommendations to EPA and DEQ rather than consensus-based decision-making.

The Facilitator noted these changes were made primarily because EPA does not have jurisdiction over restoration and to avoid activating the Federal Advisory Committee Act (FACA). The Facilitator explained what FACA is, and the potential pros and cons of having FACA status.

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The CLG discussed this topic at length. In the interest of time, the Facilitator suggested the Collaborative Group discussion be continued on another date. Triangle scheduled a meeting with community leaders on June 17 to continue discussing the next steps for the Collaborative Group.

June 17 Community Leader Group Reconvenes

On June 17, the community leaders reconvened to continue discussing the proposed changes to the 2nd Revised Collaborative Group Proposal introduced before and discussed during the June 10 meeting. Following a recap of the June 10 discussion and proposed changes, the Facilitator opened the discussion for the community leaders. Several comments were made regarding issues with the proposed changes and three main concerns and suggestions rose to the top as follows:

- 1. Membership:** Several community leaders had concerns with removing the Natural Resource Trustee Council (NRTC) as members of the Collaborative Group. The community leaders wanted to ensure that the Tribes and NRTC could still provide information and updates even if they were not official members of the Collaborative Group.
 - EPA clarified that the Tribes would still be invited as members to the Collaborative Group and that the NRTC could still be invited to provide information and updates at Collaborative Group meetings as non-members.
- 2. Restoration:** Several community leaders raised concerns about removing the term ‘restoration’ from the purpose of the group. Community leaders understood the legal sensitivities to the fact EPA has no role in restoration and should not be receiving feedback on this piece; however, even though ‘restoration’ has a specific legal meaning for EPA, if community leaders want to discuss this topic in a public setting and document that in this proposal, that should be okay because this proposal is coming from the community leaders. If feedback is received on restoration at a future Collaborative Group meeting, community leaders generally felt the onus should not be put on them to provide that feedback to the NRTC. Community leaders expressed EPA/DEQ should figure out how to provide any feedback to the NRTC.
 - Community leaders agreed to remove the term ‘restoration’ from the 2nd Revised Collaborative Group Proposal and to replace it with ‘environmental and ecological health’.
- 3. Decision-Making:** Community leaders expressed concern with altering the decision-making/voting process of Collaborative Group members from consensus-based decision making to providing individual recommendations to EPA and DEQ. The community leaders requested that the Collaborative Group voting process remain transparent even if consensus is not required.
 - EPA explained that the current consensus-based decision-making process for the Community Leader Group will remain as-is for now. However, once the Collaborative Group begins, this consensus-based decision process would need to change, however it would remain transparent and members would share their votes with each other before submitting them to EPA and DEQ.

Community leaders were given time to review the 2nd Revised Collaborative Group Proposal and engage in discussion with each other before calling the proposal to question.

2nd Revised Collaborative Group Proposal Vote/Decision

The Facilitator asked the community leaders whether they supported adopting the 2nd Revised Collaborative Group Proposal with the proposed and the suggested language (to replace restoration) from the community leaders. In response to the question, 14 community leaders were present during this

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portion of the call and of the 14 there were 13 yes votes, one neutral vote, and no one disagreed or abstained. One community leader provided their vote in advance of the June 17 meeting and partly abstained. With 13 yes votes, one neutral vote, and one partial abstention, consensus was reached.

The Facilitator noted EPA will review the proposal again and determine if any additional steps are needed before finalizing.

***Update:** Following the June 17 meeting, EPA Region 10 reviewed and accepted the community leaders revised language from ‘restoration’ to ‘environmental and ecological health’. This final proposal was also shared with DEQ and no concerns were flagged. As of June 17, 2020, the 2nd Revised Collaborative Group Proposal has been adopted.*

Presentation: EPA’s Role in Oil Facility Inspections, Spill Response, and Drills, Led by EPA

The Facilitator introduced Caleb Shaffer, EPA Region 10 Portland Harbor Team Lead, and Richard Franklin, EPA Region 10 On-Scene Coordinator to provide a presentation on EPA’s Role in Oil Facility Inspections and Spill Response Practice Drills/Exercises. Caleb started the presentation and explained the work EPA does in Oil Facility Inspections falls outside of the guidelines and regulations of Superfund law. He continued to explain, EPA does not have the authority to move or relocate oil storage facilities (such as Portland’s tank farms). Rather, during the remedy selection process, anticipated future uses of the land that has the Superfund site are factored into the cleanup. Caleb also clarified that the EPA does not have direct authority over zoning and other land-use decisions.

Richard then led the presentation on EPA’s work related to oil facility inspections. Richard covered how the EPA is considering earthquakes in facility inspections, why EPA performs inspections, drills, and exercises, what a typical inspection looks like, what a typical drill or exercise looks like, and what happens if an oil facility fails an EPA inspection or a drill/exercise. For additional information, the [Oil Facility Inspection presentation](#) can be viewed online.

During the June 10 meeting, the community leaders heard Richard’s presentation; however there was not enough time for a full question and answer session. As a result, the community leaders scheduled a follow-up session on June 17.

June 17 Community Leader Group Reconvenes

On June 17, the community leaders reconvened to continue the question and answer portion not covered during the June 10 meeting. Following a recap of the June 10 presentation, community leaders asked clarifying questions. Community leaders made comments and posed questions and EPA and DEQ responded as follows:

Community Leader Comment: The Cascadia subduction earthquake may impede any opportunities for spill containment.

Community Leader Comment: It appears the goals for clean-up and land use are different for low-income communities and communities of color than for the wealthier communities and south stretches of the river. There can be no doubt that the historic communities are at risk.

Q1: Can EPA provide a list of comprehensive oil tank information (age, contents, and inspection dates, etc.) to community leaders to review?

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A1: Some inspection information is available to the public and the best way to obtain the information is to submit a [Freedom of Information Act \(FOIA\) request](#). Please note a [FOIA request](#) can be submitted online at any time.

Q2: When did EPA last inspect tank farms at the Portland Harbor Superfund Site?

A2: EPA conducted a Spill Prevention Control and Countermeasure Regulations/Facility Response Plan (SPCC/FRP) inspection at Zenith Terminals on June 27, 2019. There are currently plans to conduct inspections at other terminals in the area in 2020, pending restrictions due to Covid-19.

Q3: Are there fines when any tank farm fails those inspections?

A3: There can be fines, pending the outcome of the inspection, deficiencies, and violations. EPA has a distinct penalty policy for setting fines and penalties, and there is a range of penalties depending on the number, severity, and type of violation. Fines can range from a few hundred dollars to hundreds of thousands of dollars.

Q4: What can be done to prevent spills from occurring?

A4: The best thing for prevention is encouraging facilities to invest in and commit to spill prevention and response. A full commitment and not cutting corners will help prevent spills and protect the communities and waterways that may be affected. Another suggestion for community leaders would be to attend and participate in [Local Emergency Planning Committee \(LEPC\)](#) meetings, as well as the [Northwest Area Committee \(NWAC\) / Regional Response Team \(RRT\)](#) meetings.

Q5: Can community create rules for EPA or does the law mentioned earlier not allow new standards?

A5: A community cannot create rules for EPA, however, local and state governmental authorities (states, cities, counties) can create their codes under their appropriate legal authorities to create more stringent regulations.

Q6: There seems to be a risk with the open venting of air from the storage tanks located within the proximity of Superfund, what are the plans for handling the associated risks?

A6: To clarify, Superfund Law does not apply to these storage tanks regarding how the facility is preventing and responding to oil spills from these sources. The Clean Water Act (CWA), as amended by the Oil Pollution Act is the base authority for oil spill prevention and response. Further, for venting and air releases, the tanks are regulated under the authority of the Clean Air Act, and by implementing regulations from EPA and DEQ, and must go through a permitting process from DEQ before operating. Many tanks are not just wide open and venting to open air and must have equipment preventing open venting. As usual, the regulations are complex regarding this subject, and there are criteria on which tanks can and cannot vent, how much, etc. For example, tanks with highly volatile products such as gasoline must have internal floating roofs which float on top of the product, emission control devices, and double seals against the tank walls, preventing air releases from the tank. Tanks with lower volatile products such as diesel, are covered with a roof, but may have internal floating roofs or vent openly to the atmosphere through vents at the top (“eyebrow vents”).

Q7: As the local wildlife rehab center, the Audubon Society of Portland used to be looped into response strategies. However, this group has not been involved with the federal agencies for years regarding response coordination. It seems like there are fewer outreach and engagement opportunities than there has been historically along the urban Willamette?

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A7: The agencies in charge of planning for oil spills along the urban Willamette are ODEQ and the United States Coast Guard (USCG). Both agencies have had limited capacity for outreach and engagement.

- **Follow-up Comment: This is still concerning as it has been several years and if there are oiled wildlife involved, outreach and engagement is necessary whether there is a plan and coordination in place or not.**
- Follow-up Answer: The Northwest Area Contingency Plan addresses oiled wildlife and rehabilitation. Further, the Northwest Area Committee continues to conduct meetings on oil spill response, prevention, and preparedness quarterly, in various locations around the region (including Oregon), so the best suggestion would be to attend one of those meetings, and provide input. Contact the local oil terminals and ask if the Audubon Society can participate in industry oil spill exercises. Richard will reach out to the RRT to advise them of the lack of, and need to provide outreach to the Audubon Society

Q8: Are the demographics of the impacted community (example in the presentation) the same as the demographics of those living near tank farms here in Portland?

A8: The examples in the presentation were of Houston and Harris County. In both examples, they were reported to have less restrictive city codes on the location of industrial facilities relative to non-commercial areas (residential, schools, churches, etc.), and as a result, there are industrial facilities right next to residential areas. The Houston Ship Channel petrochemical area goes for many miles, has a denser population, and has many more terminals, refineries, and petroleum infrastructure than we do here. However, there certainly are adjacent communities that are affected by issues at these facilities. To know the answer and be better informed, a more detailed analysis would have to be conducted.

Q9: How engaged are On-Scene Coordinators in the prevention of Spills?

A9: On-Scene Coordinators are integrally involved in oil spill prevention and preparedness, and many also implement EPA’s Oil Pollution Prevention regulations, including conducting inspections at oil storage and handling facilities (refineries, oil terminals, oil wells, etc.). Richard also coordinates and leads national and regional courses on oil spill prevention. Note, federal On-Scene Coordinators also respond to, and conduct oversight of oil spill response and cleanup for large and small spill incidents.

Q10: With apparent rollbacks to the Clean Water Act, how might this impact Oil Prevention regulations?

A10: At this time EPA does not have any information regarding implementation that can be shared other than the initial press release issued by EPA Headquarters (please see “EPA Issues Final Rule that Helps Ensure U.S. Energy Security and Limits Misuse of the Clean Water Act” - <https://www.epa.gov/newsreleases/epa-issues-final-rule-helps-ensure-us-energy-security-and-limits-misuse-clean-water-0>).

The Facilitator thanked the EPA for providing this additional June 17 session and the community leaders for attending.

Presentation: City of Portland Information Management Plan (IMP), Led by City of Portland

City of Portland, Information Management Plan (IMP)

The Facilitator introduced Jessica Terlikowski, City of Portland, Community Engagement Coordinator to provide updates about the City of Portland’s Information Management Plan (IMP) work. She clarified the purpose of the IMP work: to understand different stakeholders’ perspectives, data needs, and obtain input to inform the creation of an online information hub for the cleanup.

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Jessica also explained the outreach approach to get community members involved, including active engagement, community-led outreach, online workshops, and surveys. She noted the City will be hosting workshops in partnership with neighborhood organizations and there is an upcoming workshop being held on July 8 as part of the CAG meeting. For additional information, the [full City of Portland IMP presentation](#) can be viewed now.

Wrap Up and Reminder of Public Forum with Potentially Responsible Parties (PRPs)

The Facilitator wrapped up the meeting by reviewing action items and next steps from the June meeting. The Facilitator also noted the next Community Leader Briefing meeting is *tentatively* planned for Wednesday, September 9, 2020 (location TBD). Per community leader feedback, EPA will consider scheduling the next CLG meeting on a separate day from the Public Forum.

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ATTACHMENT A – Community Leaders in Attendance

Community Leader	Affiliation	June 10 Attendance	June 17 Attendance
(b) (6)	African American Breastfeeding Coalition		
	Asian Pacific American Network of Oregon		
	Audubon Society of Portland	✓	✓
	Audubon Society of Portland		
	Blue Green Alliance	✓	
	Cathedral Park Neighborhood Association	✓	✓
	Center for Economic Sustainability		✓
	Confluence Center		
	CRITFC		
	CRITFC		
	East European Coalition		
	East European Coalition		
	Ecumenical Ministries of Oregon	✓	✓
	(b) (6)	Five Tribes Technical Representative	
(b) (6)	Get Hooked Foundation		
	Get Hooked Foundation		
	Immigrant & Refugee Community Organization (IRCO)		
	Iraqi Society of Oregon		
	Iraqi Society of Oregon		
	Kenton Neighborhood Association		
	Korean American Coalition		
	Latino Network		
	League of Women Voters	✓	✓
	League of Women Voters	✓	✓
	Linnton Neighborhood Association	✓	✓
	NAACP - Portland Chapter		
	Native American Youth Association		
	Native American Youth Association		
(b) (6)	Nez Perce Tribe		
(b) (6)	North Willamette Watershed Council	✓	✓
	Occupy St. Johns	✓	✓
	Occupy St. Johns		✓
	Old Town Community Association		
	Oregon Bass and Panfish Club		
TBD	Oregon Chinese Consolidated Benevolent Association		

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Community Leader	Affiliation	June 10 Attendance	June 17 Attendance
TBD	Oregon Community Health Workers Association (ORCHWA)		
(b) (6)	Oregon Inter-Tribal Breastfeeding Coalition		
TBD	Oregon Tradeswomen		
(b) (6)	Overlook Neighborhood Association		
	Overlook Neighborhood Association and Hazelnut Grove		
	Overlook Neighborhood Association and Hazelnut Grove		
Jackie Calder	Portland Harbor Community Advisory Group (CAG)		✓
Michael Pouncil	Portland Harbor Community Advisory Group (CAG)	✓	✓
(b) (6)	Portland Harbor Community Coalition	✓	✓
	Portland North East Neighborhood Association	✓	
	Right 2 Survive	✓	
	Russian Oregon Social Services		
	Sauvie Island Grange	✓	✓
	Sierra Club		
	Sierra Club		
	Somali American Council of Oregon		
	Somali American Council of Oregon		
	St. Johns Neighborhood Association		
	Verde		
	Vietnamese Community of Oregon		
	Village Coalition - The City Repair Project	✓	✓
	Willamette River Advocacy Group		✓
	Willamette River Advocacy Group		
Willamette River Advocacy Group			
Willamette Riverkeeper			
Wisdom of the Elders			
Wisdom of the Elders			
Wisdom of the Elders			
Wisdom of the Elders			