Portland Harbor MOU Meeting Agenda
September 8, 2005 10:00 a.m. – 4:00 p.m.
DEQ Northwest Region Office, 4th floor, room A/B
2020 SW 4th Avenue, Portland

10:00 Introductions

10:10 Update on changes in management and roles and responsibilities

10:15 Purpose of the meeting

10:20 What's going well?
Participants mention project successes and accomplishments

10:30 How can we improve?
Discuss key issues (noted below) and potential solutions to meet the project schedule; see attached description of issues and expected outcomes of discussion. Begin with a 15 minute presentation from Valerie Lee, Environment International, on the Tribal perspective of our major challenges.

- Ecological Risk Assessment and Conceptual Site Model
- Groundwater Pathway Assessment
- Early Action schedules and coordination
- *Project team workload, resources and work priority issues
- *Project vision/goal and what the Record of Decision(s) may look like
- *Relationship and communication among the Government Tean
- *Relationship and communication with the LWG
  ** These items will likely require most of our discussion time.*

noon Lunch break

12:45 Continue pre-lunch discussion

2:00 Portland Harbor project timeline and schedule – Chip Humphrey, EPA
Review project schedule and the major work tasks for 2006 and 2007 that are necessary to achieve a 2008 Record of Decision (ROD); agree on message to the LWG in the Milestone meeting.

2:30 Results of August Technical Coordinating Team Retreat – Eric Blischke, EPA
Discuss key retreat results (noted below) and next steps; agree on message to the LWG in the Milestone meeting.

- Need to be prescriptive with the LWG (especially with ERA and CSM)
- Development of four technical teams (Human Health, Eco, Physical, Uplands)
- Adjust LWG submittal dates for fall 2005 deliverables to allow the government team to review available data, identify and prioritize data gaps, and provide direction to the LWG.

3:00 Joint Source Control Strategy – Jim Anderson, DEQ
Briefly discuss status and next steps.

3:15 Topics and key messages for September 12, 2005 Milestone meeting
Review Milestone meeting topics and agree on key messages to communicate to the LWG, including the government team's approach for moving forward and resolving key issues.

4:00 Adjourn

Key issues for the Portland Harbor project
and expected outcomes of the MOU meeting discussion

Ecological Risk Assessment and Conceptual Site Model
Issue: The technical government team has identified a significant amount of work needed to successfully complete the Portland Harbor Ecological Risk Assessment (ERA) and Conceptual Site Model (CSM). Major ERA tasks for the upcoming year include developing a comprehensive ERA approach with clear objectives, revising the workplan, creating an effective food web model that adequately considers fate and transport of contaminants, identifying and justifying data gaps, and providing clear direction to the LWG on how we want data gaps to be filled and the ERA process to proceed. Major CSM tasks include developing an understanding of the nature and extent of contamination site wide, integrating upland and in-water data, identifying various pathways and receptors Harbor-wide, determining contaminant contributions from upstream and historic sources, and developing an integrated upland/in-water CSM that adequately reflects human health and ecological risks. Technical team members are holding intensive work sessions over the next few months to do this work and develop clear direction to the LWG.

> *Expected outcome:* Agree to support the technical team in this high priority work. Be ready to affirm their conclusions about what's needed for the project over the coming year, and reiterate management support for communicating clear expectations to the LWG. Commit to explore ways to improve the team's effectiveness through clarifying work priorities, seeking additional resources if possible, and improving communication among the team (see topics below).

Groundwater Pathway Assessment
Issue: The biggest challenge in assessing the movement of contaminated groundwater plumes to the river has been determining who should do the sampling work. The LWG would ideally like upland responsible parties (RPs) to characterize the extent of upland groundwater plumes and tell the LWG where the plumes are entering the river so that the LWG can limit their in-water sampling. Many upland RPs, however, have only defined groundwater plumes to the river's edge, and considerable uncertainty exists about where the plumes may affecting the river. To address some of this uncertainty, we have agreed that the LWG will collect a limited amount of new data to map groundwater plumes in the river, and sample transition zone water in river sediments to evaluate risk. Some government technical team members wanted to the LWG to do much more comprehensive sampling to further reduce uncertainty – a dynamic that is common to many of our debates, both internally and with the LWG. These differences of opinion about the extent of data collection necessary to adequately reduce our uncertainty about risks at the site, coupled with the extremely aggressive schedule for sampling, has created unease and distrust between our team and the LWG. To move through this and other similar situations smoothly, EPA project managers need the authority to make decisions with technical input about how much uncertainty we will accept, and thus, how much additional data we will require the LWG to collect.

> *Expected Outcome:* Acknowledge and discuss the challenge of balancing our uncertainty about risks at the site (and groundwater in particular) with our limited ability to require extensive amounts of additional data collection, given the 2008 project timeline. Clearly empower EPA project managers to make sound decisions with technical team input and communicate these senior manager expectations to the team as needed. This message may help members of the technical team be objective in reviewing the data the LWG generates, even if it may not be as comprehensive as they had wanted.

Early Action schedules and coordination
Issue: The three Early Actions underway in Portland Harbor are an important success measure for the project. A number of government team members have expressed frustration and concern, however, about how the Early Action process has been managed, particularly with regard to the schedule for providing

feedback on key deliverables. Team members feel that the schedule is too aggressive to allow meaningful review and input, and the problem is confounded when timelines for reviewing Early Action documents overlap with critical review periods for RI/FS work.

> *Expected outcome:* Acknowledge the issue and discuss potential solutions for moving forward more smoothly. Possibilities may include adjusting Early Action schedules to address the concerns raised, coordinating Early Action and RI/FS review schedules to avoid overlaps, and/or establishing a process for elevating issues or concerns from team members if problems continue.

Project team workload, resources and work priority issues

Issue: Presently, the government technical team has more work than it can effectively handle, and the load is expected to increase over the coming year. To be effective as individuals and as a team, management direction is needed to establish clear work priorities for team members and to explore options for supporting the team with additional resources.

- Clarify work priorities: Technical staff are struggling to apply themselves to many aspects of the project at once, spreading themselves too thin, and pushing themselves at unsustainable levels. The result is insufficient review of LWG proposals and data reports, inadequate attention to big-picture objectives and goals, insufficient planning to direct the LWG in an effective investigation, and feelings of frustration and deficiency among the team.

  > *Expected outcome:* Consider ways to assess team member workloads and identify the highest priorities for their attention over the coming year. Adjustments may include focusing staff expertise on specific parts of the project for set periods of time, or clarifying staff involvement in upland source control verses in-water work. All government partners should be included in this exercise. In addition, look for ways to reduce team workload overall by streamlining and/or eliminating unnecessary LWG deliverables and adjusting the project schedule to provide time to complete high priority work.

- Need for additional resources: To stay on schedule for a 2008 ROD, the technical team will need to successfully work through a number of major tasks over the coming year, especially with regard to ecological risk assessment and developing an effective conceptual site model. Additional resources are needed to support the government team in fulfilling its MOU responsibilities.

  > *Expected outcome:* Discuss opportunities to bring additional resources to the Portland Harbor project, either on a temporary task-specific basis or through completion of the RI/FS. Consider a follow-up management team meeting if needed.

  - As lead agency for the in-water portion of the site, it would be helpful for **EPA** to explore additional resources for ecological risk assessment over the coming year (EPA's Burt Shephard provides valuable expertise, but his availability is limited). In addition, EPA front-line project managers need trained facilitators and recorders to increase the effectiveness of project meetings, allow them to succeed in their roles of guiding and leading team discussions, and to make better use of team members' valuable time. Finally, additional public involvement resources dedicated to the Portland Harbor project are needed as the community becomes more engaged in the investigation and the upcoming feasibility study (Judy Smith, EPA's one Public Involvement coordinator, currently splits her time between Portland Harbor and Klamath Falls).
  - As lead agency for the upland portion of the site, additional **DEQ** resources are needed to effectively support the RI/FS, increase upland investigation and source control work, participate effectively in early action projects, and conduct site discovery work in the Harbor. In the short-term, however, DEQ faces the possibility of *reducing* project staff to manage budget issues, thereby requiring work priorities to shift to upland source control and away from supporting the in-water RI/FS. DEQ will be looking at adding staff to meet project needs over the long-term, however. *Note DEQ recently shifted their ecotoxicologist to work full-time on Portland Harbor ecological risk assessment, rather than splitting her time on other projects.*

- Other **government partners** may be able to contribute additional resources to support the project as well. *Note: Environment International recently brought on a new full time staff person to assist the Portland Harbor ecological risk assessment, and they have staff available to provide note-taking and logistics management for technical team meeting as needed.*

Project vision/goal and what the Record of Decision(s) may look like

Issue: We are at a point in the remedial investigation process where it is becoming more important to keep the ultimate project goal in the forefront of our thinking, and to consider what the Record of Decision (or Decisions) may look like. One way of approaching this discussion is to start by identifying potential Sediment Management Areas (or SMAs) in the river where clean up actions will be focused. Another approach is to evaluate the information that we currently have about contamination and risk site-wide, and to identify additional information needed to give us a full picture of remediation options to address all unacceptable risks at the site (i.e., completing work on the CSM, ERA and Human Health Risk Assessment). It is important that we approach discussions about the ROD from *both perspectives*; approaching it only from the first perspective may inappropriately narrow the scope of the RI/FS at this point. It is also important to acknowledge that while the ROD may identify specific SMAs, it will likely also identify Harbor-wide risk from some contaminants, which is why a full and adequate characterization of the entire Initial Study Area is critical. Another question we need to address in thinking about the project goal and ROD relates to how we will determine site boundaries. These will be topics of discussion among the government team and with the LWG over the coming year.

Expected outcome: Briefly discuss the issue and agree to the messages we want to communicate to the LWG about the need to approach the ROD discussion from both perspectives, and the importance of adequately completing the CSM, ERA and Human Health Risk Assessment to inform an effective ROD.

Relationship and communication among the Government Team

Issue: In general, communication among the government team is good and we are working together well. Opportunities to improve revolve around the need to clarify our decision-making processes, improving our effectiveness in resolving issues, and continuing to build trust among team members.

- <u>Clarify decision-making processes</u>: Significant time and attention from senior EPA and DEQ administrators (i.e., Dan and Dick) has been needed to resolve various technical, legal and management issues related to the Portland Harbor RI/FS over the past year (i.e., MCL issue). This may not be the most effective use of these administrators' time, and it leaves front-line Portland Harbor managers (Chip, Eric, Jim) and mid-level managers (Keith, Sylvia) unsure of their roles in doing what's needed to keep the project on course. To assist front-line managers in successfully resolving project issues as they come up, and to enable senior administrators to step back from the project details, we need to empower decision making at a lower level and communicate expectations to the entire Portland Harbor team. This halfway point in the RI/FS process provides a pivotal opportunity to evaluate the function of our team and make changes to improve our efficiency and effectiveness. Having clear, reliable decision-making processes is essential to meeting our goal of a ROD in 2008, given the workload we're facing over the coming year and the need to resolve issues quickly and easily as they come up.

  Expected outcome: Consider developing clear guidance for issue resolution within the team, identifying appropriate roles for front-line, mid-level and senior managers. Some questions to consider: Since EPA technical and legal staff working on the Portland Harbor project report to different managers, who is responsible for making management decisions to resolve technical/legal disputes? What types of issues should be resolved by front-line managers, and what disputes should be elevated to mid-level managers? How should senior administrators ideally be involved in the project? Should they be used in weekly decision-making or kept informed of progress on a monthly basis? What types of issues should rise to the senior administrator level for resolution? Clarifying management roles and authorities in decision-making will speed issue resolution and provide needed certainty to Portland Harbor team members, our partners, and the LWG. Our process needs to include involving all government partners in issue resolution at all levels. Consider a follow-up

management team meeting if needed.

- Building trust: With the significant amount of work ahead for the government team, trusting and supporting each other is essential. The government team needs to continue working on this to improve our efficiency and effectiveness. Clarifying decision-making processes and empowering issue resolution at lower levels will help, because divisive disputes and drawn-out uncertainty around technical/legal issues can undermine trust.

  Expected outcome: Acknowledge the issue and commit to working on a better process for issue resolution, empowering front-line and mid-level managers, and communicating clear expectations to the entire team.

Relationship and communication with LWG

Issue: In general, the government team's relationship with the LWG is good and we are working together well. Opportunities to improve revolve around the ecological risk assessment work, streamlining LWG deliverables, and building trust. Given the significant work ahead for the next year, it is essential that we address these issues.

- Ecological risk assessment: This has been the most challenging area of our working relationship with the LWG. Government team members express frustration and concern about the high level of "push back" we're getting from LWG contractors around ERA and the fragmented nature of LWG reports and proposals[1], making it extremely difficult for us to understand objectives, key concepts and conclusions.

  Expected outcome: Discuss the issues and agree to the messages we want to communicate to the LWG about needed improvements in our relationship around ERA work.

- Streamlining LWG deliverables: To reduce workload for both the government technical team and the LWG, we need to look at ways to streamline LWG deliverables and eliminate unnecessary deliverables all together if possible. This may include directing the LWG to reduce unneeded background text and instead highlight major issues, data findings and key conclusions up-front (team members have expressed frustration that important findings are often buried in unnecessary text). The situation will be helped providing the government technical team with time to develop clear direction to LWG on the ERA, CSM and other deliverables, enabling the LWG to better meet our expectations. With this approach, we will avoid time consuming, multiple rounds of review and comment on draft reports, thus improving our efficiency and effectiveness overall.

  Expected outcome: Acknowledge the issue and agree to the messages we want to communicate to the LWG about streamlining reports, eliminating unnecessary deliverables and receiving needed direction from the government team about our expectations for upcoming technical work.

- Building trust: Maintaining a certain level of trust is essential to the cooperative, collaborative nature of our relationship with the LWG, and to our ability to meet the 2008 project schedule. Data sharing is often at the heart of our trust relationship with the LWG – whether the LWG provides us data in an objective way, and whether they respond to our requests for data dictates our level of trust in them. Recent and ongoing problems occur when the LWG does not respond to our data requests in a timely way, holding up our data analysis process for weeks, and sometimes months. The LWG is aware of this issue. Their process requires approval from the LWG executive committee before their contractors can give us any data we ask for. When this process takes a week or longer, it appears as if they are withholding data. From a perspective of trust, it is in the LWG's interest to be open with the government team and transparent in their processes.

  Expected outcome: Discuss the issue and agree to the messages we want to communicate to the LWG about requirements for data sharing, transparency in their processes, and the overall need for trust.

[1] The fragmentation of LWG reports and proposals is an issue for other areas of the project as well, including groundwater and subsurface characterization and assessment.