



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL
CLEANUP

March 16, 2018

Ms. Tracy Reeve
City Attorney
City of Portland
Office of the City Attorney
1221 Southwest 4th Avenue
Portland, Oregon 97204

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City Attorney's Office

Re: Portland Harbor Superfund Site, Portland, Oregon

Dear Ms. Tracy Reeve:

I am writing on behalf of the U.S. Environmental Protection Agency, Region 10, Office of Environmental Cleanup (EPA), to inform you of EPA's proposed schedule for consent decree negotiations to implement the 2017 Portland Harbor Superfund Site Record of Decision (ROD). As you may know, EPA selected the remedy for cleaning up the river portion of the Site on January 3, 2017. As a party EPA has identified as potentially responsible for the cleanup costs, we are providing you with information to help you prepare for negotiations to settle your liability at the Site. This letter will also provide you with EPA's plans for cleanup work it expects to accomplish over the next couple of years.

Shortly after the ROD was issued, members of the third-party allocation group told EPA that they needed updated data and information to bring more certainty to the scope and cost of the cleanup in order to complete the allocation. Since the ROD anticipated initial post-ROD baseline sampling, on December 19, 2017, EPA entered into an administrative settlement for pre-remedial design baseline sampling (Pre-RD Agreement). In addition to the Pre-RD baseline sampling, remedial design is underway at the NW Natural/Siltronic Project Area and RM 11E Project Area.

Under the Pre-RD Agreement, all sampling and field work is scheduled to be completed by the end of 2018. The Pre-RD Remedial Footprint Report is scheduled to be submitted to EPA in January 2019 and the draft Pre-Design Investigation Evaluation Report will be submitted to EPA by May 2019. Data from the Pre-RD sampling work will be reported in monthly progress reports and data summary files to EPA after data validation and database management. Throughout the negotiations for the Pre-RD Agreement, the parties represented that the sampling and other tasks included in the Statement of Work would be sufficient for the allocation group to complete the allocation.

Given the May 2019 schedule for completion of the pre-RD sampling, EPA plans to initiate consent decree negotiations by issuing Special Notice Letters (SNLs) for full performance of RD/RA at the Portland Harbor Site by the end of 2019. To our knowledge, the allocation process has been underway since 2009. Over the next two years, EPA expects that, in addition to all of the existing information that supports the ROD, the allocation group will use the data gathered under the Pre-RD Agreement as it becomes available in monthly reports. Additionally, the allocation group will also be able to use the data gathered for other remedial design activities as it becomes available.

If you are not currently participating in the allocation process, we encourage you to contact the representative below to see how you might join the process at this stage.

Bruce White
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, IL 60606-2833
(312) 214-4584
Bruce.White@btlaw.com

EPA's willingness to defer consent decree negotiations until the Pre-RD work is done is premised upon significant and substantial cleanup work proceeding at the Site immediately. EPA expects that remedial design of significant portions of the site will be completed or nearly so by the end of 2019 so that remedial action at hot spots can begin immediately upon final entry of consent decrees. In addition to the remedial design efforts that have begun, EPA wants remedial design to be started at several additional areas in 2018 and 2019 and will be reaching out to parties to begin that work.

If there is significant delay in completing the Pre-RD sampling work and/or the allocation process, it should not be assumed that EPA will extend its consent decree schedule. EPA also reserves the right to revisit our consent decree schedule should the situation change.

If you have questions or concerns about timeline set out above, you can call me at (206) 553-7660, or have your lawyer call Lori Houck Cora, Assistant Regional Counsel at (206) 553-1115.

Sincerely,

A handwritten signature in black ink, appearing to read 'Davis Zhen', with a stylized flourish at the end.

Davis Zhen, Manager

Site Cleanup Unit 2

cc: Sheryl Bilbrey, ECL
Cami Grandinetti, ECL
Davis Zhen, ECL
Sean Sheldrake, ECL
Rebecca Chu, ECL
Eva DeMaria, ECL
Cyndy Mackey, OSRE
Jim Woolford, OLEM
Lori Houck Cora, ORC

ENVIRONMENTAL PROTECTION AGENCY ECL-122
1200 SIXTH AVENUE, SUITE 900, — LO/Records Center, 16th Floor
SEATTLE, WASHINGTON 98101-3140

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