

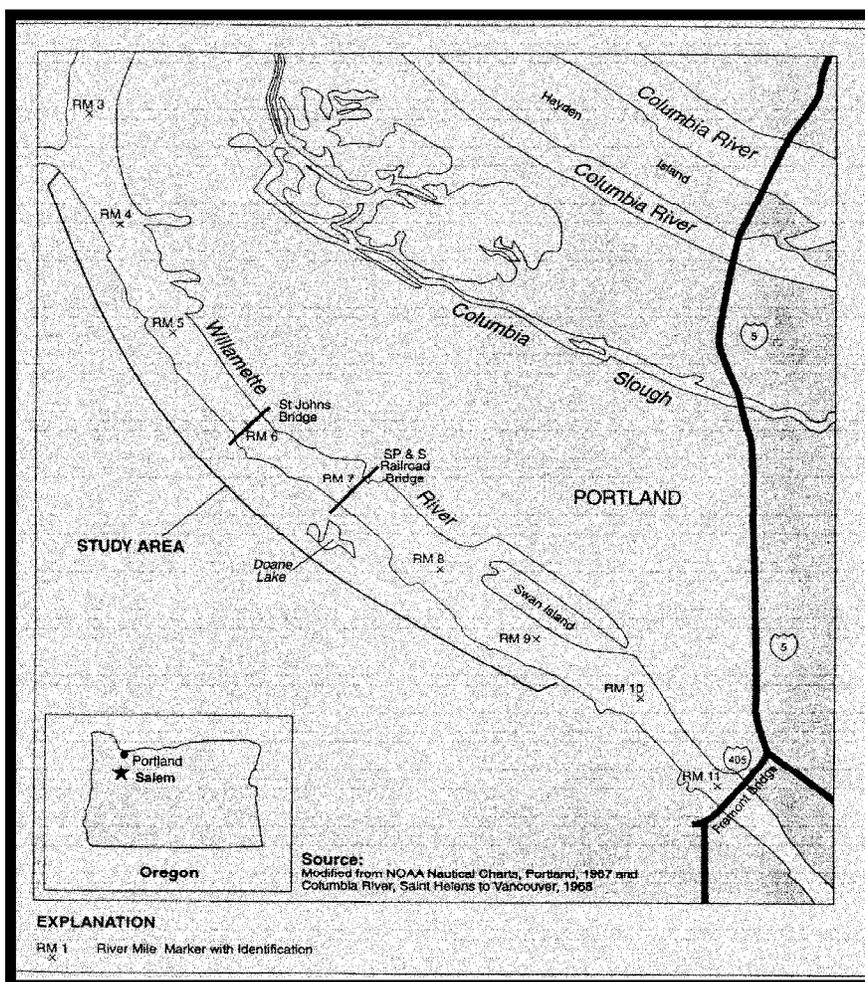
# Fact Sheet Portland Harbor Portland, Oregon

April 1999

*This fact sheet describes involvement of the U.S. Environmental Protection Agency (EPA) in environmental activities associated with Portland Harbor. It covers background information and environmental concerns, introduces you to the EPA Superfund program, and tells you how to get more information.*

## Portland Harbor Study Area: Background

Much of the area along the Willamette River within Portland Harbor is highly industrialized, and marine traffic in the river is intensive. Within the six-mile stretch between the southern tip of Sauvie Island and Swan Island, known as the Portland Harbor Study Area, several past and present industrial operations have been identified as possible sources of sediment contamination. These include: storage of hazardous waste and petroleum products; marine construction; fire fighting training activities; oil gasification plant operations; wood treating; agricultural chemical production; battery processing; natural gas plant operations; chlorine production; ship loading, maintenance, and repair; and rail car manufacturing.



In 1997, EPA conducted sediment sampling in the Portland Harbor Study Area at the request of the Oregon Department of Environmental Quality (DEQ). Sampling results indicated sediments contain elevated levels of contaminants such as the pesticide DDT, polychlorinated biphenyls (PCBs), heavy metals, and polynuclear aromatic hydrocarbons (carcinogenic compounds found in petroleum).

## Superfund and The National Priorities List: How it Works

EPA uses investigation results to determine whether a site is eligible for inclusion on the Superfund National Priorities List, or NPL. The NPL is a list of the nation's most contaminated hazardous waste sites. Congress established the Superfund program under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The law's purpose is to identify and clean up the nation's most dangerous uncontrolled and abandoned hazardous waste sites. Under this law, Congress established a trust fund to pay for investigations and cleanups at sites where no responsible parties are available or willing to pay for the work. This fund has become known as Superfund.

To identify priority sites for inclusion in the Superfund program, EPA ranks sites using a Hazard Ranking System. Sites that meet the ranking system's criteria may be proposed for inclusion on the National Priorities List. CERCLA gives EPA broad authority to require investigation and cleanup at sites listed on the NPL. EPA uses its authority to create enforceable agreements with responsible parties to ensure that they conduct the necessary investigations and cleanup.

When a site is eligible for listing on the NPL, EPA may consider the following options:

- ✓ list site on the NPL with EPA as the lead agency;
- ✓ list site on the NPL with the state or tribe as the lead agency;
- ✓ defer site to state or tribal authorities in lieu of listing on the NPL.

A site may be deferred only if adequate assurance is provided that the state or tribe's management plan will result in an environmental outcome substantially similar to and at least as protective of human health and the environment as that conducted under CERCLA. If at any time EPA determines that a response action is not being conducted according to these guidelines, EPA may decide to list the site.

When a site is listed on the NPL, the following apply:

- Superfund trust funds are available
- Technical Assistance grants are available to the community
- Natural Resource Trustee claims for damages may be made up to 3 years after completion of remedial action
- Protective cleanup is risk-based under CERCLA
- Hazardous substances under CERCLA do not include petroleum releases; coordination occurs to ensure such releases are addressed
- Community Involvement Plan is developed
- Enforceable agreement created with responsible parties
- State and federal laws in place at time of cleanup decision remain in effect as currently written
- Once cleanup is complete, EPA can negotiate covenants with Potentially Responsible Parties not to sue
- Clean Water Act permits not needed for dredge and fill activities although substantive requirements must be met
- Review required in 5 years to evaluate effectiveness of remedy
- Substantial EPA involvement

## Deferral to Oregon Department of Environmental Quality?

The State of Oregon has expressed an interest in deferring an NPL listing for Portland Harbor to allow for a non-Superfund state lead effort. In June 1999, EPA will decide whether to defer the Portland Harbor site.

In order for EPA to consider deferring an NPL-caliber site to state authorities, certain assurances must be provided.

- The State must have regulatory (legal, enforcement, and administrative) authority to ensure remedies/cleanups are protective of human health and the environment;
- The State must have sufficient capabilities, resources and expertise (technical and financial) to ensure cleanup is as protective as it would be under the Superfund Program;
- The state must agree to fund technical assistance to the community;

- The State must have the capability and resources to coordinate with other interested agencies and parties, EPA, Tribes and the public on various phases of implementation and cleanup;
- Responsible Parties must be available to conduct response/cleanup actions and enter into enforceable agreements with the State;
- There must be demonstration of community acceptance, including acceptance and the preservation of rights of Natural Resource Trustees, local communities, responsible parties, and others.

## Other EPA Activities In Portland

Although the Portland Harbor project focuses on a relatively small area, EPA and DEQ recognize that work here is part of a larger effort aimed at improving the health of the watershed as a whole. Other environmental work is underway by the Oregon Department of Environmental Quality, other agencies, the local Willamette Basin community, and EPA. Following is a snapshot of EPA and other related activities.

**Superfund Sites:** Two Superfund NPL sites are located in the Portland Harbor Study area, the Gould site and the McCormick and Baxter Site (a DEQ-lead site). Pertinent data from these sites will be incorporated into the greater Portland Harbor sediment study efforts. Cleanup is in progress at the Gould site, and cleanup activities will begin this year at McCormick and Baxter.

**Water Quality Management:** The Federal Clean Water Act requires states to identify waters that do not meet state water quality standards. States must submit a list of these waters to EPA every two years and develop TMDLs for these listed waters. A TMDL, or total maximum daily load, is a plan which specifies the amount of pollution a water body can handle before exceeding standards and then allocates this amount among pollutant sources, building in a margin of safety. DEQ's list includes a stretch of the Willamette River contaminated with pentachlorophenol and arsenic near the McCormick and Baxter Superfund site and is within the Portland Harbor Study Area.

**Sediment Management Program:** EPA's involvement in harbor sediment issues will continue whether or not the Portland Harbor Study Area is placed on the Superfund NPL. For example, EPA works closely with the U.S. Army Corps of Engineers and dredging companies in reviewing and approving dredging projects and certain other activities that affect sediments.

**Brownfields:** Brownfields are underused industrial and commercial properties where development is complicated by contamination. In 1997, Vice President Gore announced a Brownfields National Partnership to bring together federal resources to address local cleanup and reuse issues. This multi-agency partnership has pledged support at sixteen "Showcase Communities"--models demonstrating the benefits of collaborative activity on brownfields. Portland is designated a Showcase Project, building on progress made in the Portland Brownfields Initiative pilot project funded by EPA in 1996. In support, EPA is providing \$200,000 and a full-time employee to the City of Portland over two years. EPA policy is to target brownfields monies at non-NPL sites. However, there are areas that can be targeted for brownfields redevelopment that are not likely to be part of the study area now being considered for Superfund listing. EPA's commitment to the City will remain in place regardless of the Portland Harbor listing decision, as will our commitment to work with stakeholders to carry out site cleanup in ways that encourage redevelopment. For more information on the City's Showcase Project, contact Jeanne Caswell at (503) 823-7053.

**Willamette Geographic Initiative:** EPA has named the Willamette Basin as a geographic priority. Many efforts have been carried out under this initiative, including watershed protection, sustainability, and voluntary wellhead protection projects.

**American Heritage River:** Last July, Vice President Gore designated the Willamette as one of 14 American Heritage Rivers, giving federal support to local plans for protecting the environmental, economic, and cultural value of the river.

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**For More Information:** EPA encourages your comments and involvement. If you have questions or comments about EPA's activities associated with the Portland Harbor Study Area, contact:

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[lindsay.andrea@epa.gov](mailto:lindsay.andrea@epa.gov) *To request services to accommodate persons with disabilities, contact EPA toll-free at 1-800-424-4372.*

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***If you would like your name added to EPA's mailing list to receive future updates, or if you have concerns or suggestions, please complete the following form and mail it back to: EPA Region 10, 1200 Sixth Avenue, ECO-081, Seattle, WA 98101.***

Name: \_\_\_\_\_  
Affiliation (Optional): \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

**Do you have any concerns or suggestions you would like to share with project coordinators at this time?**



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Environmental Protection  
Agency

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Region 10 (ECO-081)  
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