

PROMISES, from page 10

session, Commissioner Steve Novick repeatedly interrupted a prepared update from EPA project manager Cami Grandinetti, first demanding to know how many lives would be saved by a river clean-up, then insisting that money spent on the river would have to be taken away from the homeless or from bike infrastructure. Backed with similar messages from Commissioner Nick Fish, who oversees the Bureau of Environmental Services, the message was clear: City Council was not interested in a thorough clean-up.

Chloe Eudaly, who is challenging Novick for his seat this November, says she is disappointed with the EPA's clean-up plan, calling it "a gift to the responsible parties."

"I'd like the polluters to sit down for the rest of this discussion so that we can hear from the community, especially from environmental advocates and marginalized groups, who are disproportionately at risk due to proximity to and use of the river, from environmental advocates and experts, and most importantly from the various Confederated Tribes whose health, way of life, and treaty rights continue to be threatened by the use and abuse of the Willamette River."

The Portland Harbor Community Coalition, whose member groups span homeless advocates, communities of color and Native organizations, said that a complete clean-up of the river would provide good jobs to local residents while putting our local economy on a path towards genuine sustainability.

But getting to those jobs means confronting the jobs that keep the river polluted. The Lower Willamette Group boasts on its website that "100,000 jobs are dependent on the economic activity in the harbor area."

"The Lower Willamette Group only exists to fulfill our orders with EPA for the remedial investigation feasibility study," said Barbara Smith, the LWG spokesperson. "The members only came together for that purpose of the superfund study."

When asked whether the LWG recognized any obligations to the river or its other users,

Smith insisted that they do, saying "That's why they stepped up ... to work with EPA on the scientific studies - because they know that the Willamette is an important resource for the public, for recreation, for commerce, for jobs."

"The goal of Superfund" she contends, "is not to eliminate contamination - it's to reduce risks to human and environmental health. So the goal is not to remove every chemical."

When informed that the levels of pollution deemed acceptable by the Lower Willamette Group are currently being described by the Yakama Nation as a violation of their treaty, civil and human rights, Smith responded "I can't respond to that."

Since the major breakthroughs of fishing rights litigation in the 1970s, the Pacific Northwest has seen a series of successful lawsuits that uphold treaty obligations.

Since the fight for fishing access has largely been won, treaty litigation has increasingly taken the form of complex settlements to restore habitat through large-scale actions such as dam removal. An aggressive clean-up of the Portland Harbor seems to be very much in line with that trend.

Longoria said that about 5 years ago the Yakama Nation undertook a survey of toxic threats to the Columbia River. They started by identifying all hazardous waste sites in the Columbia Basin, which located a total of 114,000 in Washington, Oregon and Idaho.

They then narrowed their search to sites with serious impacts to the main-stem Columbia River and its major tributaries, focusing attention on sites within a half-mile from of the Columbia riverbanks. This produced a list of 766 hazardous material sites. Narrowing down even further to those sites that were the most critical for marine habitat they had a list of 68 priority sites, and of all these sites, the Willamette Harbor was one of the largest they encountered.

Longoria asked EPA officials at their first public hearing when they would consider their remedy complete under the current draft plan, as the superfund law (CERCLA) prevents legal challenges until the clean-up option is

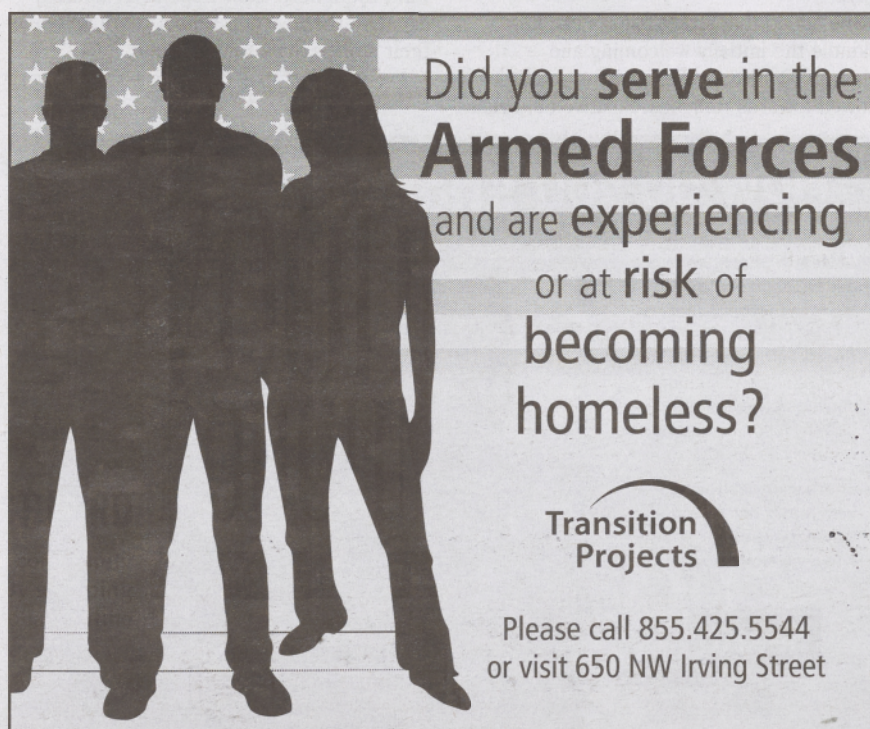
complete. No EPA official at the meeting would provide an answer, but Longoria's staff has estimated it will take 30 years. In that amount of time, it's totally unknown how many of the 150 responsible parties will remain financially solvent. And as the Port of Portland itself has observed, "Sometimes companies that caused contamination are no longer in existence. When a historical PRP (potentially responsible party) business leaves no funds to pay for cleanup, the remaining PRPs must assume those costs."

Given the treaty obligations in play, the injustice of delayed action, and the fact that the splitting of costs among PRPs can only become less fair over time, it would be an immense benefit for all parties to engage in an immediate full-scale clean-up.

Rose Longoria said that the Yakama Nation is hoping for that exact outcome when she travels next month to the nation's capital for a meeting with EPA Administrator, Gina McCarthy.

"On July 25 we are asking for Gina McCarthy's leadership in honoring our treaty rights by implementing an aggressive cleanup of the Portland Harbor Superfund site that leads to clean, healthy fish that are safe for our people to eat. Our message to Gina McCarthy is this: Over a century and a half ago, Yakama leaders were assured that their ability to take fish from our usual and accustomed areas including the Willamette would continue 'as long as the grass grows and the river flows.' This promise implied that the fish would be safe to eat and free from toxins and poisons."

"The Indians did not understand the treaties to promise that they would have access to their usual and accustomed fishing places, but with a qualification that would allow the government to diminish or destroy the fish runs," wrote Judge William Fletcher in a June 27 appeals court ruling that affirms tribal fishing rights. (Washington territory) Governor Isaac Stevens, Fletcher writes, "did not make ... such a cynical and disingenuous promise."



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