



Rahsaan Muhammad, an organizer for the Portland Harbor Community Coalition, addresses the audience at the June 24 protest of the EPA's planned Superfund clean up of the Willamette River.

PHOTO BY ELI MANGOLD

Watered-down promises

EPA extends comment period on the Superfund clean-up plan for the Willamette River, which drew protests for doing too little

BY STEPHEN QUIRKE
STAFF WRITER

Early this month the EPA released its draft plan to remove toxic contamination from the bottom of the Willamette River. The plan represents the culmination of 16 years of study, a federal mandate to remove toxic substances, and extensive jockeying from government agencies, polluting industries and community and environmental groups.

The plan stumbled out of the gate at 2 p.m. June 8 and critics took aim immediately.

"It's a huge deal," says Mary Ann Warner of the Portland Harbor Community Coalition. "It's just beyond me how they could actually put out this plan and think that it was OK."

On June 24, the Portland Harbor Community Coalition held a 50-person press conference downtown, blasting the EPA's draft plan, which would leave 92 percent of the 10-mile stretch "toxic to both people and wildlife indefinitely," the Coalition said.

The plan – dubbed Alternative I – calls for removing just 150 acres of the toxic stew at the bottom of the river. A stunning 1,876 acres of contaminated sediment would be left alone to see how well it recovers on its own – relying on the flow of up-stream sediments to simply cover the pollution over an uncertain period of time (A technique called "monitored natural recovery."). Another 64 acres would be "capped" with

varying combinations of gravel, clay and sand. The caps would be monitored to see how quickly they are destroyed by erosion.

"Companies that collectively make billions of dollars a year have dumped their waste in the river at the expense of human beings," said Rahsaan Muhammad, a PHCC organizer. "Bayer CropScience, Chevron, Gunderson, Exxon, BP, Shell, Schnitzer Steel, Toyota, the U.S. Navy, should pay their fair share. They are not paying their fair share."

Earlier that day the EPA announced they would extend the comment period on their draft plan to a total of 90 days – giving people until Sept. 6 to submit comments.

River advocates at the PHCC say that is still not enough time, and are asking for a total of 120 days.

"The fact is that a lot of migrant families that eat from this river leave during the summer to visit their families. That kind of cuts into their 60 day comment period," says Mary Ann Warner.

Warner and many other river advocates argue that the EPA's plan represents a giveaway to big polluters. And it's not hard

to see how that happened: the polluting industries have been putting pressure on elected officials for several years, and officials redirected that pressure at the EPA.

In an Environment and Economy Subcommittee meeting in September, Rep. Kurt Schrader (D) told an EPA official, "... I am concerned about EPA's approach to that harbor. ... And I am worried about the

science that is involved in this," adding "you are supposed to do a cost-effectiveness analysis. ... And that is not what I am seeing in the report." Schrader then interrupted EPA employee Mathy Stanislaus six times before letting him explain the work the EPA had done.

Earlier that year Schrader told the Oregonian "Every time they try to defund the EPA, I vote against that.

But when people start gnawing at the edges, where it's hurtful to Oregon's economy and only gets marginal benefit, we have to think about that."

In a telephone press conference unveiling the draft plan on June 8, EPA officials repeatedly described it as the most "balanced" plan among eight alternatives they were considering (alternatives B-I).

"In no way shape or form does the plan address Yakama's concerns or needs for clean healthy fish. This plan is entirely not protective of Yakama's treaty resources."

— ROSE LONGORIA
YAKAMA NATION'S SUPERFUND
COORDINATOR

When asked whether they believed this alternative represented a balanced approach to the treaty rights of the Yakama Nation – which relies heavily on local fisheries – EPA Region 10 Administrator Dennis McLerran responded "We do," adding,

"What we heard from tribes is that they would like to see a watershed approach that actually goes beyond just the cleanup of the site itself. ... they want to see a cleaner river, they want to see the risks reduced. They did not create this pollution. They did not create this insult to the river, so they would like to see a very aggressive cleanup here."

When asked if he thought the plan met treaty obligations to the tribes, McLerran responded "We do."

One of the people listening in to that press conference was Rose Longoria, Yakama Nation's Superfund Coordinator. "I was very troubled and rather surprised by his response. I think the only thing that was mentioned by Dennis McLerran that we considered was the loading to the Columbia River. That is probably the only thing that I can see where EPA slightly heard Yakama and our concerns. But in no way shape or form does the plan address Yakama's concerns or needs for clean healthy fish. This plan is entirely not protective of Yakama's treaty resources."

"Allowing these toxins to remain in the river to be covered up or washed down to the Columbia River is unacceptable, and even more than unacceptable, it is a violation of our human rights and it is a violation of the Yakama Nation's treaty rights."

Rather than balancing the needs of various river users, Longoria says the agency chose to strike a balance between "the needs of industry and business and profits.

"I'm rather disillusioned, quite frankly, she said. "It seems that EPA has made a decision, and that decision is very much on the side of appeasing the industries so that they will sign on to moving forward with clean up. It seems to me they understood what industry would accept, and that's what they proposed – that's what they built the proposal around. And they're moving forward with that, and I'm having a hard time seeing how we get a different plan that's actually more beneficial to the resources, the people and Yakama's treaty rights."

In 2011, Senators Ron Wyden and Jeff Merkley joined Reps. Blumenauer and Schrader for a tour of the Portland Harbor hosted by Vigor Industrial, one of the EPA's responsible parties. Months later they signed a letter to EPA Administrator Lisa Jackson describing the Portland Harbor as "a regional gateway to global markets" that generated tax revenue while "getting people back to work."

The letter then suggested that "as EPA performs its evaluation, it is imperative to consider the economic impacts of EPA's decisions on our community," adding "In this time of limited resources and budget constraints ... the Portland Harbor conversation about cleanup options should be focused on where this point of diminishing returns lies."

At a Feb. 9 Portland City Council work