

Superfund plan expected to move forward under new administration

BY STEPHEN QUIRKE
STAFF WRITER

After months of public comment and many more years of study, the EPA has finally approved its plan for cleaning up the Willamette River Superfund site.

The EPA's highest official signed an official Record of Decision on January 3 – the biggest milestone in a 16-year process to restore healthy fish and clean water to Portland's embattled river.

Though the final plan marks a significant improvement over the one proposed last June, it does not satisfy everyone.

According to the EPA, making unlimited fish consumption safe for everyone – including the most vulnerable – was one of the biggest priorities they heard from the public last summer. During that comment period they received more than 5,000 comments with over 90 percent in favor of a more comprehensive clean-up.

Although the final clean-up plan doesn't entirely meet that fish consumption priority, it does lock in a series of actions in the Portland Harbor over the course of 13 years that the EPA estimates will cost polluters just over a billion dollars. The EPA estimates these actions will remove anywhere between 2.5 and 3.3 million cubic yards of contaminated sediments from the river and shorelines, shipping most of this off on barges and trains. The majority of the sediment will then be treated and confined away from the harbor, though some will require treatment before shipment.

The EPA's latest documents admit this plan may not do enough to protect human and environmental health, as it is required to do under law; the agency is therefore relying on regular reviews every five years to ensure the river remains safe and the project achieves its goals.

However, it still isn't clear that the clean-

up will proceed smoothly, due in part to the character of the new administration.

Jim Robison of the Portland Harbor Community Advisory Group said the recent freeze on EPA grants is not effecting his group yet, though if the grants are ultimately eliminated, it would certainly hurt local job training efforts, and make it harder for the public to understand the health risks of toxic contamination.

Unfortunately, even bigger threats to the clean-up are possible under the Trump administration. "We've been asking all kinds of questions about what the incoming administration could do to sabotage it," said Robison, "and the answer we've gotten is 'It's signed, it's set, and the incoming administration can't just change that. But one thing they could do is decide to just defund all enforcement.'"

Such a possibility may already be on the table. On Jan. 30, Trump advisor Myron Ebell announced that his goal for the EPA was a whopping 75 percent reduction in staff. And although Ebell is Trump's former lead for the EPA transition, his current pick to head the EPA, Scott Pruitt, has been a consistent opponent of environmental law enforcement.

In one example, as the Attorney General for Oklahoma, Pruitt sued the EPA to block a pollution clean-up in the Chesapeake Bay, claiming it was a dangerous precedent that violated states rights.

This approach to enforcement could become a big problem if Portland's 150-plus polluters can't voluntarily coordinate to execute the plan – which is to be jointly administered by the EPA and the Oregon Department of Environmental Quality. If EPA enforcement is undermined, Robison said Portland will be left with two options: compelling EPA to enforce the law through lawsuits, or asking the state of Oregon to compel polluters to act. It is not clear yet



PHOTO COURTESY OF WIKICOMMONS

The Willamette River as it runs through downtown Portland.

how practical either option would be.

There are some indicators that the city and state are taking new initiative to steer the clean-up: According to the Portland Tribune, Gov. Kate Brown will be asking the legislature to approve a \$10 million bond to advance the clean-up. The city of Portland has previously spent more than \$50 million to lead the clean-up process and engage local tribes to restore fishing rights damaged by contamination.

Much of that city money should be repaid once polluters begin to put their own money down, but the complex and contentious process for determining each polluter's share could hit a snag.

"The responsible parties are supposed to determine who pays among themselves, but if they fail, the EPA will step in and do it for them," said Bob Sallinger, conservation director with the Audubon Society of Portland. "So there's a lot of opportunity unfortunately for interference and obstruction and further delay. I think what gives me some hope is that the state wants to move forward, the city wants to move forward, and hopefully some (potentially responsible parties) want to move forward and realize we're better off with a clean river and new economic development than waiting

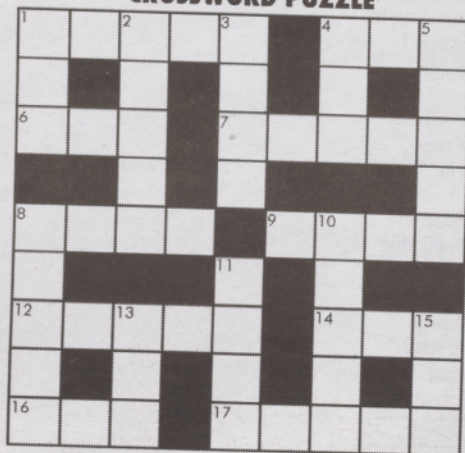
another 15 years."

Failure to enforce clean-up could produce significant problems for areas the EPA calls "early action sites" – places that need to be cleaned first in order to prevent recontamination either closer to the shore or further downstream. Unfortunately, many of these sites have not yet been addressed, and according to a scathing resignation letter written by the city's senior Superfund official in 2011, "Far less early work has been done here in Portland Harbor than at other Superfund sites around the country."

Whether the owners at these sites will re-engage with the EPA's final plan remains to be seen. But according to Sallinger, the clean-up plan is here to stay.

"It's very hard to undo a Record of Decision," said Sallinger. "There could be obstruction, but I think the community is much more engaged now than they were before. I'm looking to the responsible parties, especially the Port of Portland, to really demonstrate some leadership and show that they care about something other than their bottom line. For those companies that think they can keep working in obscurity, I think those days are over."

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1. Fermentation agent
4. Have a bite
6. Tree fluid
7. Cake ingredient
8. Three-ply cookie
9. Hook's henchman
12. Ground grain
14. The gift of ___
16. Tease or ridicule
17. Francis or Kevin?

DOWN

1. Affirmative!
2. Type of fritter
3. Analyze or try
4. Cake ingredient
5. Tres
8. Deal
10. Potter's practice
11. Nosh!
13. Late rapper; abbr.
15. ___ appetit



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