



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ENVIRONMENTAL CLEANUP

January 22, 2010

Tom Imeson
Director, Public Affairs
Port of Portland
Box 3529
Portland, Oregon 97208

Re: Proposed Schedule for the Terminal 4 Phase II Removal Action Design and Implementation under the Settlement and Administrative Order on Consent for Removal Action (AOC) Docket No. 10-2004-0009.

Dear Tom:

The U.S. Environmental Protection Agency (EPA) has reviewed your November 23, 2009 letter requesting a second extension to the schedule for the Phase II design and implementation of the Terminal 4 (T4) Removal Action so that it will better align with the Feasibility Study (FS) for the in-water portion the Portland Harbor site as well as the Proposed Plan and Record of Decision (ROD). Based upon our review of your request and our discussions on January 11 and 13, 2010, EPA is willing to grant an extension to the schedule for submission of the 60% design, subject to the following conditions and on the schedule set forth below:

1. The Port of Portland shall submit the 60% design for the T4 CDF by September 1, 2010 using performance criteria provided by EPA so that this information can be included in the harbor-wide FS. EPA agrees to extend the schedule for the 90 and 100 percent design and construction of the CDF until after the harbor-wide ROD is issued. After issuance of the ROD, EPA, in consultation with the Port, will develop a schedule for completion of the Phase II of the T4 cleanup.
2. Within 30 days, EPA will provide both the Lower Willamette Group (LWG) and the Port of Portland with a set of performance standards to be used in evaluating all CDF alternatives in the harbor-wide FS, including the T4 CDF. These performance criteria will address short-term impacts from CDF construction and filling, medium-term impacts from any CDF dormant period during fill and before final closure, and long-term impacts following final closure of the CDF. EPA will also provide selected key design criteria such as that the sediment cover layer shall be uncontaminated soil.
3. The Port shall evaluate the T4 CDF using the performance standards provided by EPA. These performance standards shall be considered just one facet of a sensitivity analysis of the performance of various CDF designs, and the Port shall determine the feasibility and cost of a CDF design that fully achieves these performance standards. To demonstrate achievement of the performance standards, the Port may need to adjust sediment acceptance criteria or other CDF design criteria or filling/operational parameters.

The Port or LWG may choose to evaluate other CDF designs and performance standards and compare the feasibility, costs, and protectiveness of these alternative CDF designs in the FS to the CDF 60% design necessary to achieve the directed performance standards. EPA encourages this sensitivity analysis approach because we believe it will provide the public with a clearer picture of which design factors most affect CDF performance, protectiveness, and cost.

EPA will work cooperatively with the Port to address other CDF related design and analysis issues timely identified by the Port, including CDF sediment acceptance criteria and groundwater modeling input parameters (e.g., biodegradation rates of contaminants in the CDF). EPA will work with the Port to develop a representative profile for sediments likely to be disposed of in the CDF that can be uniformly applied to the analyses of the different CDF designs. EPA and Port are very close to agreement on a representative waste profile as a result of our prior work on this issue.

4. The Port shall submit a revised project schedule by February 16, 2010 for EPA review that addresses the 60% design, including proposed coordination meetings, review times, and ancillary deliverables, including the sediment recontamination analysis.

If you have any questions or concerns please contact Deb Yamamoto at (206) 553-7216 or by email at yamamoto.deb@epa.gov. You may also contact Sean Sheldrake at (206) 553-1220 or by email at Sheldrake.sean@epa.gov. Legal questions may be directed to Lori Houck Cora at (206) 553-1115 or by email at cora.lori@epa.gov.

Sincerely,



Lori Cohen, Acting Director
Office of Environmental Cleanup

cc: Deb Yamamoto, EPA
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