

1 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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5 PORT OF PORTLAND MARINE TERMINAL 4

6 SEDIMENT REMOVAL ACTION

7 PUBLIC HEARING ON THE

8 ENGINEERING EVALUATION/COST ANALYSIS

9

10 PUBLIC COMMENT PERIOD

11

12

13 Thursday, June 23, 2005

14 7:15 p.m.

15 Portland, Oregon

16

17 Saint Johns Community Center

18 8427 North Central Street

19 Portland, Oregon

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24 Taken Before: Jea H. Oh, Court Reporter

25 Naegeli Reporting Corporation

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1 APPEARANCES

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3 PANEL MEMBERS

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5 Barbara J. Lither - Hearings Facilitator

6 Judy Smith

7 Sean Sheldrake

8 Carl Stivers

9 Anne Summers

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20	Beth Myers - Private Citizen	34
21	Dick Wilson - Private Citizen	36
22	Mark Stephan - Private Citizen	38
23	Peter Laughingwolf - Private Citizen	40
24		
25	Meeting Adjournment - Judy Smith	43

1 PORTLAND, OREGON; THURSDAY, JUNE 23, 2005

2 7:15 P.M.

3 PROCEEDINGS

4 MS. SMITH: At this time, I want to turn the

5 meeting over to our hearings officer this evening,

6 Barbara Lither, who is with EPA in Seattle.

7 MS. LITHER: Well, good evening and welcome.

8 Can everybody hear me from the back of the room?

9 Okay. Well, let's regroup. We had the

10 presentations, we've had some questions, and now what
11 we're going to do is have the more formal portion of
12 the proceeding where we're actually going to create a
13 written record of your comments.

14 So I'd like to welcome everyone. My name
15 is Barbara Lither, and I'm an attorney with the EPA
16 in the Seattle office. I'm going to serve as the
17 hearings officer for the meeting tonight, and as the
18 hearings officer, it's my responsibility to make sure
19 that the hearing is run properly, and that anybody
20 who chooses to provide comments has the opportunity
21 to do so by speaking or by providing written
22 comments.

23 I would like, at this time, to introduce
24 our court reporter. Her name is Jea, Jea Oh, and she
25 will be the court reporter for this evening's

1 hearing. And it is important that we accurately
2 record your comments, so for those of you who are
3 going to be speaking tonight, I do ask that you speak
4 slowly and give your name, so that our court reporter
5 can accurately transcribe those.

6 So I'm going to read a brief statement for
7 the record because we are opening the comment period
8 now. The hearing is being held on Thursday, June
9 23rd, 2005, at the St. Johns Community Center,
10 Portland, Oregon. And the purpose of this hearing is
11 to seek public comment on the EPA's Proposed Portland
12 Harbor Terminal 4 Early Action Removal. Public
13 notice of the hearing was published in the Portland
14 Oregonian on Monday, June 6th, 2005, and the public
15 comment period began on June 6th, 2005, and has been
16 extended to a new comment deadline of August 8, 2005.

17 Before we begin, I'm going to describe the
18 process and procedures that are going to be followed
19 this evening, and let you how your comments will be
20 handled. We have the cards here for those of you who
21 had signed up. If during the course of this comment

22 period, you would like to add additional comments,
23 please raise your hand or go to the back of the room
24 and get an additional sign-up opportunity. I will
25 call your name to the podium so that you may have the

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1 opportunity to provide your comments.
2 The goal of the public hearing -- Actually,
3 we have two goals in mind tonight. First, we would
4 like to give all interested parties an opportunity to
5 express their views on the proposed engineering
6 evaluation and cost analysis for cleaning up the
7 contaminated sediment at the Port of Portland Marine
8 Terminal 4. And, second, we are interested in
9 obtaining as much relevant information as possible to
10 assist in selecting the most appropriate cleanup
11 remedy.

12 There are a number of people from EPA here
13 tonight and our goal is to expediate your comments.
14 If you ask questions during your comment, they will
15 not be answered at this time, but they will be
16 included in the formal record, and the EPA will
17 respond to all comments that we receive tonight in
18 the "Written Response to Comments" document that will
19 accompany an action memo in which a cleanup
20 alternative is selected. Now, you do not have to
21 speak tonight in order to have your comments or
22 concerns considered. Written comments are given
23 equal consideration in the decisionmaking. So you
24 have the option of speaking tonight, or providing
25 written comments, or both.

2 the back of the room. There are several exhibits,
3 there are CD copies of the Proposed Early Action
4 Engineering and Cost Analysis, and a fact sheet
5 available at the registration table. If you need
6 additional copies of those documents, you can see any
7 of the EPA representatives in the back of the room,
8 and hard copies are also available at the St. Johns
9 Northwest and main Multnomah County Libraries.

10 Now, if you'd like to be on the mailing
11 list so that you can receive information about the
12 final action on the removal, please sign up at the
13 sign-up sheet which is located at the back of the
14 room at the registration table. Mail and written
15 comments will be accepted. There was a slide a
16 moment ago which gave you the mailing address. You
17 would send those comments to Sean Sheldrake, the EPA
18 project manager, at the address shown in the fact
19 sheet. And, again, written comments must be
20 postmarked no later than August 8th, 2005, to be
21 considered.

22 Tonight, if you would like to provide

23 written comments, comment sheets are available at the
24 back of the room. You can provide written comments
25 on those papers, and you can leave them with one of

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1 the EPA representatives at the registration table, or
2 you can mail them. Again, comments should be
3 submitted no later than August 8, 2005.

4 Okay. Now, with that, what we're going to
5 do is we're going to go ahead and begin taking public
6 comment. But I would like to re-emphasize that the
7 purpose of the public hearing is to receive input on
8 alternatives for removing sediment at the Port of
9 Portland Marine Terminal 4. I'm going to call up
10 each speaker to the microphone, and as you begin your
11 statement, please state your name for the record and
12 the organization, if any, that you represent. In the

13 interest of time, if you have comments that are
14 similar to a previous speaker, you may simply state
15 that you support the previous statement and name the
16 individual or group that you are supporting.

17 Last, there are many different points of
18 view about the issues that we've discussed tonight.
19 We are not here to resolve the different points of
20 view tonight, but we are here to receive input to
21 create a formal record for this important matter. It
22 is my belief that we will have a very courteous and
23 civil proceeding, and we will be respectful of the
24 various points of view that will be expressed
25 tonight.

1 So, with that, I'm going to begin calling
2 people up to the microphone to give the comments in

3 the order in which they signed in. So I would like
4 to invite Travis Williams.

5 MR. WILLIAMS: My name is Travis Williams,
6 and I'm a Riverkeeper and executive director for
7 Willamette Riverkeeper. We're an organization that
8 works on habitat and water quality throughout the
9 Willamette Basin. For the last ten years, this
10 project has been very central to our organization in
11 terms of not only getting it listed as a Superfund
12 site, but then, of course, dealing with the myriad
13 types of pollution that we and the sediments in the
14 river bottom throughout this 5.5-mile area. So I
15 thought I'd throw that out there.

16 Willamette Riverkeepers have viewed the
17 major portions of the EE/CA for T-4 and offers the
18 following comments. We have multiple questions about
19 the cleanup of Slip 3 and the creation of a confined
20 disposal facility of Slip 1. While we have questions
21 and concerns, we do believe that there is a potential
22 for this action to lead to a better overall cleanup
23 of contaminated sediments from throughout the
24 Portland Harbor area to the Willamette River.

1 long-term impact of the CDF with regard to ecological
2 and human health. While some questions need to be
3 answered, it seems to us that there would be multiple
4 opportunities for community members to have input on
5 the design and implementation of any such facility,
6 if approved. It seems that there is an opportunity
7 to address issues related to the CDF's long-term
8 relationship to the Willamette River's ecology and
9 human health. As with any large and complicated
10 project, we believe that community involvement is
11 critical. We believe that this kind of participation
12 should be continued into the design of any future
13 CDF, and also into the waste acceptance criteria that
14 must be developed that will determine the level of

15 contaminated sediment that will be allowed into this
16 facility.

17 In researching active CDF sites, we have
18 learned that they can indeed work. We've learned
19 from the folks at Citizens for a Healthy Bay in
20 Tacoma, a group that works on Commencement Bay, that
21 these sites have worked for them with contaminated
22 sediment that is very similar to what we know resides
23 in Portland Harbor. Further, Citizen's For a Healthy
24 Bay have monitored their sites for years. For
25 example, they're Milwaukie Waterway site after 13

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1 years of monitoring, there's been absolutely no
2 change at the site whatsoever. They have three such
3 sites in the Commencement Bay area.

4 And I think what this really gets down to,

5 you know, you can argue about the technical aspects
6 of these sites, you can argue about the specific
7 facility, but I think you need to take a step back
8 and look at what is going to enable us to clean up
9 this harbor comprehensively and in a timely manner.

10 You know, we can argue about the minutia about this
11 particular facility, but that you remind this
12 facility to have an option to get this waste out of
13 the water, it's really going to be a value-added
14 thing for Portland Harbor potentially.

15 So I think we need to ask: What will lead
16 to the best, cleanest, and most comprehensive cleanup
17 of the Willamette River in this area. It would seem
18 if we were provided nearby, scientifically sound,
19 ecologically sound option for some types of
20 contaminated sediment, that we will enable more PRPs,
21 those are potentially responsible parties, all the
22 companies that have the responsibility to clean up
23 sediment, will allow more of them to do the right
24 thing. In our view, that is to get the dirty
25 sediment out of the Willamette River.

1 If we fail to do this, we may well have a
2 harbor that has dozens of capped sites. You saw what
3 capping meant tonight. It's putting a layer of clean
4 stuff over the dirty stuff, hoping that the river's
5 natural forces don't erode it away, hoping that your
6 monitoring of all these individual sites gives you a
7 long-term characterization of what's happening there.
8 Instead of monitoring one main facility, in the case
9 of the CDF, we may be relegated to monitoring dozens
10 of sites in the dynamic river environment with dozens
11 of these sites, there will be an equal number of PRPs
12 responsible for monitoring their individual sites.
13 This does little to quell worries about long-term
14 risk and the capacity, in this case, some of the
15 things I've heard in relation to the Port of Portland

16 being able to steward their site or monitor it and
17 report to the EPA and all of us about what they find.
18 If we limit the cleanup of sites to
19 dredging and landfill disposal, such as in Arlington
20 for some types of contamination or other landfill
21 sites, we may well end up with companies fighting the
22 cost of cleanup with the river remaining in a
23 polluted state decades after. And what is not
24 familiar to anybody who has heard about the
25 Superfund, you hear two things; you hear about money

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1 being spent, money not available, and you also hear
2 about litigation. It's my fear that if we don't have
3 this option on the table, we'll be here in 20, 25
4 talking about the same thing and how we're going to
5 compel somebody to do something or get money from the

6 federal government to have them clean up their site.

7 Willamette Riverkeeper has worked on this

8 project for years, as I've said, and we've been a

9 leading vocal advocate to getting the river

10 cleanup -- getting the river cleaned up in a timely,

11 comprehensive manner. We do need to ensure that

12 human and ecological health is addressed in this

13 cleanup. If our concerns about CDF's engineering and

14 waste disposal criteria are addressed, we may well

15 have another viable option to lead us cleaning up the

16 Willamette River for the betterment of river wildlife

17 and people.

18 Now, I'm going to skip -- Obviously, you've

19 read some of that. We have specific comments about

20 the engineering, about the technical aspects of

21 cleaning up Slip 3 and putting in Slip 1. I'll put

22 some copies in the back there if any of you are

23 interested. You know, the other things that has been

24 done in other sites around the nation, it was

25 mentioned up here earlier, is mitigation. It's my

1 feeling that because this is somewhat convenient for
2 the port, that they should be required to do
3 mitigation on-site that might be a riparian buffer
4 along the waterfront or some other type of natural
5 vegetation in there to aid wildlife. For those of
6 you who've down to the Toyota site, you know, we know
7 the wildlife does use that little buffer, that's
8 trying to get ahold there. Those plants are trying
9 to grow, so that's a positive thing.

10 The other thing I think needs to happen,
11 some other requirement needs to be put forward when
12 this thing is finalized, if it's finalized, that
13 requires the Port to maybe do another more
14 comprehensive restoration project somewhere in the
15 immediate vicinity. Hopefully in the Willamette
16 Basin, but in a nearby part of the river. Who knows,
17 it could even be the Columbia. But I think it would

18 show the good will of the Port, and it would also
19 provide some mitigation for what is being lost at
20 this particular site.

21 So I'll end it there. But I just -- you
22 know, it's my hope that we can all really think about
23 exactly what's being proposed here in this
24 alternative, and not to revert to scare tactics that
25 you read somewhere, that you actually evaluate what

1 is being proposed, and think about the larger harbor
2 cleanup and what's going to be required over the next
3 five, seven, to ten years to get that stuff out of
4 the water, or we will end up with an extremely
5 lengthy cleanup and -- You know, and the part about
6 the Port, you know, saving some money on this? Come
7 on. They're the Port of Portland. You know, you're

8 going to save money where you can, like any business.

9 That's the reality. So what? You know? And I'll

10 end my comment there. Thank you.

11 MS. LITHER: Thank you. I'd like to call

12 Jerry Cressa. Following Jerry will be Karen Cressa.

13 MR. CRESSA: My name is Jerry Cressa. I'm a

14 resident of Oregon, and I just represent myself. But

15 I am a longshoreman here in the Port of Portland, and

16 I have to follow Travis Williams' comment there, you

17 know, how it ends here. The Port of Portland is in

18 the business of saving money. That's why we're all

19 here today. You know, decades ago, they were the

20 ones that polluted it. I helped. I'm one of the

21 polluters. I put it in the river, at the direction

22 of the Port, to expedite shipping in the cargo

23 industry. And what I saw tonight is we're doing the

24 same thing. We're putting costs first. And all

25 we're doing, and it was mentioned here, we're

1 going to -- this might be a site for all potential
2 parties, responsible parties. All they're doing is
3 making one, big superloaded zone that can repollute
4 the river again.

5 I tried to get a technical question
6 answered about where the test monitoring wells will
7 be. Against the river. But anybody that works out
8 at Terminal 4, works in a soda ash storage building,
9 which is underground. Ground water is moving in all
10 different directions. The only way you're going to
11 be sure nothing's moving is complete monitoring
12 around this site, completely, at different levels.
13 Because computer models are one thing; Mother Nature
14 is another thing. We wouldn't be in this situation
15 if we watched what Mother Nature did. But, no, we
16 put costs first.

17 I have a lot of questions, but the main
18 concern is, right now, we're doing this on the cheap.

19 That's what we're doing. It's been a practice of the
20 Port to do a lot of things -- it spends a lot on
21 public relations, but this is their responsibility.
22 And the best way, the way that -- you wouldn't have
23 to worry in the future about mitigation if it wasn't
24 there, if it was removed. We have to accept the
25 responsibility of what we did out there, and by

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1 removing it, that's the best step to making it a safe
2 river again.

3 Oh, I have one other thing. Just to put
4 the Port -- in the Port's perspective. This is the
5 Port's 20/20 vision plan about running the rail track
6 over the slip. It's been there for five or six
7 years. This is just an easy solution for them to
8 keep building the Port bigger. Except, what happens

9 after this facility is built and we do our
10 monitoring, and we discover our great computer model
11 for the environment isn't working, and it's leaching
12 back into the river? Then the Port will come to us,
13 "It's economically infeasible to take down a vital
14 economic interest in the port to mitigate pollution."
15 If we clean it up right now, we won't have these
16 problems, and the Port can build any facility it
17 wants safely, and the river will be safe. Thank you.

18 MS. LITHEER: Karen Cressa.

19 MS. CRESSA: My name is Karen Cressa. I
20 represent myself. I have to say that I agree with
21 most of the comments my husband made. I am strongly
22 opposed to the Port's plan to store the hazardous
23 waste, and I think it should be classed as that at
24 this facility near the river. And the reason I say
25 this is that for the past year and a half, I've

1 attended the CAG meetings along with my husband, and
2 I find that this is a peculiar effort being made
3 here. I'm very impressed by everything the engineers
4 have said, the PR people have said, I'm very
5 impressed, but when I see the reality of what
6 happens --

7 For instance, I'll give you an example,
8 there was a restoration of banks near this area,
9 Slip 3 or Terminal 4, a very small area, and this was
10 explained to us at the CAG what would happen. It was
11 also very impressive, as it was tonight. However,
12 about a year after this was accomplished, my husband
13 and a small group of people went out to look at the
14 actual restoration, and we found coal tar right on
15 the facility. This is a carcinogen, and is a very
16 surprising thing after listening to a very
17 complicated presentation. What this says to me is
18 that there's questions of ability, and
19 accountability, and credibility that the Port has to
20 answer for, and I really don't think that they should

21 be storing this waste on the river with this plan
22 that looks very good as a computer model on paper,
23 but, on execution, probably won't be as good as this,
24 and there will be many problems that will add to the
25 expense as well as the risk to the river.

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1 So I'm strongly opposed to storing it. I
2 think we ought to use the precautionary measure that
3 is not risk-based. It identifies hazards, and I
4 think we ought not to take the risk. I think we
5 ought to truck this stuff to Arlington, I think it
6 should be considered a hazardous substance, and away
7 from the river, away from things we can't predict,
8 like earthquakes, and floods, and what will happen.
9 The engineering may be good on paper, but I just
10 don't think that the physical -- the physical things

11 that happen along the way that we can't predict will
12 result in a good result for all of us. Thank you.

13 MS. LITHER: Thank you. I would like to
14 invite two more speakers. Jane Hanes --

15 MS. HARRIS: Harris.

16 MS. LITHER: Harris. Excuse me. Jane
17 Harris, and then followed by Jeanne Longley.

18 MS. HARRIS: Thank you. My name is Jane
19 Harris. I'm the executive director of the Oregon
20 Center for Environmental Health. We are a
21 ten-year-old nonprofit group that focuses on reducing
22 the risks to our community from toxins, such as the
23 toxins we're discussing tonight. And I want to thank
24 the EPA for giving me an opportunity to be here
25 tonight and to speak to all of you. Most

1 importantly, I want to thank the community who came
2 out tonight. It's so important. This is a done deal
3 unless we stand up to this and say no. Do you know
4 that? It's a done deal. So that's why we put a
5 full-page ad in the newspaper on it, to try to
6 encourage the community to get involved and let
7 people know what the hell is happening in your river.

8 The Port of Portland has not been a very
9 good steward of their front yard. In fact, I would
10 say they fouled their nest. And Jerry Cressa's a
11 longshoreman. He's been on the docks over there for
12 30 years. He knows exactly what went on down there,
13 and that's why we're having the problems at T-4 that
14 we have right now. Now we have a chance to do the
15 right thing, and the right thing is to dredge this
16 stuff out of here and send it by barge or by rail,
17 it's very easy to do that, just rail it down there,
18 and get it to Arlington in an appropriately designed
19 landfill.

20 You know, Mike Struthers (phonetic) said we
21 should just get this stuff dredged, and we have some

22 kind of a start-off Dr. Seuss machine we could put it
23 in, and it would come out inert, and we can put on
24 playgrounds. But the fact is, that's probably not
25 going to happen, and the best we can do with the mess

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1 that we've got to deal with is if we can get it into
2 a landfill out of the river. Putting it into a CDF
3 is a make-shift option. It's going to leak. It's
4 going to require monitoring. We've got PPDs in here
5 that have been around from 35 years ago. They are
6 still in the river like they were the day they went
7 into the river. They're going to be here for
8 hundreds of years, and all we're doing is leaving
9 this legacy for our kids because at some point this
10 thing is going to have to be dealt with. It's going
11 to leak, it's going to liquify in an earthquake, it's

12 going to flood, it's not an appropriate way to clean
13 up our river. So our organization is going to argue
14 for landfilling.

15 And we have an opportunity, Neighbors and
16 Friends, to make this happen. But we have to do it
17 by coming to these hearings, by calling our elected
18 officials. This is a federal decision. We should be
19 calling our federal legislators, we need to be
20 calling, we need to be writing, and we need to make
21 this river clean and healthy for us and for our
22 children. Thank you.

23 MS. LONGLEY: I'm afraid of this microphone.

24 MS. LITHEr: Let me help you here.

25 MS. LONGLEY: Okay. My name is Jeanne

2 Linnton Neighborhood Association. My comments are
3 going to have to do more about the social aspects of
4 this plan. The sustainability is often defined as
5 having three components, the environmental, the
6 economic, and the social, and I believe the social
7 has been given short shrift in deciding to put in
8 this plan. And here's the letter I'm writing to you,
9 Sean.

10 "As a resident of Linnton and the
11 environmental chair for Linnton Neighborhood
12 Association, I was initially hopeful when I heard
13 that there would be an early action cleanup of the
14 Willamette River. This was followed by shock to find
15 out that the preferred action by the Port of Portland
16 and the EPA is to build a toxic dump in the river
17 only 400 yards from our historical town of Linnton.
18 Far from being an isolated area, we are a town with a
19 proud history predating the -- Portland. Indeed, we
20 were a thriving channel before the highway was
21 widened in the '50s that raided half our businesses.
22 Now we're a neighborhood of several hundred homes and
23 more than a dozen businesses that live directly at

24 where EPA plan to transform into a 15-acre toxic
25 dump. My own doorstep is approximately 550 yards

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1 from the site in question.

2 The Linnton Neighborhood Association has
3 several serious concerns with this plan. First of
4 all, it destroys any hopes we have for a viable
5 waterfront in Linnton. The Portland Bureau of
6 Planning made some recommendations inspiring
7 renaissance, indeed, defining it over a year ago,
8 consisting of neighbors, business, industry, and
9 other stakeholders, including the Port of Portland,
10 in order to consider the design of a mixed use
11 village in Linnton. Having a toxic dump 400 yards
12 away would essentially dash any hopes of any investor
13 wanting to participate in the development of our

14 town. In addition, no parents would want their
15 children to play in the proposed park or -- or the
16 beach that's hundreds of yards from this toxic dump.
17 This is personal. Would you want this toxic dump 400
18 feet from your home?"

19 Secondly, a 15-acre toxic dump adjacent to
20 the river makes no sense, and Jane Harris has already
21 made some pretty good points about that. But what I
22 do know is that even landfills on dry land leach
23 eventually. I'm very concerned about, you know,
24 putting a toxic dump next to three earthquake faults
25 and into a flood zone. And it makes no sense

1 economically. Even if there are some savings in
2 burying the waste that are going to be realized
3 because they're going to -- we're going to take more

4 waste from other polluters, the cost to our town,
5 depreciation in property values and perhaps not
6 getting our dream of having our village, is going to
7 be amazingly expensive.

8 "This is industrial sanctuary," we heard
9 over and over again during our planning process, that
10 this whole river is sacred industrial sanctuary,
11 okay? And that was used as an argument against our
12 developing our piece of the river. Why does it now
13 make sense to take a 15-acre parcel and create --
14 create a parking lot out of it, when every single
15 inch of this is supposed to be sacred?

16 And then, finally, I think that this sets a
17 really bad precedent in the sustainability community,
18 and Portland is well-known as this incredible
19 environmental city, and the EPA and the Port of
20 Portland have been champions in the field of
21 sustainability. I have personally sat -- and
22 actually sat directly and applauded your good work.
23 EPA grants have funded amazing projects. The Port of
24 Portland has done wonderful work. Creating a toxic

25 dump in the Willamette River and calling it cleaning

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1 up river will be seen by both friend and foe as a
2 cynical move driven by money, whether it is or not.

3 Both the EPA and the Port of Portland have
4 publically supported the natural step, the four
5 systems condition, precautionary principle, the
6 cradle-to-cradle ideas. Please don't destroy our
7 hope of a truly clean Willamette River for all
8 generations to come by claiming that a toxic dump
9 that's in a slip is the best solution for our
10 beautiful river, for our town, and for our kids.

11 Many Linnton residents once played in this
12 river, swam in the river, played -- we even have a
13 wonderful little beach. Nobody plays there anymore.
14 We dream that once again that we will have a viable

15 waterfront. Thank you.

16 MS. LITHER: I'd like to thank our last two
17 speakers. I'd also like to do a little bit of a time
18 check. It's my understanding that at 8:00 the St.
19 Johns Bridge will be closing. We do have a number of
20 speakers left, and I would like to offer the option,
21 if there are speakers who must leave, perhaps, you
22 know who you are, can identify yourselves so that
23 maybe we can get you up before 8:00. Okay. Well,
24 seeing none, then let's proceed. The next two
25 speakers will be Barbara Quinn, followed by Jim

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1 Robison.

2 MS. QUINN: Yeah. My name is Barbara Quinn.
3 I'm a neighbor. I'm live in the Cathedral Park
4 Neighbor Association area, which is just a few blocks

5 towards the river. And I have concerns as well as
6 were expressed by the last two speakers. We, as a
7 neighborhood, have dealt with pollution in the river
8 for quite some time. We dealt with a beach at
9 Cathedral Park that's not usable, we have dealt with
10 fish being not edible, and children having burned
11 legs because of pollution. We have dealt with being
12 a dump site in the past. I don't think we want to be
13 a dump site in the future, too. And we're talking
14 about an unknown quantity of time. We're talking
15 about years and years and years down the line. So my
16 concern is this is going to be a toxic area forever.
17 And we are discussing a certain amount of risk here.
18 There is risk. There is not zero risk. There is
19 possible risk. We're going to have to monitor it
20 for, what, a thousand -- thousands of years? No one
21 can guarantee what's going to happen in that amount
22 of time. No one can guarantee that this is going to
23 be a doable situation as the last two speakers also
24 made that point.

25 I have to disagree with one of the previous

1 speakers that we don't want to deal with too much
2 minutia. People's health is not a minutia. I live
3 in this community, and that's not minutia. Kids
4 getting their legs burned by pollutants is not a good
5 thing. We've dealt with this too long. It is time
6 to pick up this pollution and move it someplace else,
7 not next to the river and not next to our community.
8 Thank you.

9 MR. ROBISON: My name is Jim Robison. I'm a
10 resident of the University Park Neighborhood, and I
11 am also a member of the Portland Harbor Community
12 Advisory Group. I just want to say that, first of
13 all, I want this cleaned up as quickly as possible so
14 I don't want long delays. But, also, I'm concerned
15 that there are a lot of questions about this
16 proposal, the preferred alternative, that have not

17 been answered yet, and there was questions that were
18 raised in the earlier part of the meeting tonight
19 that I felt were not really very accurately answered
20 when the questions were raised. So I'd like to get
21 some more information about some of those.

22 I will read the Chapter 8 that was
23 mentioned about the risk factors because I'm afraid
24 that when the alternatives were weighed, risk was not
25 given adequate weight in the consideration, and I

1 want to look at what the risks are because that is --
2 what we're looking at here is a long-term potential
3 for failure, and we want to make the decision that is
4 best for the long-term safety and long-term best that
5 is this community, not just what's going to be the
6 quickest and shortest and what's going to be the

7 cheapest in the short-run, but what's going to have
8 the best long-term benefit. So I'm very concerned
9 that that long-term risk was not adequately weighed.

10 MS. LITHER: I'd like to thank the previous
11 speakers and invite two more. Robin Plance, and I
12 hope I'm pronouncing this correctly, Vinh Major.

13 MR. MASON: Mason.

14 MS. LITHER: Mason, excuse me.

15 MR. PLANCE: Thank you all for coming. I'm
16 Bob Plance. I am a citizen here in St. Johns, and
17 I'm also the chair of the St. Johns Neighborhood
18 Association, and I'm also the current chair of the
19 Portland Harbor Community Advisory Group and several
20 members have already spoke. I'm not speaking in the
21 capacity of either of those positions. I'm speaking
22 as a citizen here in St. Johns.

23 First, I want to thank everybody for coming
24 out here and enjoying our fine community. As been
25 mentioned, we do have a lot of toxic problems out

1 here in North Portland. And we need to remember that
2 risk is a level of acceptance that we have to decide
3 every day; what the risk is, what risk do we want to
4 accept, whether it's storing it here, storing it
5 somewhere else, or capping it.

6 I want to make sure that's in the record
7 that I want go in stating that I firmly am against
8 any capping in our river. Whatever the other two
9 solutions or three solutions we wish to go with,
10 capping should not be on the table for us to discuss.
11 I think we've had a lot of good discussion here
12 tonight, and I want to be sure that, we as a
13 community, comes up to say we do not accept that. So
14 whatever we go forward from out of here, the
15 cleanup -- understands that the rest of the river
16 cleanup, capping is not an acceptable option unless
17 it can be done somewhere that is not going to be

18 impacted by any of our natural environment
19 activities, whether we have a natural event.
20 The other thing is just I understand what
21 we're trying to do with the CDF, and compared to
22 hauling it to Arlington, we do end up storing it. We
23 got to store it somewhere. So, then, once again, we
24 have to look at the risk of moving it to the storage
25 at Arlington, which is why they're exploring a CDF,

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1 which not blind. What is the level of risk contained
2 in what sediments we put into a CDF, what's
3 acceptable to take to Arlington. We are going to set
4 the tone for the cleanup of this river, and I hope
5 that we study it as individuals, as a community, and
6 the EPA takes responsibility to know that this is
7 going to set the tone for the cleanup.

8 I appreciate all the effort that the Port
9 has made into it and the community coming out. And I
10 do want to take the time to thank everybody that has
11 come here that will comment either personally or by
12 e-mail. Please be aware of the whole cleanup
13 process, not just the T-4, and become aware of how
14 you can have input in that. Thank you for your time.

15 MR. MASON: Hi, I'm Vinh Mason from the
16 Oregon Center for Environmental Health. And as an
17 environmental engineering consultant for four eight
18 years, I specialize in risk management to prevent
19 accidental releases of toxins into the environment.

20 During my initial review of the course of
21 the work, then, I was surprised by the comparison of
22 risk between the preferred Alternative C, the CDF,
23 and the landfill disposal, Alternative B. This CDF
24 alternative is presented as being more protective of
25 human and environment health based on being -- or

1 having the least impact to the communities, least
2 amounts of handling and transport, and prevention of
3 sediment resuspension by hydraulic dredge. However,
4 hydraulic dredge is -- speaks for -- for the landfill
5 disposal options as well, and with the water being
6 included the alternative which is not currently
7 presented in the work plan. I know that dewatering
8 works because I've been at the Columbia Boulevard
9 Waste Water Treatment Plant many times, which is a
10 very efficient -- economically and engineering energy
11 efficient system for dewatering. That way, it's
12 right across the street.

13 In comparison of the risk of accidental
14 releases, it's important to consider the probability
15 and magnitude of consequences. The preferred
16 Alternative C presents a much higher risk because the
17 consequences of CDF failure and \$10 million worth of
18 sediments going into the river are much more severe
19 than, say, a railcar failing on its way to the

20 landfill on an upland area. The CDF alternative may
21 also be riskier based on probability.

22 Unlike Commencement Bay which has been
23 referenced several times tonight up in Tacoma, the
24 proposed CDF is sited in a flood plain. In an
25 earlier presentation, there was some -- the idea that

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1 there might be response to -- concerns about floods,
2 which, as -- as I recall, there was no discussion for
3 those, and there was very little discussion of floods
4 within the work plan. So the Port is proposing that
5 we cross our fingers for the next six years or more
6 and hope that the floods of 1964 and 1996 don't
7 recur. So I do have a question for the EPA, and that
8 question is has EPA looked at aerial photographs of
9 Terminal 4 in 1969 when that flood was occurring?

10 Have they interviewed the folks, the longshoremen for
11 instance, that were there in 1994, and the same in
12 1996? I recall that the aerial photos of 1996
13 covered the entire basin area with floods.

14 Beyond the port being sited in a flood
15 plain, there's also the potential for a seismic event
16 to occur that will be similar to the 1989 Loma Prieta
17 earthquake. It's a very unusual earthquake, I think
18 it's low probability, but the magnitude of the
19 consequences are similar to a large flood event, and
20 in that earthquake, there's still the action of
21 refill in the south of Market District in San
22 Francisco. So in my opinion, the combination of the
23 CDF being sited in a flood plain on infill presents
24 an extremely high risk to our community. I'm
25 confident that if EPA performs a critical engineering

1 analysis of the risk, that they will result in the
2 same opinion.

3 There's a couple of reference documents.

4 I'd like to refer EPA to the American Institute of
5 Chemical Engineers documents on hazards evaluation
6 that includes both seismic events and flood events.

7 Thank you.

8 MS. LITHER: I'd like to thank the previous
9 speakers and invite two more. Richard Myers and Beth
10 Myers.

11 MR. MYERS: I'm Richard Myers. I live
12 across the river in the Linnton Neighborhood. I'm
13 not the kind that -- but I find reports -- cost
14 analysis lacking. They talk six years, eight years,
15 ten years, fifteen years. They build an airport --
16 an airport near Progress Villa in Swan Island. It's
17 gone. That's less than a hundred years ago all that
18 occurred. It was a dry dock. Many thousands of
19 dollars were put into it. It disappeared.
20 There's -- There's the soda ash sheds that we've been

21 promised that ash would not flow across the
22 neighborhood, it's going to be monitored. Last week,
23 it was drifting across the neighborhood. Are they
24 monitoring it? There's a fire at Schnitzer. Nobody
25 was monitoring that. That's from the Port.

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1 I think that the cost analysis is only, as
2 the Port has done it, for a limited time. The waste
3 proposal is for an indefinite period of time. Why
4 not make the cost analysis for that same length of
5 time with all the variables that are in there? I do
6 not trust what's going on. I think that there were
7 some people that mentioned the social aspects. Well,
8 part of the social aspect is the trust in the
9 neighborhood, and that is lacking. I don't trust
10 them. We've been fooled before. We should not have

11 a Superfund site rebuilt as another Superfund site.

12 Thank you.

13 MS. MYERS: My name is Beth Myers, and I'm

14 representing myself. I reside across the river, a

15 little bit north of -- a little bit south of Linnton.

16 I'm up on a hillside, and I get to watch what goes on

17 in the river every day. And I see the ships come by,

18 and I see the tug boats go by, and I see the Toyota

19 ship come in, I watch the wonderful longshoremen do

20 their job, and I see the soda ash, and I dust every

21 day because of the soda ash. I also see the fires

22 that go on at Schnitzer Steel, the little car

23 explosions that rattle my windows, and the big fires

24 that occurred most recently just a couple weeks ago.

25 And I'm looking at all of this, and then I

1 pick up the Oregonian and I find out that in my
2 beautiful view, I'm also going to have a toxic waste
3 dump site, and I'm -- and I have not even really
4 thought about this much before. It made me so mad,
5 that I sat down and wrote a letter. And I thought
6 about it some more, and I thought I'd better come
7 here tonight and say a few more words.

8 I'm in agreement with so many of the
9 speakers tonight, that I'm not going to reiterate and
10 repeat what all has been said, particularly Jeanne
11 Longley and Mr. and Mrs. Cressa's comments. However,
12 just one little point that really brings it home to
13 me was something that was said here tonight that I
14 hadn't even thought about before, and that was a
15 little brief comment that someone said about paving
16 this and making it a parking lot, maybe Toyota would
17 use it. And then I started thinking about that.
18 Toyota would want to use a parking lot that sat on a
19 toxic waste dump site, that is next to Schnitzer with
20 exploding automobiles and causing fires and fumes to
21 come all over those lovely Lexuses and Avalons and
22 Toyotas? That's what Toyota would want? It

23 certainly wouldn't want me to buy a Toyota, and I
24 don't even drive a Toyota at this point.

25 But I'm also wondering, if little comments

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1 like that are going by, what else in this
2 presentation that was technical that I didn't quite
3 get it went by me and maybe went by you? And I'm
4 opposed to all of this, and I intend to write my
5 congressman. Thank you.

6 MS. LITHEER: Thank you to the previous
7 speakers, and I'd like to invite two more. Dick
8 Wilson and Mark Stephan.

9 MR. WILSON: I'm simply a resident of the
10 Cathedral Park Neighborhood, and we live between the
11 McCormick Baxter and Terminal 4, two polluted sites
12 of course. And it seems -- it makes sense to me that

13 we should probably dispose of this waste on site if
14 it makes sense. It doesn't make sense to dispose of
15 it, of course, that's going to reenter the river or
16 cause problems due to natural causes like earthquakes
17 and floods. However, I asked the question and didn't
18 get a clear answer, but, apparently, there's another
19 way of handling this, and in watching the slide
20 presentation this evening, however term it is -- the
21 water word for it, I realized that this is a built-in
22 opportunity, it would seem to me, to the Port for
23 disposing of this toxic waste. That is to say, they
24 have a bathtub essentially next to another bathtub,
25 and they're going to pump one bathtub into the other.

1 The thing to do, then, is to line this
2 bathtub in such a manner that nothing's going to get

3 out of it, it's going to be an impervious liner, such
4 as some of the things they're using in waste disposal
5 sites throughout the world. We've come a long way in
6 waste disposal sites, and there are ways of making
7 them impervious, just move them around in case of an
8 earthquake and also keep the water out in case of
9 flood. And I think it would be the closest one we
10 can get to a guarantee that this toxic waste stay
11 where it's supposed to if they put a 20-foot cap on
12 it and monitors on all corners of the compass. This
13 is going to cost a little more than, it appears, the
14 proposed plan one would be, but it would cost a heck
15 of a lot less than taking it to Arlington, which is
16 really moving the problem from one part of Oregon to
17 the other.

18 So I would propose some thought be given to
19 what is being done at McCormick Baxter, and that is
20 driving sheet metal down into the earth and then
21 placing a liner inside that, putting the toxic waste
22 inside that liner, and putting an impervious
23 clay-like soil on top of that. In other words, make

24 a great big sausage with the thing inside of it. And

25 then it wouldn't make a whole lot of difference

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1 whether it's a parking lot on top of it or a

2 manufacturing company. And I would like to be

3 assured at least some consideration might be given to

4 this proposal.

5 MR. STEPHAN: My name is Mark Stephan. I'm

6 a citizen of the Kenton Neighborhood, which is also

7 here in Portland. I have what might seem like a

8 relatively small and technical question for the EPA.

9 It has to do with the cost estimates for the four

10 options, in the report -- the spec report that I was

11 reviewing. It looks like that part of the decision

12 for Alternate C relies on a \$10 million dollar

13 estimate cost recovery that EPA or whoever pays it

14 would get because you not only have the dredging from
15 this particular situation, but you'd also have future
16 dredging of sediments that will be put into the site,
17 so you actually save money towards the future, so
18 that goes to the estimate for the cost. I'd like
19 more maybe justification from EPA about sort of the
20 accounting of this. It seems to be an interesting
21 sort of -- in a sense, not tricked, but interesting
22 way of doing things.

23 So what it does is two things. First, it
24 takes an estimated sort of value of future sediment
25 going into the site, which we can't be sure now that

1 it's definitely going to go in this site, but they're
2 saying, well, we'll find some sediment somewhere, the
3 other Superfund materials or there will be other

4 sediment from other dredging that will go in there,
5 but assuming that, not so ensuring that. So that's a
6 little bit of a tricky thing in terms of the money.
7 And that's key, because by allowing that \$10 million
8 estimated value for future sediment that's going into
9 the site, it takes what's the most expensive of these
10 four options and makes it the least expensive. If
11 you look through the EE/CA draft report, it's
12 actually option -- Alternative C is the most
13 expensive up front, but with this estimated value,
14 goes down to the least expensive.

15 The second thing it does is it sort of
16 biases the future decisions, because, if you think
17 about it, the next time we come to a meeting where
18 we're going to talk about some other slip or some
19 other area we're thinking about options, one of the
20 options will be taking the sediment and putting it in
21 this same spot. Well, we will already have sort of
22 done that. We will restart that process of setting
23 up a toxic waste dump in that other slip, so we're
24 truly biasing future decisions as well. So it's
25 something that I'm hoping that EPA could give us some

1 more information about, sort of about how this
2 accounting works, and how and in what ways this won't
3 bias future decisionmaking, because it seems to me
4 that it will bias it.

5 Now, all that said, does this make this the
6 wrong decision? I'm still not sure. I haven't
7 looked at this in a lot of detail. But I just want
8 to -- I want EPA to really think more -- or tell us
9 more, tell the citizens more, about this accounting
10 through the process, because it seems a little bit
11 problematic at best. Thank you.

12 MS. LITHER: Thank you. We have no other
13 folks who signed up to speak, so I want to offer
14 this -- to anyone who would like to speak, please
15 come up.

16 MR. LAUGHINGWOLF: I'm Peter Laughingwolf.
17 I'm a resident of Cathedral Park, and I've been a
18 member of the CAG for close to a year. It's really
19 interesting to sit through these processes which go
20 on every time something important is happening in the
21 community regarding pollution in the river, and I
22 recognize how much all of us are disadvantaged
23 because we don't know how to read an EE/CA and know
24 what it's saying. I think that -- I mean I have a
25 strong prejudice in favor of the preferred method

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1 because I don't want to see these sediments, which
2 are a limited class of toxic waste which I don't
3 think would be destined for Arlington if they left
4 here. I think that this is a level of toxicity that,
5 as a community, we can take responsibility for. I

6 don't think that we can depend on the Port, and I'm
7 even more concerned about the other -- the other
8 potential responsible -- the PRPs to take
9 responsibility for anything that's capped or anything
10 that's stored along the river. I think that it's
11 important that we recognize that the only people who
12 can really take responsibility for that -- for those
13 toxins are our community.

14 I'd really like to challenge the EPA to
15 define for us the length of time that there is risk
16 involved in anything that's stored along the river,
17 what things need to be watched and need to be
18 monitored, not just assign that responsibility to
19 some company which may not be around, or which may
20 have different leadership, or may have different
21 funding, or who knows what, sometime in the future,
22 so that we, as a community, can know what's here and
23 how we can take responsibility for it.

24 Dumping it someplace else is going to put
25 it in some other community's lap, and I have no

1 idea -- I have even less confidence that that
2 community is going to take good care of it. But on
3 the other hand, I -- right now I have no idea what's
4 the responsible caring for these toxics, and I don't
5 think that the EPA is doing its job unless it can
6 inform us, as concerned citizens, how we can take
7 care of this problem, not just for the next five
8 years, but for the next hundred years. Thanks.

9 MS. LITHER: Thank you. Anyone else? Okay.
10 I would like to thank all of you for attending
11 tonight, and what I would like to do is to officially
12 the close the formal comment at 8:14, and I'd like to
13 turn it over to Judy with some closing remarks.

14 MS. SMITH: Thank you. I do appreciate
15 everybody coming tonight and taking the time to make
16 your comments. And I know that Sean, and the Port,

17 and others will be willing to stay afterwards if you
18 would like to ask individual questions. I also
19 encourage you to get on the mailing list if you're
20 not yet, and have this be the start of a continuing
21 dialog over the next several years as we work on both
22 Terminal 4 and the Harbor. I also want to leave open
23 the option that if you would like to say something
24 for the record and would prefer to do it, just come
25 up to the front and talk to Barbara and Jea, and

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1 we'll -- you can make your remarks up here while
2 they're answering questions in the back of the room.
3 And, Sean, do you have any closing remarks?
4 MR. SHELDRAKE: No, I'm fine.
5 MS. SMITH: Okay. The only other thing I'd
6 like to say is that I'm always interested in feedback

7 on a way we can have a public process that's more
8 effective for you. So I know my e-mail and phone
9 number is on several of the documents and fact sheets
10 at the back of the room, and please feel free to talk
11 to us about the process and what worked and what
12 didn't, in addition to substantive comments of the
13 Terminal 4 project. And would you like to say
14 anything?

15 MS. SUMMERS: No. I just want to thank
16 everybody for coming out, and we really appreciate
17 your participation, and we definitely hope to
18 continue the dialog. Thank you.

19 (Whereupon, the hearing was adjourned at
20 8:14 p.m.)

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CERTIFICATE

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2 .

3 I, Jea Oh, do hereby certify

4 that pursuant to the Rules of Civil Procedure, the

5 witness named herein appeared before me at the

6 time and place set forth in the caption herein;

7 that at the said time and place, I reported in

8 stenotype all testimony adduced and other oral

9 proceedings had in the foregoing matter; and that

10 the foregoing transcript pages constitute a full,

11 true and correct record of such testimony adduced

12 and oral proceeding had and of the whole thereof.

13 .

14 IN WITNESS HEREOF, I have hereunto set

15 my hand this 12th day of July, 2005.

16 .

17 .

18 _____

19 Signature Expiration Date

20

21

22

23

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25