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November 17, 2023

Oregon Department of Environmental Quality (DEQ)
Northwest Region Office
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232

Attention: Kevin Dana, Cleanup Project Manager

Subject: Request for Extension – Pre-Final Riverbank Design Report
Crawford Street South Site, Portland, Oregon
ECSI No. 2363
File No. 6209-010-01

This letter presents a request for an extension for the submittal of the Pre-Final (90-95%) Riverbank Design Report (“95% Design Report”) for the Crawford Street South site (ECSI No. 2363) located in Portland, Oregon. The 95% Design Report is being prepared pursuant to the Order on Consent No. LQVC-NWR-21-2 between the Oregon Department of Environmental Quality (DEQ) and Crawford Street Corporation (CSC) and Steel Hammer Properties, LLC which requires submittal of a 95% Design Report 30 days following receipt of DEQ comments on the Preliminary Riverbank Design Report. We received DEQ comments on October 30, 2023, which also attached comments from EPA, Yakama Nation, and Industrial Economics, Inc representing five federally recognized tribes.

As we discussed verbally, several of the comments, if addressed, preclude our ability to submit the 95% Design Report within the schedule of the Order on Consent. For example, DEQ has identified that our project will not be covered under the Programmatic Biological Assessment (PBA) prepared by the U.S. Environmental Protection Agency (EPA) for the Portland Harbor Superfund Site (PHSS) unless project oversight is transferred from DEQ to EPA. We are concerned about transferring the lead to EPA, as negotiating a new Consent Agreement would delay the design and implementation of the project. However, the lack of coverage under the PBA will require permitting with the Army Corp of Engineers and individual consults with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS). Based on preliminary discussions with NMFS, individual consults are currently taking 12 months or more to complete. Because NMFS/USFWS could require modifications that might significantly affect the riverbank layback design it would not be prudent to continue to 95% Design prior to completing the consults.



As discussed with you, we propose the following approach to minimize schedule delays and continue the riverbank layback design progress:

- Prepare a comment response letter for submittal to DEQ by December 6, 2023 that identifies our proposed approach for addressing the DEQ, EPA, and tribe comments;
- Meet with DEQ and EPA to discuss and resolve the comments, and discuss the best approach for progressing the project to Pre-Final Design; and
- Prepare a follow up to this extension request that identifies a new submittal date for the Pre-Final Design as well as submittal dates for interim documents identified in the meeting that will aid in progressing the project to completion (e.g., a 60% Design Report prepared concurrent with the biological consults).

If this approach is amenable to DEQ, please provide written approval of the approach and extension of the submittal date for the 95% Design Report to a date to be determined following resolution of the comments in the DEQ's October 30, 2023 letter.

Sincerely,

GeoEngineers, Inc.



Amanda Spencer, PE, RG
Principal Hydrogeologist

AS:atk:jm

cc:

Mat Cusma, SSI (pdf)
Tom Leaptrott, Steel Hammer Properties, LLC (pdf)
Erin McDonnell, DEQ NWR (pdf)
Dave Lacey, DEQ NWR (pdf)
Laura Hanna, EPA (pdf)

One copy submitted electronically.

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