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January 12, 2024

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 Written Approval of Revised Project Schedule  
Crawford Street South Site, Portland, Oregon  
ECSI No. 2363  
File No. 6209-010-03

As discussed in our meeting of December 19, 2023, this letter presents a revised schedule for deliverables being prepared for the Crawford Street South site (ECSI No. 2363) located in Portland, Oregon 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 (“the Order”). The Order requires submittal of a 95% Riverbank Design Report 30 days following receipt of DEQ comments on the Preliminary Riverbank Design Report. We received DEQ comments on the Preliminary Riverbank Design Report on October 30, 2023, which also attached comments from U.S. Environmental Protection Agency (EPA), Yakama Nation, and Industrial Economics, Inc. representing five federally recognized tribes. Because several of the comments, if addressed, would preclude our ability to submit the 95% Riverbank Design Report within the schedule of the Order on Consent, we submitted a letter on November 28, 2023 requesting an extension for the submittal of the 95% Riverbank Design Report. Additionally, we coordinated the December 19, 2023 meeting with DEQ and EPA to outline a process for addressing the comments and discussing the anticipated impact to the design schedule. This letter provides a brief summary of some of the key discussions held in the meeting, the anticipated schedule for the riverbank design process if comments in the October 30, 2023 are addressed, and the requested modifications to the schedule of deliverables of the Order.

### **SUMMARY OF KEY DISCUSSIONS HELD IN DECEMBER 19, 2023 MEETING**

DEQ and EPA identified that the Crawford Street South project will not be covered under the Programmatic Biological Assessment (PBA) prepared by EPA for the Portland Harbor Superfund Site (PHSS) unless project oversight is transferred from DEQ to EPA. However, transferring the lead to EPA would require negotiating a new Consent Agreement, which would delay the design and implementation of the project. On the other hand, the lack of coverage under the PBA will require permitting with the U.S. Army Corps of



Engineers (USACE) 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% Riverbank Design prior to completing the consults.

Further, additional design studies are needed to address some of the EPA comments. These include the following elements:

- An additional groundwater monitoring event to better assess data trends and compare to the results of the first groundwater monitoring event conducted in December 2021 (the additional event has been completed and was conducted in December 2023).
- Seepage study to refine groundwater flux rate assumptions in the cap evaluation modeling. An apparently anomalous seepage rate was identified near our site during studies performed at the adjacent Willamette Cove In-Water Project Area. Therefore, a seepage study will be performed in and adjacent to our project area to better ascertain seepage rates that may flow through our proposed cap.
- Additional geotechnical analyses to address EPA comments presented in the October 30, 2023 comment letter, including further quantifying the seismic risks; comparing risks related to the proposed Riverbank Source Control Measures (RBSCM) design with the existing conditions to quantify the improvement; and identifying the amount of layback that would be needed to achieve a factor of safety of 1.1.

## SCHEDULE

As discussed in the December 19, 2023 meeting, we are proposing to continue the project under the DEQ Order to avoid delay in design and will complete the additional design studies concurrent with the USACE permit consultation process. The Order requires submittal of Preliminary (30% to 60%) Riverbank Design and Pre-Final (90% to 95%) Riverbank Design documents. We are proposing to submit a mid-stage design document (i.e., 60% Design) that will include the results of the additional design studies and address DEQ and EPA comments on the Preliminary (30%) Riverbank Design document (but will not include pre-final design drawings or other elements that could change significantly based on the USACE permitting consultations). The design studies could be completed by May 2024 with a 60% Riverbank Design document submitted in August 2024, allowing for receipt and resolution of agency comments on the 60% Riverbank Design by the end of 2024, which is also the anticipated timeframe for completing the USACE permitting consultations.

We note that this schedule assumes completing the seepage study in March or April 2024, when the groundwater levels are anticipated to be high, but before river stage has not dropped to summer lows. Therefore, we would be assessing at a time of high groundwater flux but perhaps not the maximum. Maximum flux is typically anticipated in the June to August timeframe when groundwater levels are still high and river stage is typically lower. However, the seepage meters need to be continuously submerged during the study and this will not be possible if the study is conducted in June or July and the meters are deployed within the project area (i.e., at or above the elevation of ordinary low water). Additionally, if we wait to do



the seepage study in June or July, submittal of our design documents will be delayed by several months and could cause the project to miss a construction start for the in-water window of 2025.

### REQUESTED CHANGES TO THE SCHEDULE OF DELIVERABLES IN THE ORDER

Based on the discussions of the December 19, 2023 meeting and as detailed above, we are requesting the following changes to the schedule of deliverables in the Order:

- Submit an additional design document (60% Riverbank Design) by August 15, 2024.
- Submit the Pre-Final (95%) Riverbank Design Report following completion of the USACE permitting consultations. Individual consults are anticipated to require at least 12 months to complete, indicating a new submittal timeframe for the Pre-Final Riverbank Design document of early 2025. Therefore, we are proposing a submittal date for the Pre-Final Riverbank Design Report of February 28, 2025.

In addition, we are requesting 75 days to submit the Final Riverbank Design Report following receipt of DEQ/EPA comments on the Pre-Final Design to allow for resolution of final comments and incorporating any needed revisions. Finally, we are proposing to submit the final Groundwater Source Control Measures Report with the 60% Riverbank Design Report. We have received DEQ and EPA comments on the draft report; we will address comments as described in our May 1, 2023 letter to DEQ and incorporate the additional groundwater data currently being collected in the final document.

An updated Schedule of Deliverables from Exhibit B (Scope of Work) of the Order is shown below with these proposed changes identified in blue bold font.

Section	Deliverable	Schedule
A	Draft Source Control Evaluation Work Plan	60 days following execution of Consent Order
	Final Source Control Evaluation Work Plan	30 days after receipt of DEQ/EPA comments on draft Source Control Evaluation Work Plan
B	Draft Riverbank Source Control Measures Work Plan (Basis of Design Report)	180 days after DEQ/EPA approval of Final Source Control Evaluation Work Plan
	Final Riverbank Source Control Measures Work Plan (Basis of Design Report)	30 days after receipt of DEQ/EPA comments on draft Riverbank Source Control Measures Work Plan
C	Preliminary Riverbank Design Report (30%-60%)	30 days after DEQ/EPA approval of Riverbank Source Control Measures Work Plan
	Revised Preliminary Riverbank Design Report (60%)	60 days following completion of additional design studies needed to complete the 60% Design.
	Pre-Final Riverbank Design Report (90-95%)	90 days following completion of USACE consultation process or receipt of DEQ comments on 60% Design Report, whichever is the latter.
	Final Riverbank Design Report (100%)	75 days after receipt of DEQ/EPA comments on Pre-Final Riverbank Design Report
D	Draft Source Control Measures Work Plan for Groundwater and Stormwater	90 days after completion of data gaps field work from approved Source Control Evaluation Work Plan
	Final Source Control Measures Work Plan for Groundwater and Stormwater	90 days after receipt of DEQ comments on draft report



Section	Deliverable	Schedule
	<b>Final Source Control Measures Work Plan for Groundwater <del>and Stormwater</del></b>	<b>45 days following completion of seepage study</b>
<b>E</b>	Draft Construction Completion Report	60 days after construction completion of Source Control Measures
	<b>Final Construction Completion Report</b>	<b>30 days after receipt of DEQ comments on draft report</b>
<b>F</b>	Draft Source Control Evaluation Report	60 days after completion of Stormwater and Groundwater Source Control Measures
	<b>Final Source Control Completion Report</b>	<b>30 days after receipt of DEQ comments on draft report</b>
<b>G</b>	Consent Order Completion Report	Within 30 days of DEQ issuance of Source Control Decision
<b>H</b>	<b>Gantt-style schedule of all project activities and deliverables</b>	<b>With final Source Evaluation Work Plan and then updated quarterly as part of Progress Report submittals</b>
<b>I</b>	Project Progress Reports	15 <sup>th</sup> day of April, July, October and January, starting with the first full quarter following execution of Consent Order

According to Section 7.Q. of the Order, modifications to the Order can be made by mutual written agreement. Therefore, if the proposed modifications to the schedule and deliverables of the Order presented above are amenable to DEQ, please provide written agreement to confirm in accordance with the Order.

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.

Disclaimer: Any electronic form, facsimile or hard copy of the original document (email, text, table, and/or figure), if provided, and any attachments are only a copy of the original document. The original document is stored by GeoEngineers, Inc. and will serve as the official document of record.

