IEc

MEMORANDUM | October 3, 2024

TO	Wes Thomas and David Lacey, Oregon Department of Environmental Quality (DEQ)
FROM	Peter Shanahan, HydroAnalysis LLC (HALLC); Jennifer Hart and Gail Fricano, Industrial Economics, Inc. (IEc)
SUBJECT	Five Tribe review of "Source Control Monitoring and Analysis Work Plan, ODOT Facility in Portland Harbor Project Area," dated August 15, 2024

This memorandum, submitted on behalf of the Five Tribes,[1] reviews the *Source Control Monitoring and Analysis Work Plan, ODOT Facility in Portland Harbor Project Area* (2024 Work Plan) prepared by Herrera Environmental Consultants, Inc. (Herrera) on behalf of the Oregon Department of Transportation (ODOT) (Herrera 2024a).

Substantive Comments

1. The Five Tribes reviewed a previous draft Source Control Monitoring and Analysis Work Plan for the ODOT Facility dated August 14, 2023 (Hererra 2023, herein 2023 Work Plan), and comments were submitted to DEQ on September 14, 2023 (HALLC and IEc 2023). Based on our review of the comment set DEQ submitted to ODOT, which also included U.S. Environmental Protection Agency (EPA) comments, several of the Five Tribes' comments were not included (DEQ and EPA 2023). The only comment that appears to have been addressed in the 2024 Work Plan is comment #6. Specifically, the Five Tribes' previous comments #1, 2, 5, and 7 through 9 appear not to have been communicated to ODOT, not addressed, and are still relevant for the 2024 Work Plan (HALLC and IEc 2023). We recommend that DEQ provide the Five Tribes' previous comments to ODOT.
2. The Five Tribes' previous comment #3 recommended a comparison between the measured performance as reported in Table 7 of the 2023 Work Plan and the expected performance for the technologies utilized (HALLC and IEc 2023). For example, Table 7 reports only 10 percent total suspended solids (TSS) removal at WR-306 while the *Technology Assessment Protocol – Ecology* (TAPE) program assesses performance of the technology at 50 to 80 percent TSS removal (Washington Ecology 2018). The 2024 version of the Work Plan omits the performance information from Table 7 altogether. While additional information on measured performance was provided in ODOT's performance monitoring report (Herrera 2024b), ODOT has not provided a

[1] The five tribes are the Confederated Tribes of the Grand Ronde Community of Oregon, the Nez Perce Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Warm Springs Reservation of Oregon.

systematic comparison between measured and expected performance nor a thorough explanation for why performance has fallen short. We recommend such a comparison be provided.

3. The Five Tribes' previous comment #4 concerned the statement in the 2023 Work Plan "that at least one of each type of SCM will be monitored across all installations." Unfortunately, that language is deleted altogether in 2024 Work Plan. As discussed in comment #4 below, we continue to recommend that monitoring that is at least this comprehensive be retained.

4. Based on our review and comparison of the 2023 and 2024 versions of the Work Plan, the most substantive changes are that evaluation of source control measure (SCM) performance is tied much more strongly to Portland Harbor cleanup levels (CULs) and source control screening level values (SLVs), which is an improvement. However, we also find that some monitoring requirements have been relaxed. For example, in Section 4.2.3, the previous statement, "SCM performance monitoring is planned for at least one of each type of selected remedy" was removed. Also, in Section 4.4.3.4, the 2023 Work Plan indicated sediment sump depth measurements would be made during "any" sampling or maintenance visit, while the 2024 version leaves out the word "any," leaving ambiguous how often and if sediment sump measurements will be made. We recommend that the prior commitment to monitor at least one of each type of remedy be retained and that a minimum number or frequency of sediment sump depth measurements be specified.

5. Table 3 of the 2024 Work Plan lists the structural SCMs recommended by the Feasibility Study (FS) (ODOT 2021) for various outfalls but also includes Footnote b which states "Some of the SCMs identified in the feasibility study have been changed during facility design." We recommend that these changes to the SCMs be identified explicitly. Because there have been numerous updates and modifications of the FS, it is challenging to trace which SCM has been recommended for each outfall and why.

6. Page 38 of the 2024 Work Plan states "Limited dioxin/furan monitoring data are currently available for Portland Harbor sites, so no comparison level is currently proposed for 2,3,7,8-TCDD." DEQ rank-order curves have recently been developed, and we recommend these be applied in the ODOT monitoring program (DEQ 2024).

7. Lead has been added as a site-specific comparison parameter in Table 10 but is not included in the bullet lists of parameters in Sections 5.2.2 and 5.3. It is unclear if this is an intentional or unintentional omission. If intentional, the rationale for these discrepancies should be provided.

References

Herrera Environmental Consultants, Inc. (Herrera). 2023. DRAFT Source Control Monitoring and Analysis Work Plan, ODOT Facility in the Portland Harbor Project Area. August 14.

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HydroAnalysis LLC (HALLC) and Industrial Economics, Inc. (IEc). 2023. Memorandum to Wes Thomas and David Lacey, Oregon Department of Environmental Quality (DEQ). Five Tribe Review of the "DRAFT Source Control Monitoring and Analysis Work Plan, ODOT Facility in Portland Harbor Project Area." September 14.

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Oregon Department of Transportation (ODOT). 2021. 2021 Portland Harbor Source Control Feasibility Study, ODOT Facility in Portland Harbor Project Area. Oregon Department of Transportation, Salem, Oregon and Herrera Environmental Consultants, Inc., Portland, Oregon. November 12.