



CITY OF PORTLAND ENVIRONMENTAL SERVICES



The Portland Building ■ 1120 SW Fifth Ave, Suite 613, Portland, Oregon 97204 ■ Dawn Uchiyama, Director

October 10, 2024

Sarah Miller
Heidi Nelson
Rebecca Digiustino
Oregon Department of Environmental Quality
700 NE Multnomah St., Suite 600
Portland, Oregon 97232

Re: Semi-annual Progress Report for Columbia Slough Consent Judgment

Dear Sarah, Heidi, and Rebecca:

In accordance with the Columbia Slough Consent Judgment between the City of Portland (City) and the Oregon Department of Environmental Quality (DEQ) entered into Multnomah County Circuit Court on May 8, 2024, the City submits this first semi-annual progress report to summarize progress and key action items the City has completed to fulfill obligations of the settlement agreement. Section 1.5 of Exhibit B, Scope of Work, of the Consent Judgment requires the City to submit semi-annual progress reports on April 15 and October 15 of each year to summarize the status of work required under each task. Final workplans generated for stormwater treatment, basin closure, and alternative remedial measures (ARMs) specify information to be provided in semi-annual progress reports on April 10 and October 10. Accordingly, this first semi-annual progress report summarizes the work status and work completed since the Consent Judgment was entered in May 2024.

Payment of Remedial Action Costs:

Pursuant to section 4A of the Consent Judgment, the City wired \$5,000,000 to DEQ on June 10, 2024 within 45 days of entry of the Consent Judgment to fund performing or paying for investigation, removal, or remedial actions in the Columbia Slough. This was the first of three payments, the other two which will occur in 2025 and 2026.

Payment of Natural Resources Damages:

Pursuant to section 5A of the Consent Judgment, the City wired \$2,000,000 to DEQ on June 10, 2024 within 45 days of entry of the Consent Judgment for use by DEQ in consultation with Oregon Department of Fish and Wildlife to fund natural resource restoration projects, including remedial actions that provide natural resource benefits in

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the Columbia Slough. This payment completes the City's obligations to pay for Natural Resources Damages claims under the settlement agreement.

Payment of DEQ Source Control Personnel:

Pursuant to section 6A of the Consent Judgment, the City wired \$500,000 to DEQ on June 10, 2024 within 45 days of entry of the Consent Judgment dedicated to use by DEQ for funding of the work of DEQ or contract personnel to facilitate source investigation and control in the Columbia Slough. Funds provided with this payment are to be used only for work directly associated with the investigation and control of potential contamination to the Slough. DEQ shall provide an annual accounting of its charges made against these funds in a format similar to that used to document DEQ oversight expenditures. This was the first of three payments that shall total \$1,500,000 per Section 6 of the Consent Judgment.

Basin Source Control Evaluation and Closure Documentation:

The City has been working with DEQ prior to and after entry of the Consent Judgment to identify potential ongoing significant sources of contaminants to the City stormwater conveyance system and implement upland source control measures where feasible. In compliance with Section 2.1 of Exhibit B, Scope of Work, of the Consent Judgment and the final *Columbia Slough Outfall Investigation and Basin Closure Work Plan* dated June 14, 2024, the City has begun source investigations within priority basins, evaluated previous stormwater and stormwater solids data to identify potential ongoing significant sources of contaminants of potential concern (COPCs) to the City's stormwater conveyance within these basins, and coordinated with DEQ to refer identified third-party ongoing significant upland sources to the City conveyance to appropriate regulatory enforcement programs. To effectively carry out this scope of work, multiple DEQ personnel along with members of the City's Industrial Stormwater Program, Columbia Slough Sediment Program, and Integrated Planning Groups have met on a regular basis (every other month) to discuss and review potential sources within priority basins. On months that DEQ and City staff do not meet to review basins, DEQ and City staff have completed basin inspections and reconnaissance walks in priority basins to verify or investigate points of interest discussed in prior meetings. The following work has been completed in support of this scope of work:

Priority Basin Inspections and Site Walks:

Tracking tables identifying potential sources of COPCs have been generated for priority basins 57, 58, 65, 73A, 59, 60, 61, 61A, 62, 62A, 63, 64, and 65A where CIP stormwater treatment is in planning, design or construction. As it is a priority of the City to identify potential ongoing significant sources of contamination within basins where CIP stormwater treatment projects are planned, basin reconnaissance walks with DEQ have been conducted within most of these basins. Specifically, the following DEQ/City basin reconnaissance walks have been conducted or are forthcoming:

- Basin 65 and Basin 73A - Walk completed on 6/24/2023
- Basin 57 and Basin 58 - Walk completed on 9/11/2023
- Basin 59 and Basin 60 - Walk completed on 3/18/2024
- Basin 61 and Basin 61A - Walk completed on 5/20/2024
- Basin 62 and Basin 62A - Walk completed on 7/23/2024
- Basin 63 and Basin 64 - Walk scheduled for 10/30/2024

- Basins 65A, CS-614, and 56C to be scheduled in late 2024/early 2025

Sampling and Analysis Plan (SAP) for Upland Source Control Evaluations:

Based on basin inspections, reconnaissance walks, and previously collected stormwater and stormwater solids data, City and DEQ personnel met to plan locations for whole basin and targeted upland stormwater and stormwater solids samples to further investigate potential ongoing significant sources of contamination in the KPOP and PPOP basins. Locations of all proposed samples have been reviewed and approved by DEQ, and the City is submitting the final SAP on October 14th, 2024. Samples and sample locations were chosen to provide additional evidence where potential COPC sources may be entering the City's conveyance system. In total, 50 stormwater solids with 5 additional opportunistic samples, and 64 stormwater solids samples have been proposed to answer additional source control questions in Basins 59, 60, 61, 61A, 62, 62A, 63, 64, and 65A. Samples will be collected through the storm season, and data will be used to better assess potential ongoing sources within the basins.

Referrals or requests for additional information:

As a result of basin inspections and reconnaissance walks the following properties or sites have been contacted for additional information or referral.

- Basin 57 - Starks Industries/Dave's Truck Maintenance and Repair, 5330 N Columbia Ct, City referred to ISW for multiple violations of City SWPCP. DEQ submitted letter to facility for ECSI listing.
- Basin 60 - Tindall Family Properties, LLC near NW Cast ECSI #999, 9233 North Calvert Ave, DEQ issued letter to properties on July 25, 2024 informing of potential ongoing contaminant sources and requesting a source control evaluation to fill remaining data gaps. RP requested to meet and reenter cleanup program.
- Basin 60 - Tasman Portland Real Estate, 9100 N Wilbur, DEQ submitted letter on September 14, 2024 requesting additional information for site drainage and railcar and railroad spur ownership.
- Basin 60 - Precision Sheet Metal, 9208 & 9210 N. Peninsular Avenue, DEQ submitted letter on August 6, 2024 requesting clarification of onsite drainage of catch basin. Found to be connected to City's conveyance.
- Basin 60 - JDS Limited Partnership ECSI #5281, 2501 N. Columbia Blvd., DEQ drafted letter requesting addition of a berm.
- Basin 62 - Kostas ECSI #6585, 8250 N Albina Ave, DEQ drafted letter requesting information about storage and operations on triangle property to the south.
- Basin 62 - Ellet Property ECSI #6584, South of Kostas facility, DEQ drafted letter requesting information about storage and operations on property.
- Basin 62A - Star Oil Co., 8445 N Kerby Ave, City issued NOV for oily discharge off property. Required site to apply for permit or eliminate discharge to ROW.

Stormwater Treatment Capital Improvement Program Projects:

Stormwater treatment design and construction is underway in the 15 basins identified within Section 2.2 of Exhibit B, Scope of Work, of the Consent Judgment as well as the final *Columbia Slough Basin Stormwater Treatment Projects Work Plan* dated May 30, 2024.

Project status is provided below for each of the projects in various stages of design or construction.

Projects in Later Design or Construction:

CIP projects within basins 57, 58, 65, and 73A were at or beyond 30% design at the time of Consent Judgment entry. Since that time, projects in basins 58 and 65 have moved into construction, and projects in basins 57 and 73A have moved beyond 60% design. As detailed in Section 4.2.1 of the *Columbia Slough Basin Stormwater Treatment Projects Work Plan*, the City's Columbia Slough Sediment Program has committed to "provide updates to DEQ on each project on a regular basis through the Semiannual Status Reports, meetings or emails during the development of the 30% Design documents to facilitate a timely review." Or, in the event that the City adopts an expedited CIP project delivery model, "DEQ's review and approval may occur at the 60% Design or based on other mutually agreed upon documents." To accommodate DEQ's review of these projects that had moved beyond the targeted design review point at 30% design before entry of the Consent Judgment, the City sent a transmittal letter providing an overview of each of the designs on September 25, 2024. A technical memorandum providing a design overview, updates, and 60% design drawings in Basin 57 was also submitted to DEQ on September 25, 2024. Technical memorandums for Basins 58, 65, and 73A will also be submitted to DEQ within the month of October.

All project designs, including modifications to designs for Basin 57, comply with provisions outlined in the City's Stormwater Management Manual (SWMM), the scope of work outlined in the May 2024 Consent Judgment, and *the Columbia Slough Basin Stormwater Treatment Projects Work Plan*. Specifically, details for each basin are as follows.

Project No. E10918 in Outfall Basin 57 has moved through 60% design. The project entails installation of multiple filter vaults and UICs to manage and treat stormwater from City ROW in Basin 57 which includes all portions of Columbia Blvd within the basin, the Neighborhood Collector Streets, and large portions of the Local Service Traffic Streets. The current estimate at completion reflected in the current budget is \$6,772,167. Construction is anticipated to begin in the spring or summer of 2025.

Project No. E10626 in Outfall Basin 73A has moved through 60% design. The project entails installation of multiple filter vaults and sedimentation maintenance holes to manage and treat stormwater from City ROW in Basin 73A including Columbia Blvd and 42nd Avenue. The project is part of a local improvement district (LID) approved by City Council in September 2023, and the current cost estimate at 60% design is \$2,028,247.

Project No. E11279 in Outfall Basin 58 is currently in construction. The project entails installation of a Contech Stormwater filter vault and sedimentation maintenance hole to manage and treat stormwater from City ROW in Basin 58. The filter vault is being installed on a private property easement purchased by the City as no location within City ROW was suitable for installation of the vault. The current estimate of total cost at construction completion is \$1,558,545, and construction is anticipated to finish this calendar year.

Project No. E11304 in Outfall Basin 65 is currently in construction. The project entails installation of a Contech Stormwater filter vault, sedimentation maintenance hole, and diversion maintenance hole to manage and treat stormwater from City ROW in Basin 65. The current estimate of total cost at construction completion is \$1,962,717.82, and construction is anticipated to finish this calendar year.

Projects in Preliminary Design:

CIP projects planned for basins 59, 60, 61, and 61A within the Kenton Priority Outfall Project (KPOP) area have recently gone through the City's integrated planning process where alternatives were developed, assessed, and recommended. Due to the basins contiguous layout along Columbia Blvd, project technologies in each basin were assessed together, and preliminary cost estimates were generated for multiple treatment alternatives considered (Project #E10690). After a thorough review through the planning process, it was determined that a pervious pavement grind and inlay (PPGI) currently utilized by local municipalities in Gresham and Milwaukie, OR would be particularly suitable and effective for this contiguous stretch of Columbia Blvd. On June 20, 2024, after a review of the proposal, DEQ wrote the City a letter of concurrence to move forward with the design of stormwater treatment within the four basins using PPGI.

Preliminary cost estimates for the KPOP basins total approximately \$18,900,000 for the PPGI and approximately \$5,500,000 for additional stormwater treatment components that include a filter vault on N. Frontage Rd in Basin 60, multiple UICs south of Columbia Blvd, and two green streets. Further detail is available in the City's Solution Adoption report.

Projects in Planning:

Projects that are currently in planning and alternative development phase include Project #E10700 in the Piedmont Priority Outfall Project (PPOP) Basins 62, 62A, 63, 64, and 65A, as well as Outfall Basins 56C and CS-614. Preliminary cost estimation for Basins 62, 62A, 63, 64, 65A is likely to occur by Spring 2025 after the completion of alternative development, evaluation, and selection. Stormwater treatment for Basins CS-614 and 56C has just entered the planning phase and is currently being scoped.

As with the projects in later design, all stormwater CIP projects in planning or preliminary design are being generated to comply with provisions outlined in the City's Stormwater Management Manual (SWMM), the scope of work outlined in the May 2024 Consent Judgment, and *the Columbia Slough Basin Stormwater Treatment Projects Work Plan*.

Long-term Sediment and Fish Tissue Sampling and Analysis:

In compliance with Section 2.3 and 2.4 of Exhibit B, Scope of Work, of the Consent Judgment and the final *Columbia Slough 2025 Long-term Fish Tissue Sampling and Analysis Plan Amendment* and the final *Columbia Slough 2026 Long-term Sediment Sampling and Analysis Plan Amendment* (both dated May 30, 2024), the City is planning for upcoming in-water sediment and fish tissue sampling events. The City's Columbia Slough Sediment Program has been working with the Water Pollution and Control Laboratory to plan for the upcoming fish tissue sampling event including submitting permit applications. A Federal Section 10 permit was submitted on June 20, 2024 which allows for boat electrofishing in ESA listed waters. A Scientific Taking permit application will be submitted in early 2025 to comply with state regulations.

Alternative Remedial Measures:

In compliance with Section 2.5 of Exhibit B, Scope of Work, of the Consent Judgment and the final *Columbia Slough Alternative Remedial Measures Work Plan* dated June 5, 2024,

the City has begun reviewing potential opportunities along the entirety of the Columbia Slough to identify locations where watershed health improvement projects could be conducted in collaboration with DEQ and community members. Subject matter experts at the City of Portland focused on the Columbia Slough have been meeting every other week for the past year to identify properties and project ideas that could provide significant watershed health benefits/ecological uplift as well community benefits such as job training, increased access to nature and recreation, and community gathering spaces. To date, over 60 project ideas or opportunities have been identified, and the group is working to focus the list to more feasible opportunities.

The City expects to coordinate with DEQ in early 2025, once a more focused list has been fleshed out with more detailed scope and budget considerations.

Upcoming Work:

The City will continue making progress in all required tasks under the Consent Judgment in the next semi-annual period. The next semi-annual progress report will be submitted prior to April 10, 2025. Work over that period will include further construction and design of stormwater treatment projects, further collaboration with DEQ on priority basin source control investigations, further planning for upcoming sampling events, and further development of Alternative Remedial Measures.

Please do not hesitate to reach out with any questions or concerns.

Andrew Davidson
Columbia Slough Sediment Program Manager

Cc:
Libby Smith, GSI Water Solutions, Inc.