9/29/2022 - Barrier Wall and Interceptor Trench Path Forward

Thursday, September 29, 2022 11:00 AM

Meeting Title:	Gasco ISS Barrier Wall and Interceptor Trench Path Forward
Date/Time:	September 29, 2022 / 11:00 - 12:00 am
Attendees:	NW Natural: Bob Wyatt EPA: Hunter Young DEQ: Wes Thomas
Location:	WebEx Meeting

- EPA:
  - Appreciates the opportunity to come together to talk about remediation at Gasco. DEQ and EPA have been talking about options for moving forward with the ISS concept, and we think that we have identified an option for moving forward.

- DEQ:
  - The discussions we had during the meeting between NW Natural, EPA, and DEQ on August 9th gave us a lot to think about. During that meeting, DEQ had expressed that we had working source control measures addressing the Upper and Lower Alluvium WBZs and an approved scope of work for a Fill WBZ source control measure that would be build concurrent with the in-water remedy
  - After the TCT meeting, we all put a lot of thought into how we could move this barrier wall and interceptor trench concept forward in a way that would align with our existing agreements and our obligations to the public. We think we have come up with an alternative path forward that would accomplish that.
  - Want to start by saying that DEQ believes our agency should maintain control over uplands remediation and source control decision making.
  - While our preference remains that the barrier wall and interceptor trench concept be considered further as an element of remedial alternatives in the FS, our proposed alternative is that NW Natural re-open the April 2015 “Fill WBZ Source Control Measure Evaluation,” which is equivalent to a Focused Feasibility Study, to include a new alternative consisting of an upland ISS Barrier Wall and groundwater interceptor trench. Based on the comparative analysis and conclusions of the revised Fill WBZ Source Control Measure Evaluation, NW Natural may recommend the ISS barrier and interceptor trench wall as the preferred Fill WBZ source control measure alternative, with the option to extend the ISS barrier wall into the alluvium WBZ in order to optimize the existing HC&C system.
  - By selecting the ISS barrier wall and interceptor trench as an upland source control measure, DEQ can oversee the design and implementation of these measures in parallel with the completion of the uplands Feasibility Study and the in-water Remedial Design, with the goal of constructing the ISS barrier wall and interceptor trench concurrent with in-water remedial action.
  - It is important that we maintain a process that allows for us to make decisions in a public setting.

- NW Natural:
  - Appreciate the work to try to come up with an alternative path forward and the opportunity to discuss that. Two questions come to mind. 1) the general timeline for this alternative option and 2) the regulatory framework. We have an order with EPA that specifically mentions a wall and requires NW Natural to have an integrated remedy.

- DEQ:
  - We can speak to the first one, and then EPA should speak to the second item.
  - As for timeline, we want to point out that we wanted to have this conversation so that we could be prepared to move quickly into the next step. From our perspective, we think we have tried hard to find a way for the barrier wall and interceptor trench to move forward in advance of the FS in order to shorten the overall timeline.

- NW Natural:
  - We very much appreciate the creating thinking. To clarify, my timeline question was more related to the process and milestones. We are poised to move from a BODR to a 50% design for the in-river remedy. How would the timeline for the uplands FFS align with that?

- DEQ:
  - We think the two designs will be able to proceed in a parallel timeframe with potentially equivalent milestones. However, we need to make sure that decisions about remedial measures is made as a public

process. The FFS milestone would allow DEQ to make a decision about the barrier wall that would align with our obligations to the public.

- NW Natural:
  - Well, we really need to know what the steps would be so that we can know the timeframe. If DEQ is requiring a public comment period, then that process could potentially take a year. We would otherwise be able to advance the in-water design, including a field pilot as early as next summer.

- DEQ:
  - To clarify, I would need to work with my team and DOJ to understand what level of public engagement would be appropriate for a decision of this scale.
  - When I refer to a public process, I mean that NW Natural submits the rationale for a decision in a deliverable to DEQ (which would be available to the public), and DEQ likewise can document the basis for our decision in a format accessible to the public.
  - Our current public engagement process for source control decisions primarily involves the TCT. We note that the TCT already has the benefit of seeing this concept in a presentation.
  - We also want to recognize that this measure would be constructed on Siltronic's property, and that consistent with our current agreements, Siltronic would have the opportunity to comment on the FFS.
  - We need to make sure we have a venue that would allow key stakeholders to provide feedback.
  - I also want to point out that, in our opinion, the Portland Harbor FS and ROD do not envision upland barrier walls and groundwater interceptor trenches. We think that the in-water project would require an ESD or ROD amendment in order for the barrier wall to be incorporated into the in-water project. That process would also require a considerable amount of time and a public comment period.

- NW Natural:
  - That's a good clarification from DEQ.
  - NW Natural, EPA, and DEQ note that no one has introduced this idea to Siltronic. NW Natural notes that EPA is requiring a remedy for Siltronic's riverbank, so that would also affect their property.
  - That brings us back to the division of administrative responsibilities between DEQ and EPA. NW Natural sees this as one remedy and we have an obligation under our agreement with EPA to integrate source control into the in-water the project. The ASAOC with EPA specifically mentions a wall and that the in-water project can't move forward without the wall.

- EPA
  - We're trying to figure out the best way move forward based on the language of our agreements. That's why we think we need to have more dialogue about how to combine the work NW Natural is doing in the river with uplands work that DEQ is leading.

- DEQ:
  - I'd like to go back to the question about administrative responsibilities really quickly. I think it's important for us to be direct about that so that we don't risk a misunderstanding.
  - We don't want to interpret the ASAOC for EPA, but our understanding is that NW Natural's agreements with EPA and DEQ both delineate work that each agency is responsible for overseeing. Our understanding of the ASAOC is that it clearly identifies upland source control measures, including the barrier wall that you referenced, as being under DEQ oversight. (Internal - Refer to Section 2.2 of the ASAOC).
  - We do not think that the existing agreements envision implementation of an upland wall under EPA oversight.

- EPA:
  - We also want to say that we think including the barrier wall as part of the in-water project would require an ESD, and want to echo that the process for that could take a long time.

- NW Natural:
  - Can DEQ help me to understand what would be required in the FFS. In our opinion, we have already vetted a wall in the 2007 source control FFS, and we have vetted trenches in the Fill WBZ Source control measure evaluation. We don't want to duplicate effort that has already been completed.
  - I will need to update my management about this option and talk with our internal and external council, and I will need to justify this approach.

- DEQ
  - Our goal for this meeting was to establish a potential path forward in concept, so I do not have definitive guidance on how to approach the FFS.
  - If NW Natural does not think the assessment from 2015 would be substantively different today, then one

option could be to prepare an "Addendum" to the 2015 FFS. The addendum would primarily focus on describing the new option. But it would still need to include a comparative analysis with the 2015 alternatives.

- NW Natural
  - OK. I really like the "Addendum" approach and I think the idea of getting DEQ approval of the concept under the FFS framework is a good one. If we can do that, then we'd want to include the wall and the in-water work in one design. We do not think of these as two separate projects.
  - Still concerned about the design process. It will be difficult to communicate to our management that we would need to work on two designs, for what we see as one project.
  - It would be incredibly hard to sequence two construction projects, one in the river, and one on the bank.
  - We know that DEQ and EPA have agreements in place that establish roles for reviewing in-water designs. If we got DEQ approval on the concept via the FFS, then why couldn't we work through one design, with the understanding that DEQ and EPA are already reviewing the designs together and that it's clear that a lot of EPA's comments are coming from DEQ.

- EPA:
  - We appreciate that this approach comes with challenges.
  - We're open to discussing options for making the design process efficient and avoid duplication in the efforts.

- DEQ
  - I'm not in a position to commit to consolidating the designs.
  - I want to point out that regardless of the path forward, DEQ is responsible for the long-term oversight/stewardship of the barrier wall and interceptor trench, including assessing overall performance, achievement of source control objectives and eventually RAOs. DEQ will be responsible for changes to the groundwater conveyance infrastructure and groundwater treatment processes. Where maintenance is required, it will DEQ that oversees that. This project will also have a large effect on groundwater fate and transport that will need to be understood in the uplands FS, and throughout the implementation of the final upland remedy. So, we have a lot of interest in the design, and will need to ensure that the design meets upland project needs and is responsive to our questions and comments. I don’t know how that gets done under a one-design approach.
  - I will also need to discuss the options for streamlining the design with my management and DOJ to make sure that our rules and necessary procedures are being followed.
  - Question - we had always envisioned that the Fill WBZ source control measures would be implemented concurrent with the in-water remedy. How is this any different? In essence, we're still talking about constructing trenches. The only change is that the scope of work would include a barrier wall.

- NW Natural
  - It’s a good question. It's not the same thing. We view the barrier wall as an integral part of the in-water project. It plays a role in eliminating the groundwater flux and preventing ebullition. The HC&C system does not eliminate the groundwater flux.
  - With that perspective, we have different and separate funds that we use for the in-water project and the uplands work. We have different allocation responsibilities, etc., so we have to separate those funding sources.
  - It would be very hard for us to try to implement part of the project using one funding source, and the rest of the project using another.

- EPA
  - We appreciate that challenge. From our perspective, we need to implement a protective remedy in the river, and DEQ needs to implement a protective remedy in the uplands. At the end of the day, we share the objective of constructing a protective remedy.

- DEQ.
  - I think it's important to acknowledge that we have a difference of opinion with NW Natural on the role of the barrier wall on the in-water project.
  - All of NW Natural's presentation materials to-date, the meeting with EPA in June, the meeting with DEQ on August 9th, and the meeting with the TCT on August 24 all refer to the barrier wall in the source control context. Our decision to approve it will be made under the source control context.
  - I want to point out that in the presentations NW Natural presented, the barrier wall results in an increase in groundwater flux to the river, because the deep lower alluvium would be completely uncontrolled. As we have stated before, it will be the ISS monolith in the river that controls flux, and that ISS will work independent of the barrier wall. If all of the NAPL in the river is encapsulated in the ISS monolith, then the potential for ebullition will be cut off.
  - While our difference of opinion is a technical one, I think we can proceed under the framework we have

proposed. Either way, our decision to approve and conduct oversight of the barrier wall and interceptor trench will identify these elements as source control measures.

- NW Natural
  - OK. Just to be clear, NW Natural intends to describe the barrier wall as a necessary component of the in-water remedy in the PAR evaluation we are submitting to EPA. This is not intended as a slight to DEQ. It reflects our perspective.
  - We would not proceed with the ISS in the river without the barrier wall.

- DEQ.
  - I can't speak to which in-water options gets selected in the end.
  - We note that NW Natural will discuss the barrier wall as being a part of the in-water remedy. We will have the opportunity to comment on the PAR when it is submitted.

- NW Natural
  - Back to timeline, if we're going to move forward with the FFS, we'd like to know about how long it would take for DEQ to review that and provide approval. I really need to know what work to plan for next year so that we can establish budgets, etc.

- DEQ
  - I'll start by saying that wanting to have this conversation today was intended to allow NW Natural to get started on the FFS as soon as possible.
  - My team is aware that we were going to discuss this alternative approach today and we knew that NW Natural would want to move quickly, if this alternative approach was acceptable.
  - All I can say is that we know the FFS update is coming and will be prepared to review it when we get it with the goal of being responsive.
  - I hope that since I have assumed the DEQ PM role that you have seen DEQ be responsive in our reviews. We would approach the FFS the same way we have been approaching other document reviews.

- NW Natural
  - We have seen DEQ be responsive.
  - So what are next steps?
  - I will talk to my technical teams, internal and external council, and management about this potential approach, with the understanding that the approach for the design is still uncertain.
  - DEQ will discuss options for streamlining the designs internally and with EPA?

- DEQ
  - Yes. I will have a conversation with my team, management and DOJ to understand what our options for the design might be.
  - We will also discuss options with EPA.
  - I still think that moving forward with two designs in parallel may be necessary.

- EPA
  - Sounds good. How about we check in again in 2 weeks.

- All
  - Agree