

MEMORANDUM | February 4, 2025

TO Kevin Dana 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 “Hoyt Street Railyard, ECSI #1080; Staff Memorandum in support of a Partial No Further Action determination for groundwater contamination,” dated November 6, 2024

This memorandum, submitted on behalf of the Five Tribes,¹ reviews the *Hoyt Street Railyard, ECSI #1080; Staff Memorandum in support of a Partial No Further Action determination for groundwater contamination* (Staff Memorandum) prepared by DEQ (DEQ 2024).

General Comments

1. We question whether the Staff Memorandum conclusively demonstrates that the groundwater cleanup at the Hoyt Street Railyard has successfully controlled upland sources of groundwater contamination and is sufficiently protective of the Willamette River. While extensive remedial actions have been completed on site, DEQ (2024) fails to make clear how the concentration limits applied to site groundwater were derived and why those are protective of the river. Table 3 uses “ecological RBCs [risk-based concentrations]” to screen various polycyclic aromatic hydrocarbon (PAH) compounds, but those RBC concentrations are substantially higher than the limits published in Table 17 of the Portland Harbor Superfund Site Record of Decision (ROD) (USEPA 2017, 2020) and Table 3-1 of the Joint Source Control Strategy (JSCS) (DEQ and USEPA 2005, DEQ 2007). We do not see why the much lower ecological RBC limits are justified.

The appropriateness of the ecological RBCs notwithstanding, Table 3 of the Staff Memorandum (DEQ 2024) shows that concentrations most recently measured in groundwater exceed even those limits. Page 10 of DEQ (2024) states “Although residual PAH concentrations in groundwater at the Hoyt Street Railyard site exceeded ecological RBCs, there is no evidence that the groundwater contamination is reaching and adversely impacting the Willamette River. In 2004, the environmental consultant for BNSF Railway calculated that PAH concentrations would have to exceed solubility limits in order to pose potential unacceptable risks to the river, using an assumed attenuation rate and risk-based chronic values then in effect.” This is a key finding but is unsupported by the Staff Memorandum. The statement should be supported by a full description of the calculation and the “risk-based chronic values then in effect.” We suspect those risk-based

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.

chronic values are also well above those in ROD Table 17. We further recommend that if the 2004 report cannot be posted to the DEQ on-line documents repository, then the original documentation from the 2004 report be included as an exhibit to the Staff Memorandum.

DEQ (2024) states on page 10 that “As shown in Attachment 14, subsequent groundwater monitoring from 2006 to 2013 showed all detected contaminants well below action levels.” As indicated in Comment #2 below, this is incorrect. Well LTM-107 particularly shows numerous exceedances of the RBCs in Table 3. During the last sampling round on September 19, 2013, the limits for benzo(g,h,i)perylene, fluoranthene, and indeno(1,2,3-cd)pyrene were all exceeded. These results show that groundwater contamination continued to exceed even the elevated ecological RBC limits.

We believe the information identified above is essential to demonstrating that remedial actions at the Hoyt Street Railyard are protective of the Willamette River. In their absence, we do not support issuance of a Certification of Completion for Groundwater Cleanup at the former Hoyt Street Railyard.

Specific Comments

2. Page 10 includes the statement “As shown in Attachment 14, subsequent groundwater monitoring from 2006 to 2013 showed all detected contaminants well below action levels...” This does not seem to be true. Several PAH compounds exceed the Chronic RBC values listed in Table 3.
3. Attachment 14 includes concentrations at monitoring wells CMW-1 and CMW-2. The location of these two monitoring wells is not shown in any of the attachments.
4. Table 3 should cite the source of the chronic RBCs that appear in the table. Presumably this is the table published at <https://www.oregon.gov/deq/hazards-and-cleanup/env-cleanup/pages/era.aspx>.
5. The document fails to provide citations for referenced documents. For example, page 10 states “In 2004, the environmental consultant for BNSF...” Presumably this is a published report (possibly RETEC 2004) and should be properly cited.

References

- Oregon Department of Environmental Quality (DEQ). 2024. Memorandum: Hoyt Street Railyard, ECSI #1080; Staff Memorandum in support of a Partial No Further Action determination for groundwater contamination. State of Oregon, Department of Environmental Quality. November 6.
- Oregon Department of Environmental Quality (DEQ). 2007. Table 3-1, 7/16/07 Revision. State of Oregon, Department of Environmental Quality. July 16, 2007. https://www.oregon.gov/deq/FilterDocs/ph-JSCSFinalTable03_1.pdf.
- Oregon Department of Environmental Quality (DEQ) and U.S. Environmental Protection Agency (USEPA). 2005. Portland Harbor Joint Source Control Strategy. State of Oregon, Department of Environmental Quality and U.S. Environmental Protection Agency Region 10. December.
- The RETEC Group, Inc. (RETEC). 2004. Final Groundwater Monitoring & Contingency Plan. January 29.

U.S. Environmental Protection Agency (USEPA). 2017. Record of Decision, Portland Harbor Superfund Site, Portland, Oregon. U.S. Environmental Protection Agency Region 10, Seattle, Washington. January.

U.S. Environmental Protection Agency (USEPA). 2020. Errata #2 for Portland Harbor Superfund Site Record of Decision ROD Table 17. U.S. Environmental Protection Agency Region 10, Seattle, Washington. January 14. <https://semspub.epa.gov/work/10/100200076.pdf>.