



The League of Women Voters of Portland

618 NW Glisan Street, Suite 303, Portland, OR 97209

503-228-1675 • info@lwvpdx.org • www.lwvpdx.org

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DATE: December 20, 2018

TO: U.S. Environmental Protection Agency
Attn: Portland Harbor Comments
805 SW Broadway, Ste. 500
Portland, OR 97205

FROM: League of Women Voters of Portland
Doreen Binder, president
Marion McNamara and Debbie Aiona, Action Committee

RE: Portland Harbor Superfund, Explanation of Significant Differences

The League of Women Voters of Portland appreciates the opportunity to comment on the proposed modifications to the clean up plan prompted by the Explanation of Significant Differences (ESD) released in October 2018. The revision to the health risk assessment related to benzo(a)pyrene (BaP) will reduce the number of acres subject to active clean up through dredging and capping.

The League's advocacy work is at all times guided by positions our membership adopts at the national, state, and local levels. Positions are adopted through a consensus process after member review of League studies. The positions we are relying upon in this case include the LWVUS Natural Resources and the Citizen's Right to Know/Citizen Participation positions.

Following are the relevant passages:

The League believes that natural resources should be managed as interrelated parts of life-supporting ecosystems. Pollution of these resources should be controlled in order to preserve the physical, chemical and biological integrity of ecosystems and to protect public health.

The League supports the preservation of the physical, chemical and biological integrity of the ecosystem and maximum protection of public health and the environment.

The League supports:

- **Water resource programs and policies that reflect the interrelationships of water quality, water quantity, groundwater and surface water and that address the potential depletion or pollution of water supplies;**

To promote political responsibility through informed and active participation in government.

- **Measures to reduce water pollution from direct point source discharges and from indirect nonpoint sources;**
- **Policies to achieve water quality essential for maintaining species populations and diversity, including measures to protect lakes, estuaries, wetlands, and in-stream flows.**

The League of Women Voters believes that democratic government depends on informed and active participation at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible.

The League does not support making any changes to the clean up plan at this time. It has been less than one year since the Record of Decision was finalized. Consideration of this proposal has distracted agency and community efforts from moving forward with the clean up plan and redirected attention towards addressing the ramifications of the ESD. The residents of Portland, especially those most affected by the pollution, have waited many long years for conditions to improve in the Portland Harbor. It is essential that all our energy be devoted to that task.

The decision to propose revising the plan based on this new BaP value was made entirely at the discretion of local Superfund site officials and is not a nationwide requirement for affected sites. Responding to the Potentially Responsible Parties' insistence that the Portland Harbor plan be changed at this time sets a precedent that could lead to future requests and further delays in the progress of the clean up itself. The five-year reviews required by CERCLA are the appropriate time to respond to such updates.

The higher allowable level for BaP is based on the study of human health risks. These studies did not evaluate the risk to wildlife and plants from increased exposure. The League supports preservation of the biological integrity of ecosystems and does not believe EPA should increase potential environmental risk without further study. We do support EPA's recommendation to exempt the navigation channel from changes to the clean up plan because of the possibility of environmental damage.

EPA staff explained at a recent public forum that there is a dearth of information on the additive effects of PAHs in combination with other chemicals. This alone should indicate the need for caution. Moreover, just because BaP has been found to be less toxic, other toxics in the same family may still be a threat.

Moving forward, the League urges EPA to include the public in meetings with DEQ, affected jurisdictions, tribal governments, and the Potentially Responsible Parties where clean up plans are discussed. It is time to put an end to behind-the-scenes deliberations and bring more transparency into the process. We recognize the allocation process will not be public, but the implementation of the clean up should be.

Finally, the League sincerely appreciates the lengths to which EPA staff has gone to inform the community about the ESD. We understand accepting public comment under these

circumstances is not required. We are grateful for the opportunity and urge this practice to continue in the event this type of change is considered in the future. Thank you for considering our comments.