October 10, 2019

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency
1200 6th Avenue, Mailcode 21-B03
Seattle, WA 98101

RE: National Priorities List Nomination and Requested Rulemaking – Bradford Island Facility

Dear Administrator Hladick,

The Confederated Tribes and Bands of the Yakama Nation ("Yakama"), the Oregon Department of Environmental Quality ("ODEQ"), and the Washington Department of Ecology ("WDOE") hereby jointly request that the U.S. Environmental Protection Agency ("EPA") place the Bradford Island facility, Multnomah County, Oregon, on the National Priorities List ("NPL") pursuant to Section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9605(a)(8)(B), and the relevant provisions of the National Contingency Plan ("NCP"), 40 CFR Part 300. The requesting agencies are natural resource trustees for the Bradford Island facility and are currently participating in oversight of lead agency response actions by the U.S. Army Corps of Engineers, Portland District ("Corps").

The NCP at § 300.425(c)(1) authorizes EPA to include a site on the NPL if it scores sufficiently high on the Hazard Ranking System ("HRS"), which EPA promulgated as Appendix A of the NCP. The HRS evaluates the relative potential of uncontrolled hazardous substances, pollutants or contaminants to pose a threat to human health or the environment via four pathways: ground water, surface water, soil exposure and subsurface intrusion, and air. As a matter of EPA policy, those sites that score 28.50 or greater on the HRS are eligible for listing. In 2008, using information available at the time, EPA scored the Bradford Island site below 28.50 and issued a determination of No Further Remedial Action Planned (NFRAP). However, since that time significant new information on site conditions has emerged. Taking this information into account, it is our understanding that the Bradford Island site HRS score would exceed 28.50.

Facility History

The Bradford Island facility ("facility") is located on the Columbia River at River Mile (RM) 146.1, approximately 40 miles east of Portland, Oregon. Construction of the adjacent Bonneville Dam started in the 1930s. From approximately 1942 until 1982, the Corps and its contractors disposed of hazardous waste in a landfill at the facility. On one or more occasions during that time, the Corps and its contractors also disposed of electrical equipment debris and light bulbs into the Columbia River and onto a steep river bank that ultimately eroded into the River. Until 1988, the Corps also conducted sandblasting and equipment painting operations, and until the 1970s used a pistol range for small arms target practice. Sand blast grit was disposed of on the land surface and remains uncontained in areas. Other historical operations include electrical transformer disassembly and aboveground storage of hazardous waste.

Site Contaminants

The Corps' past practices have resulted in releases of hazardous substances into the soil, groundwater, and surface water in the Columbia River. Contaminants of Concern ("COCs") include petroleum hydrocarbons, polycyclic aromatic hydrocarbons ("PAHs"), metals (e.g., lead and mercury), polychlorinated biphenyls ("PCBs"), pesticides/herbicides, and volatile organic compounds ("VOCs").

Impacts on Surrounding Environment

Significant impacts to sediment and the fractured bedrock river-bottom in the vicinity of the Bradford Island facility have occurred. The full nature and extent of in-river contamination is undefined. Resident fish such as smallmouth bass caught near Bradford Island contain extremely high concentrations of PCBs as well as other COCs. Despite multiple removal actions, sediment, clam and fish tissue sampling in 2011 indicate that COC concentrations have not declined and have actually increased in fish. Impacted surface soils in certain parts of the facility such as the Sandblast and Bulb Slope Areas remain uncontained (e.g., sandblast grit triggering RCRA hazardous waste criteria). Stormwater discharge from contaminated areas of Bradford Island have not been regulated or monitored pursuant to a permit issued under the National Permit Discharge Elimination System (NPDES). Recent (2018–2019) stormwater and catchbasin sampling results from the Sandblast Area indicate that stormwater continues to be an ongoing source of contamination to the river. Porewater and near-bottom surface water sampling was conducted in 2018 in order to identify source areas, but results were inconclusive. Additional stormwater and near-bottom surface water sampling is planned for 2019-2020.

Response Activities

Pursuant to Executive Order 12580, the Corps has been the lead agency for the Bradford Island facility since 1997, when the Portland District began conducting investigations at the facility in coordination with ODEQ under ODEQ's Voluntary Cleanup Program. The facility is currently divided into two operable units ("OUs") for upland and river remedial actions under CERCLA Project NWP-13-0002. Response actions taken by the Corps include: removal actions in the

Columbia River in 2000, 2002, and 2007; Remedial Investigation reports for both OUs in 2012; and a Feasibility Study for the Upland OU in 2017. Through a Technical Advisory Group ("TAG"), Yakama, ODEQ, and WDOE have been and are currently participating in the Corps' actions leading to an expected draft Feasibility Study ("FS") for the River OU. The U.S. Fish and Wildlife Service has also been a participant in this process. There is disagreement between the Corps and several of the TAG agencies regarding the Corps' NFRAP determinations made in the 2017 Upland OU FS for the Sandblast and Bulb Slope Areas; the Corps has decided to address these concerns through Bonneville Dam's operation and maintenance as "Source Control Actions." Planning documentation for these Source Control Actions has not been finalized.

The President's Budget for Fiscal Year 2020 did not request that Congress appropriate any funds for the Portland District's lead agency activities at the Bradford Island facility. It is not yet clear if the 2021 budget prioritizes funding for this important project. While we rely on Congress to appropriate funding, lack of support from the administration puts at risk the prospect that the RI/FS process, that is required in the NCP, will reach a final Record of Decision any time in the near future.

In addition, TAG and other meetings with Portland District management have revealed a number of ongoing, serious concerns with the Corps' approach as the lead agency. Among these are: failure to sufficiently determine the nature and extent of site contamination; inadequate risk assessments that do not consider long term tribal residential uses or high fish consumption rates; failure to use or recognize state regulatory cleanup standards as applicable, relevant, and appropriate requirements ("ARARs"); inadequate communication with the participating TAG members; and failure to incorporate some TAG technical comments into the RI/FS documents. These problems have been repeatedly brought to the attention of the Corps' Portland District staff, managers, and attorneys, including through regularly scheduled high-level manager meetings, without adequate resolution.

Need for NPL Listing

The NPL, promulgated as Appendix B of the NCP, is currently amended annually through a formal agency rulemaking as required by 40 CFR § 300.425(c)(5). Data collected in 2011 indicate that PCB levels in fish tissue, including sculpin and smallmouth bass, remain significantly elevated, and in some samples exceeded levels observed prior to the 2007 removal action and the previous HRS ranking.

In 2013, both the Oregon Health Authority and the Washington Department of Health issued fish consumption advisories for resident fish species in the Columbia River above Bonneville Dam due to elevated levels of mercury and PCBs. Fetuses in utero, nursing babies and small children are most vulnerable to the health effects of these COCs. Fetuses and babies exposed to high levels of mercury and PCBs can suffer life-long learning and behavior problems. Fishers have been warned not to give resident fish caught from the middle Columbia River to others unless the recipients are aware of where the fish were caught and understand the recommendations in the state fish advisories. The cultural impacts of contaminated resident species on Indian treaty fishing in the Columbia River are enormous because enrolled tribal members traditionally do not waste by-catch caught in gill nets. By tribal regulation, enrolled Yakama members are currently

prohibited from building traditional fishing platforms in the area of the Bradford Island facility, which is a usual and accustomed treaty fishing area.

Given the current sampling data, continuing fish advisories, and the potential exposure to sensitive populations, it is clear that the COCs at the Bradford Island facility continue to pose a serious threat to human health and the environment requiring thorough investigation and expedited remediation. A new HRS ranking and listing on the NPL is therefore not only warranted but necessary given the continued concerns about the performance of the lead agency, as well as the potential elimination of funding for the existing CERCLA cleanup project.

We therefore request that EPA initiate a rulemaking for a proposed rule adding Bradford Island facility to the National Priorities List.

Sincerely,

Phil Rigdon
Superintendent, Department of Natural Resources
Yakama Nation

Richard Whitman
Director
Oregon Department of Environmental Quality

Maia Bellon
Director
Washington Department of Ecology

cc: Rose Longoria, Yakama Nation
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