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VIA E-MAIL AND FIRST CLASS MAIL

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Reference: Portland Harbor Superfund Site, Administrative Order on Consent for Remedial Investigation and Feasibility Study; Docket No. CERCLA-10-2001-0240 -- Modifications to the Feasibility Study Report (Section 1) dated March 30, 2012 - Current Negotiations on July 8, 2014 Content of Section 1 of the Feasibility Study - False Data on Chlorinated Solvents Reaching the River from the Northwest Pipe Site

Dear Ms. Koch and Mr. Wyatt:

We represent Northwest Pipe Company (NW Pipe). NW Pipe objects to the reference in the July 8, 2014 draft of the FS at p. 1-15 to the inclusion of the following language because it is not supportable by area studies and respectfully demands that it be removed:

> "**RM 4.5**
> NW Pipe – A halogenated VOC plume is known to be discharging to the river. Contaminants include PCE, TCE and vinyl chloride."

The statement, "known to be discharging to the river" is false. The implication that PCE, and its degradation products, TCE and vinyl chloride, have their origin or sole origin at the NW Pipe site is also false. Evidence of the falseness has been provided by extensive analyses of the groundwater movement and attenuation at and from the NW Pipe site.

This statement has not, to our knowledge, appeared in earlier versions of the FS. NW Pipe is not a member of the LWG and has not participated in the negotiations concerning the FS. Hence, we are informing you (and through you, your staffs and consultants) of this misstatement and demanding its retraction.

The evidence of the statement's falseness includes:

Contaminants of interest from the Northwest Pipe property have not been confirmed in the surface water of Terminal 4 Slip 1 (pg. 9, CH2MHill, Updated Groundwater Risk Screening Evaluation for Northwest Pipe Company Portland, Oregon (June 5, 2012)).

DEQ has required NW Pipe to conduct several supplemental investigations into groundwater movement associated with the Southeast Area of the NW Pipe site (see CH2MHill, Southeast Area Supplemental Site Investigation Report, October 19, 2004, and other reports cited at the beginning of that Report).

NW Pipe's 2005 RI/SCE (prepared by CH2MHill, dated December 2005 and submitted as Exhibit 32 to NW Pipe's 104(e)) contains the following:

> In the SE corner of the site (see Figure 2-4) samples from a geoprobe (GP-2) at 18 feet (below the water table of 15.5 feet) contained PCE, TCE and c-1,2-DCE (2005, p. 2-11).
>
> DEQ required NW Pipe to investigate the presence of VOCs in groundwater in this area (2005, p. 2-9).
>
> In Figure 3-4: Locations of Monitoring wells are shown, and Groundwater around the area of concern moves in a southerly direction (i.e., toward T-4 Slip 1, not the main stem of the river or the International Slip).
>
> "Only PCE in MW-1, MW-5, and MW-6 exceeded the JSCS aquatic screening levels. For this reason, PCE was carried forward for further analysis during the

Phase 2 evaluation." (2005, p. 6-25; See further explanation at Draft Final NW Pipe RI/SCE, January 2014, §§ 5.1.7 - 5.1.9 and 5.1.11.)

"Results of . . . (earlier, e.g., XPA) investigation identified only one area, Area 1, located in the southeastern area of the facility (Southeast Area) as a potential area for further investigation, related to chlorinated solvents present in ground water. Three additional investigations were conducted between 2002 and 2004 to investigate the extent of chlorinated solvents and the breakdown products of chlorinated solvents. Results of these investigations have shown that chlorinated solvents are limited to shallow groundwater in the Southeast Area and that concentrations decrease rapidly outside the area of highest concentrations. Results of modeling conducted for the area show that concentrations of chlorinated solvents exceeding preliminary screening values will not reach surface water." (2005, p. 8-1)

The BIOCHLOR modeling data, substantiates that the chlorinated solvents and their degradation products will not reach surface water (2005, Appendix B) at concentrations above what EPA has established as preliminary remediation goals. (For this site, the "Strong Evidence" of natural attenuation of the chlorinated solvents by reductive dechlorination before they can reach any surface water for this site is set forth in the Final Draft RI/SCE (2014 pp 5-7 and 5-8).)

We assume that you have ready access to all of these documents. If you do not, please let us know and we can provide them to you.

The only contrary evidence we are aware of is the groundwater sampling interpreted in the February 13, 2014 EPA Review Comments of NW Pipe's RI/SCE dated January, 2014. There EPA's Rich Muza states that while natural attenuation is occurring, PCE and vinyl chloride exceeding PRGs were found in the Port of Portland's T4-MW-03s, which is less than 200 feet from the edge of the T4 slip. Mr. Muza's comment recommends that more data be provided concerning PCE and related VOC concentration trends. A recommendation that more data be provided does not support a statement like that included in the July 8, 2014 draft of the FS. In fact, it suggests the opposite--that more data is required because of unknown facts.

When DEQ provided its comments to NW Pipe, it did not include EPA's general comment in its July 8, 2014 comments on NW Pipe's January 2014 RI/SCE draft. The reason seems straightforward: the evidence cited by EPA does not support a "known to be discharging

into the river" statement or the implication that NW Pipe is responsible or solely responsible for the discharge.

Because concentrations of VOCs off NW Pipe's site are very low and appear to be decreasing over time (with the exception of upgradient well MW-5, which could be an indication of offsite migration onto Northwest Pipe property), DEQ has indicated to NW Pipe's representatives its willingness to accept the evidence showing an incomplete pathway for VOCs in groundwater to the river. The DEQ has determined, as evidenced in its 2013 plume map, that while an insignificant plume exists upgradient, it does not reach Slip 1 of Terminal 4 (see http://www.deq.state.or.us/lq/cu/nwr/PortlandHarbor/docs/ MilestoneReport1301Figure04.pdf). In short and in context, the concentrations cited by EPA in the location of the relevant monitoring well are not significant and do not indicate, much less support, the notion that a complete pathway exists for groundwater.

In addition, at least some of the VOCs originate at a location that is to the Northeast of MW-5, thus substantiating that there is a VOC source up-gradient from the NW Pipe site. (See the RI/SCE of January 2014 §5.1.11, p. 5-3 and the reference there to the Southeast Area Supplemental Site Investigation Report, NW Pipe, Portland Oregon, submitted on October 19, 2004: See also NW Pipe's January 2014 RI/SCE; pp. 5-6 and 6-5.)

Natural attenuation of VOCs over the 200 feet between the Port of Portland monitoring well and the T4 Slip 1 surface water will result in reductions of the already low ug/L-level of VOCs below the various VOC PRGs, whatever they are finally determined to be, regardless of the source, as shown by the BIOCHLOR modeling data (RI/SCE 2005, Appendix B). The modeling shows that PCE concentration as a function of source area width drops over 200 feet by a factor of at least 5 and in the base case approximately by an order of magnitude; that is, if PCE were shown to be 14 ug/L, then, over the 200 feet it would be reduced to 2.8 ug/L, and if it were .77 ug/L it would be reduced to 0.154 ug/L (see id, Figure B-2 Sensitivity to Source Area Width). Both of these values are significantly below proposed PRGs for PCE.

The Port of Portland's Remedial Investigation states: "No groundwater plumes were identified at the Facility." (Pg. 9-2, Ash Creek Associates Inc., Remedial Investigation Report for Upland Terminal 4 Slip 1, August, 2007). We know of no EPA challenge directed to the Port of Portland regarding this statement. Further, it seems odd for EPA to raise this issue with NW Pipe, as there already had been a source control evaluation that determined potential groundwater sources were controlled on the Port's property, and data being used by EPA as the basis of its comment in the draft FS came from one of the Port of Portland's monitoring wells. If

it is not an issue for the Port with respect to its source control evaluation, it seems strange and inconsistent to suggest that it is an issue for NW Pipe.

Finally, if the plume exists, it passes directly under the grain storage facilities that existed on the Port of Portland Site from 1920 to 2003, and particularly under the 8 large grain storage tanks, which were installed in 1954. (See Figure 2 -- Groundwater Sample Locations in CH2MHill, 2012, supra). PCE is a common grain fumigant. Previous use for grain protection/fumigant is mentioned as part of the Usage Patterns in The Technical Factsheet on Tetrachloroethylene (a part of the National Primary Drinking Water Regulations publication). Further "Techrachloroethylene may still be employed as grain fumigant" (according to the ATSDR general information on Sources/Uses for Tetrachloroethylene). Consequently, a potential long-term source of PCE was present on Port property downgradient of NW Pipe's facility and upgradient of Port monitoring well T4-MW-03s.

For these reasons – clear evidence of attenuation, modeling results evaluating the beneficial influence of attenuation, low and decreasing concentrations over time, and evidence for sources of PCE in the area other than NW Pipe -- EPA's proposed characterization of the plume and its implication that it is solely attributable to NW Pipe is simply wrong.

We look forward to deletion of the above false statement by the 8/29/2014 target date for resolution of issues for the final version of Section 1 of the Feasibility Study.

Very truly yours,

Steven R. Schell

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SRS:vfc

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