May 3, 2016

Lori Cora, Esq.
United States Environmental Protection Agency
1200 Sixth Avenue
#ORC-113
Seattle, WA 98101

VIA EMAIL

Re: *Portland Harbor Superfund Site*
Public Comment Period for the Proposed Plan

Dear Ms. Cora:

The signatories to this letter - Schnitzer Steel Industries, Inc.; MMGL Corp.; BAE Systems Ship Repair, Inc.; Exxon Mobil Corporation; The Marine Group; and Summit Properties, Inc. - write regarding the public comment period for EPA's forthcoming Proposed Plan for the Portland Harbor Site. For the reasons stated below, the signatories believe that the 60-day period that EPA currently plans to allot for public comments is too short to fulfill the statutory purpose of the public comment process and request that the period be extended to 120 days to allow for more meaningful public participation.

In recent public statements, EPA staff have indicated that EPA currently plans to release the Portland Harbor Proposed Plan in early May, allowing 60 days for interested parties and other members of the public to submit comments. While the release originally was scheduled a month earlier, EPA reportedly needed additional time to create the electronic portal for the Administrative Record described by staff in a recent press report as the largest Superfund Administrative Record available online. The Portland Harbor Proposed Plan represents the culmination of 16 years of work by the Lower Willamette Group ("LWG") and EPA staff, presenting EPA's recommendation for addressing sediment contamination in a ten mile stretch of the Willamette River. While thousands of other documents have been generated by the LWG and EPA over the past 16 years of remedial investigation efforts, the Proposed Plan is the most critical component of the public participation process since it summarizes the voluminous data, analyzes the remedial alternatives and explains why EPA has selected its Preferred Alternative for the site remedy. In fact, the primary purpose of the Proposed Plan is to facilitate public involvement in the remedy selection process.

Like many other parties, the signatories to this letter have a significant interest in ensuring that they have the opportunity to provide informed comments on the Proposed Plan. Based on the remedial alternatives summarized in EPA's Revised Feasibility Study, EPA's decisions summarized in the Proposed Plan could impact Portland for decades to come. Some of the signatories have previously submitted detailed comments to EPA on numerous other milestone documents in the remedial investigation over the past 16 years. However, those comments were not submitted as part of a formal public comment process, and EPA did not provide any substantive response or even any indication that the comments were reviewed and considered. The public comment process on the Proposed Plan will therefore constitute the first opportunity for the signatories and many other interested parties to provide input on the remedy selection.

Public participation is not just a box to check. Community acceptance is an essential goal of a successful remedy selection process. CERCLA Section 117(a) requires that, before adoption of any proposed plan, EPA shall "[p]rovide a reasonable opportunity for submission of written and oral comments . . ." The applicable regulations reiterate that EPA must provide a reasonable opportunity for submission of written and oral comments on a proposed plan and the supporting analysis and information. *See* 40 CFR

300.430(f)(3)(i)(C). The regulations further state that EPA will extend the comment period by a minimum of 30 additional days, upon request. *Id.* Given the significance of the public participation process, EPA previously extended the public comment period beyond 60 days at many other Superfund sites. At the Lower Duwamish Superfund Site near Seattle, for example, EPA provided 105 days for public comments on the proposed plan, which had a much smaller administrative record than Portland Harbor.

EPA has had 16 years to develop the information underlying the approach summarized in its forthcoming Proposed Plan. Given the complexity of the Site, the massive volume of documents and highly technical analysis required to understand many of EPA's decisions, 60 days is not a reasonable public comment period. We understand that similar concerns have been raised by other parties, including the Portland Harbor Community Advisory Group, which requested in its submission to the National Remedy Review Board "significantly longer than 60 days" to comment on the Proposed Plan. The signatories to this letter share these concerns and hereby request that the public comment period be extended to 120 days.

Submitted by:

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