Environmental Cleanup Program

Matt Davis, Policy and External Affairs Administrator

Joint Committee on Ways & Means, Natural Resources Subcommittee
February 18, 2026

DEQ Cleanup Program areas

Purpose: Protect human health and the environment from releases of hazardous substances

- Voluntary
- Brownfields
- Prospective Purchaser Agreement (PPA)
- Industrial Orphan
- Leaking Underground Storage Tank (LUST)
- Site Response

Cleanup Program

Who: Wide variety of parties, individuals, small businesses, multi-national companies

What: Address wide range of contaminants, 800+ hazardous substances

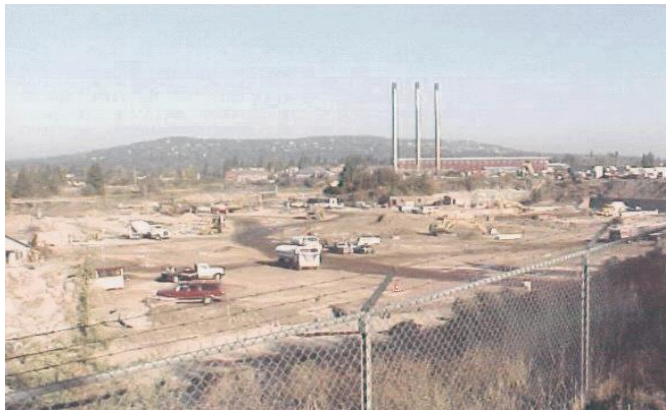
- e.g., petroleum, metals, pesticides, PCBs, solvents, dioxins

How: Most work completed voluntarily, some under enforceable agreements/orders

General cleanup process

Investigation

Risk Assessment

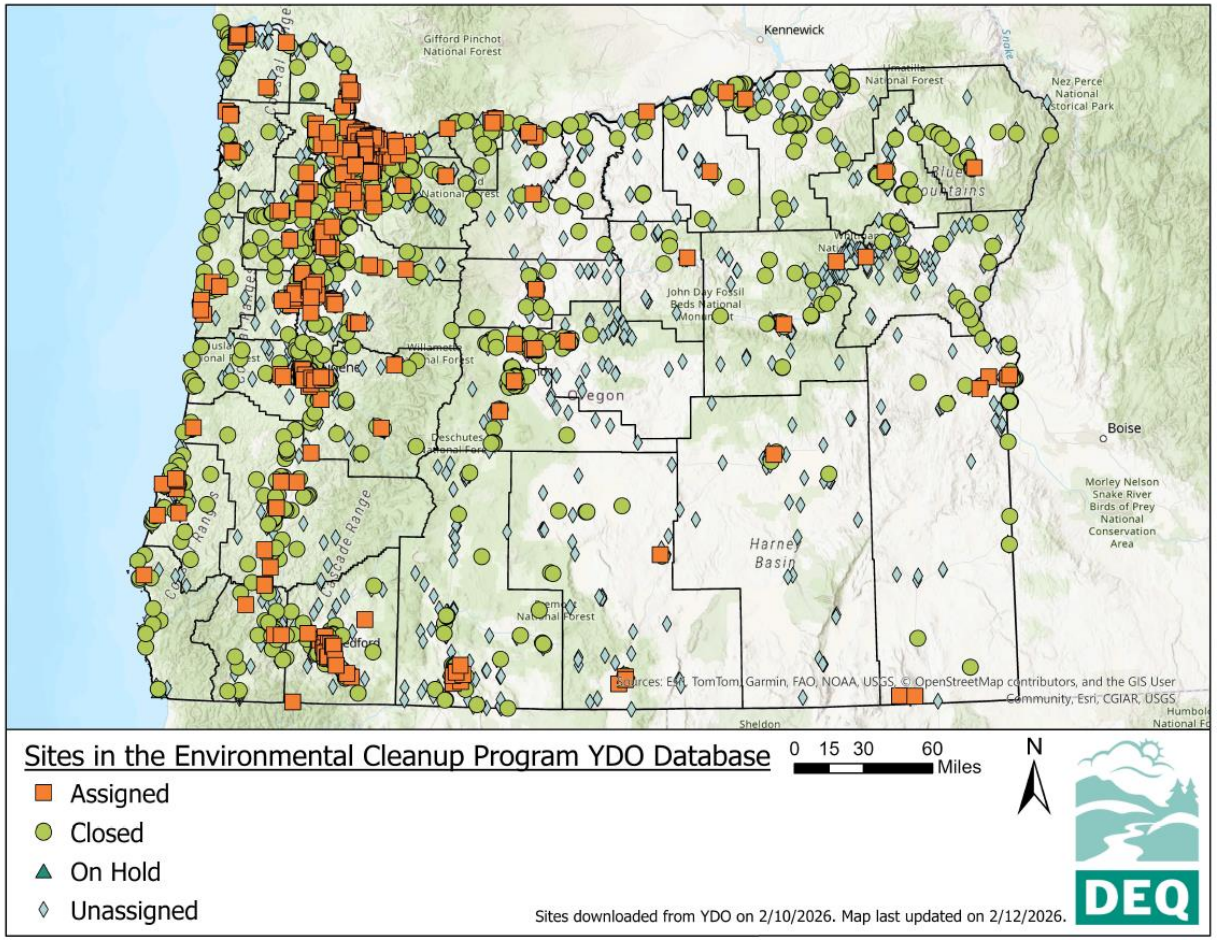


Cleanup

Cleanup Program sites

~ 500 sites assigned to DEQ staff

~ 2500 closed sites



Brownfields in Oregon

A brownfield is real property where expansion or redevelopment is complicated by actual or perceived environmental contamination. (ORS 285A.185

DEQ

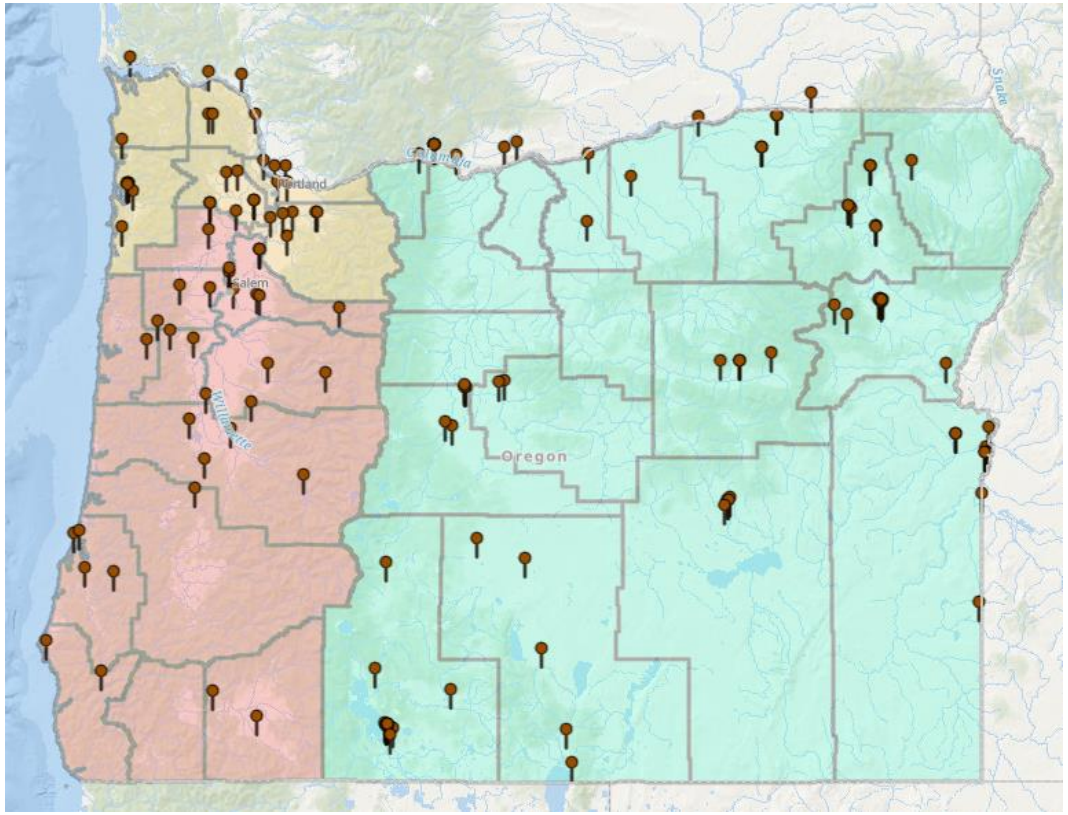
- $520,000/2 years for site investigations at eligible properties
- Technical assistance from brownfield coordinators

Business Oregon

- Grants/loans for site investigations and cleanups

EPA

- Competitive grants
- Targeted Brownfield Assessments



Sites that received 128a DEQ State Response funding for site investigations

DEQ Brownfield Story Map

Superfund 101

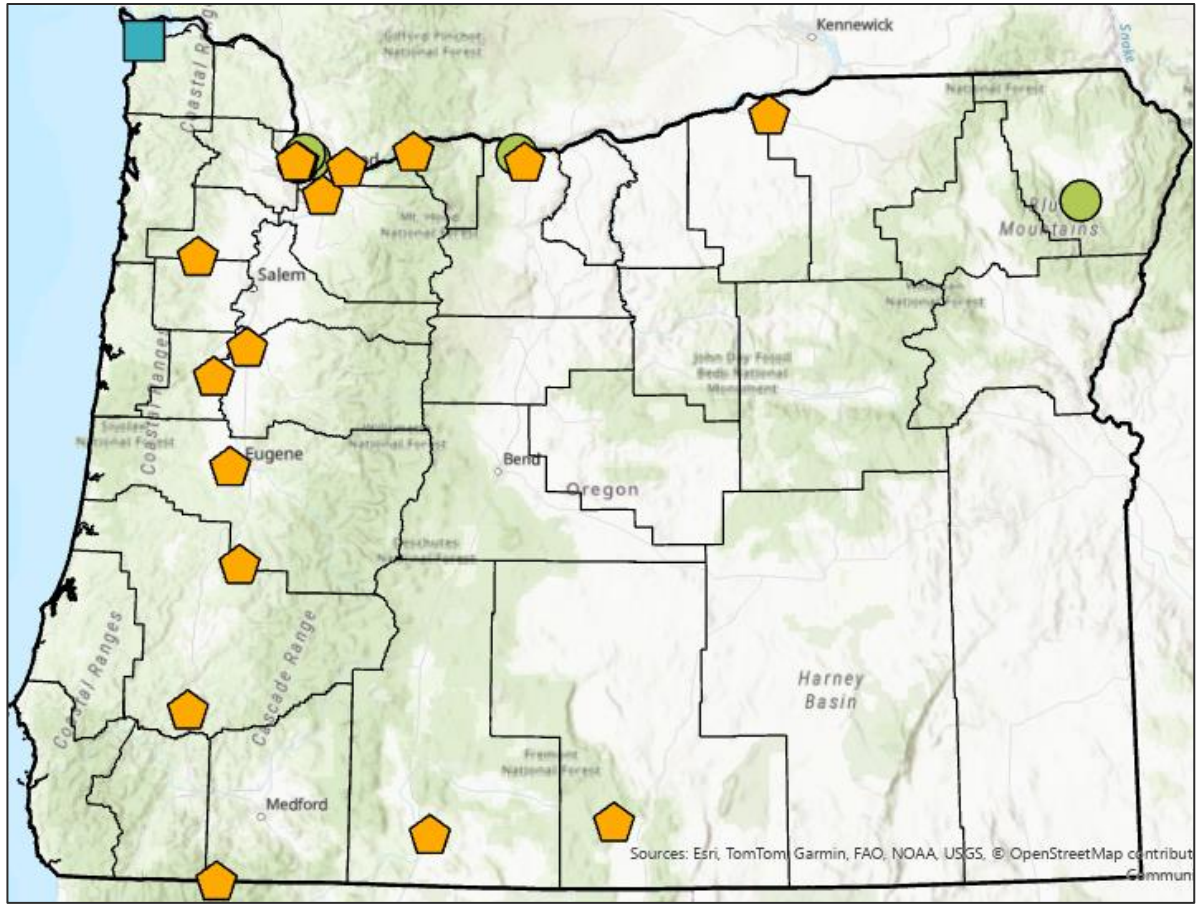
Superfund is the informal name for the federal program established under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in 1980.

- **State** – Environmental Cleanup Program

  Federal - Superfund
- The National Priorities List (NPL)
- Why does it matter if a site is listed?
- Who pays for cleanup at Superfund sites?

Superfund sites in Oregon

- There are 21 Superfund sites spread across Oregon
- 15 of these sites are still active
- J.H. Baxter, Oregon's most recently listed site



EPA Superfund Sites (National Priorities List)

- Deleted NPL Site
- NPL Site
- Proposed NPL Site

PORTLAND HARBOR BRIEFING

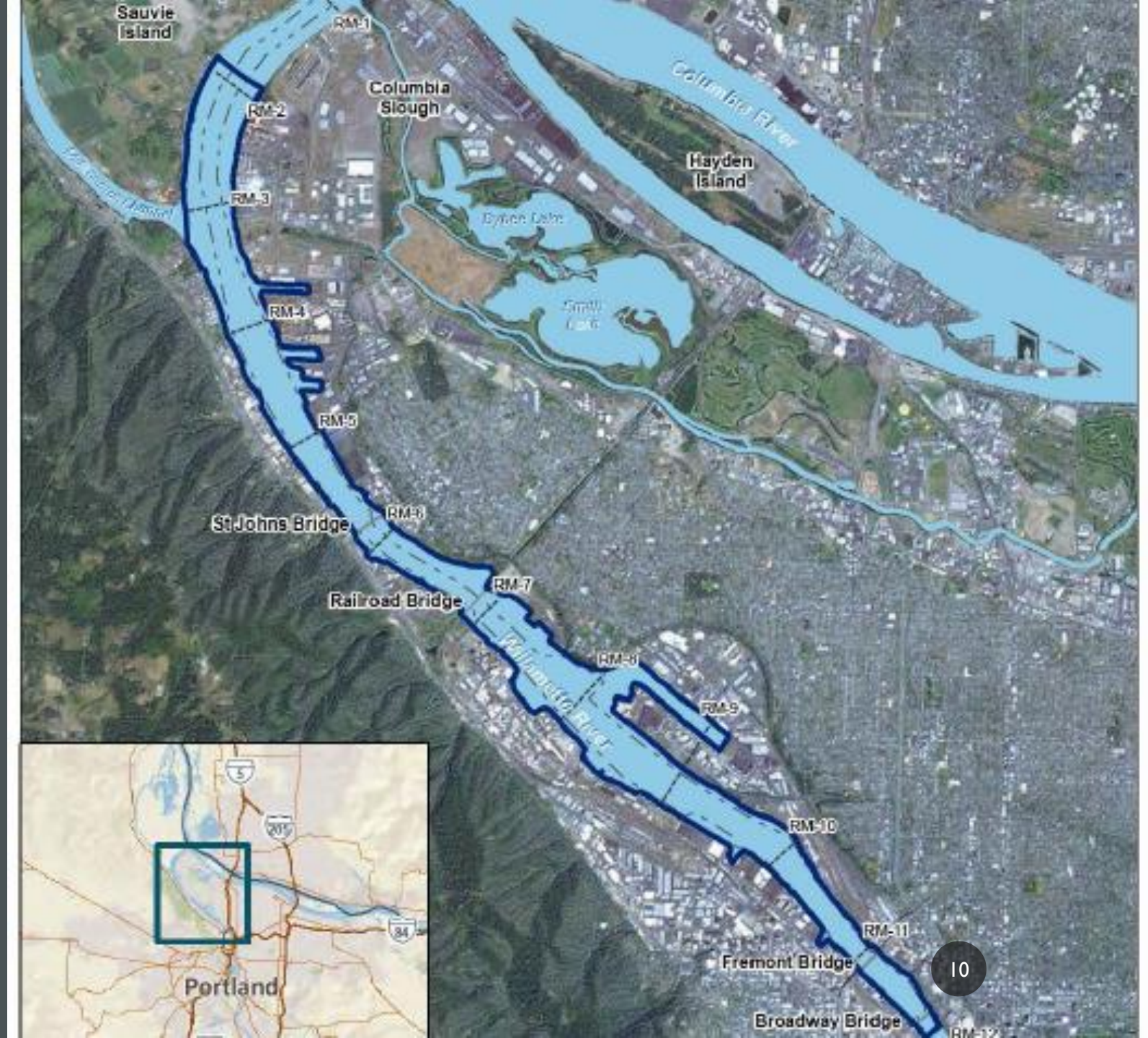
FEBRUARY 18, 2026

Jim McKenna

Columbia Basin Federal Policy Advisor

Office of Gov. Kotek

THE PORTLAND HARBOR SUPERFUND SITE



SCALE AND COMPLEXITY OF SITE

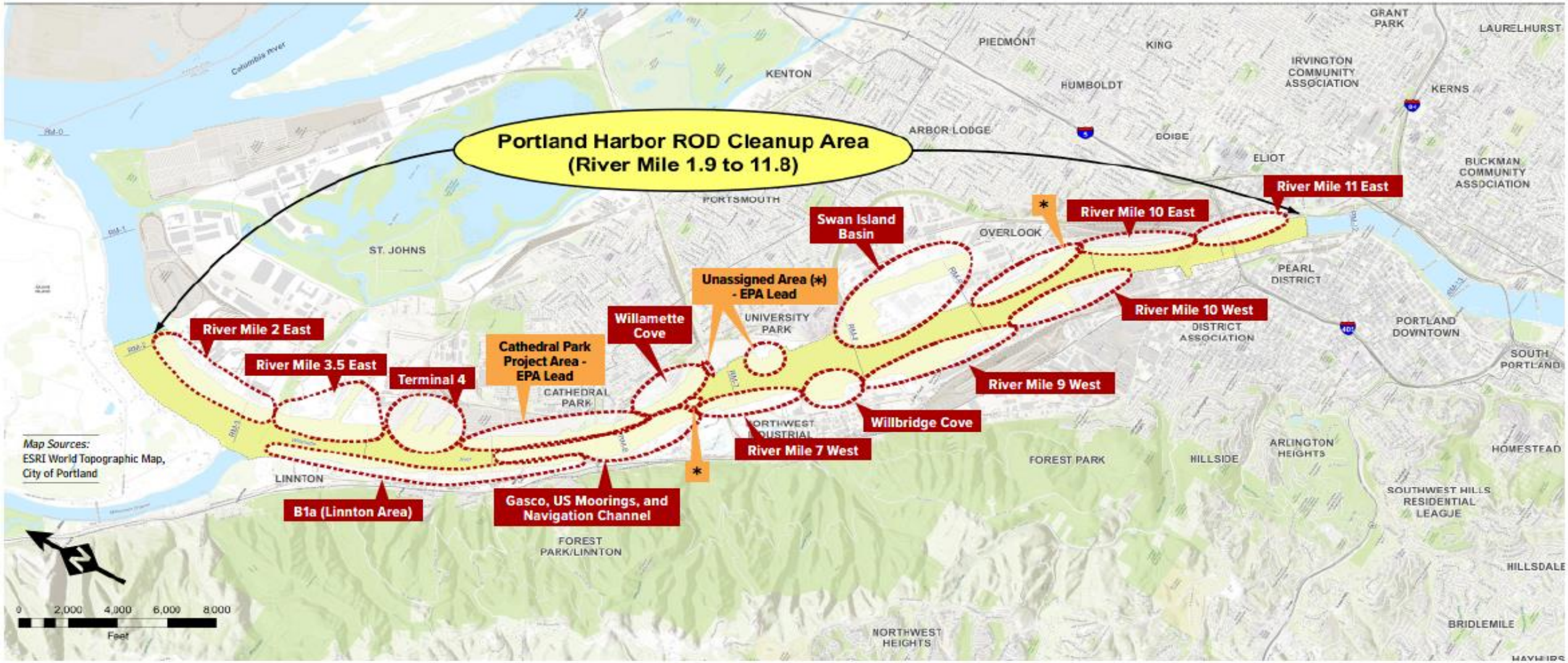
- Portland Harbor is considered a "mega site" = one of the largest and most complex Superfund sites in the country
- Roughly 10-mile stretch of lower Willamette (approx. RM 2-12)
- Sediments of the riverbed and riverbank areas are contaminated
- Contamination attributable to upland, upriver, in-water, and over-water sources
- Complexity attributable to:
  - Number of pollutants
  - Released to a moving river
  - Long history of pollution (more than a century)
  - Number of PRPs (over 200)
  - Size and number of PRP facilities (350+)

PORTLAND HARBOR SUPERFUND SITE UPDATES

SEPTEMBER 2025

OVERVIEW The in-river portion of the Portland Harbor Superfund Site spans about 10 miles of the Lower Willamette River in Portland, OR. EPA released a final cleanup plan (also called the Record of Decision or ROD) in January 2017 to address contamination in the sediment, surface water, and groundwater that poses an unacceptable risk to human health and the environment. All of the acres designated for active in-water remediation at the Site are now in remedial design. This document provides a general project update.

EPA United States Environmental Protection Agency



Red outlines signify that working parties are conducting remedial design with EPA oversight. For unassigned areas and the Cathedral Park Project Area (labeled in orange), EPA is implementing full remedial design. *Please see reverse page for more information.*

This shaded area indicates areas where only monitored natural recovery is

QUESTIONS?

Please visit EPA's Portland Harbor website at www.epa.gov/superfund/portland-harbor

Contact Laura Knudsen (EPA Community Involvement Coordinator) at knudsen.laura@epa.gov

WHAT ABOUT SOURCE CONTROL?

The term source control refers to controlling sources of contamination that are entering the Portland Harbor Superfund Site from upriver and lands along the river. **The Oregon Department of Environmental Quality (DEQ)** oversees source control and works closely with EPA. To date, DEQ has completed work on 119 of 175 sites identified as requiring source control within the study area and is currently working on 49 other sites. Visit DEQ's Portland Harbor Upland Source Control website here: https://www.oregon.gov/deq/Hazards-and-Cleanup/CleanupSites/Pages/Portland-Harbor-Strategy.aspx.

UPLAND SOURCE CONTROL SITES

CERCLA-SUPERFUND LAW

- **Polluter pays, strict liability plus joint and several liability**
- **Subject to equitable apportionment**
- **4 categories of liable party:**
  - present owner-operators
  - prior owners-operators at time of disposal
  - arrangers for disposal
  - transporters who disposed
- **Two objectives of CERCLA:**
  - Remediation or clean-up, and
  - Restoration or natural resource damages (NRD) by trustee council: federal services (NMFS and FWS), Oregon (ODFW), and five tribes

THE STATE WEARS MANY HATS IN PORTLAND HARBOR

- As a *defendant* PRP:
  - The State owns and DSL manages most of the bed and a significant portion banks that need to be cleaned up and natural resources restored
  - ODOT's highways and bridges drain to systems that discharge through outfalls into river; bridges are painted
- As a *plaintiff* NRD trustee: ODFW is the State's trustee on the Natural Resource Trustee Council
- As a *regulator*:
  - DEQ is lead on upland source control and support agency to EPA in remedy selection
  - DSL regulates certain uses of the river (e.g., removal fill permits)
  - ODFW regulates fishing (e.g., fish permit program)
- As a *landowner*: Independent of its defendant status, the State owns (and DSL manages) most of the land on which the remedy will be implemented
- As a potential *plaintiff* (ODOT/DSL) in a contribution claim for PH cleanup costs
- As a potential *plaintiff* (DEQ) for PH cleanup and oversight costs
- State policy interests (GO) in (1) returning the PH to its full potential as an "economic engine" of the State, and (2) making the PH safe for public use and enjoyment

COMPLEXITY OF OVERSIGHT

EPA

Lead agency: In-river, riverbank to top of bank*

CERCLA authorities

DEQ

Lead agency: Upland and upriver portions of site, source control, some riverbanks*

May elect to ask EPA to assume lead for discrete facilities, areas of site

Technical/Legal Coordinating Teams (TCT/LCT)

Established by 2001 MOU: EPA, DEQ, six signatory tribes, state and federal natural resource trustees (ODFW, NOAA, Interior)

Framework for coordination and cooperation; optimize expertise and resources

Natural Resource Trustee Council

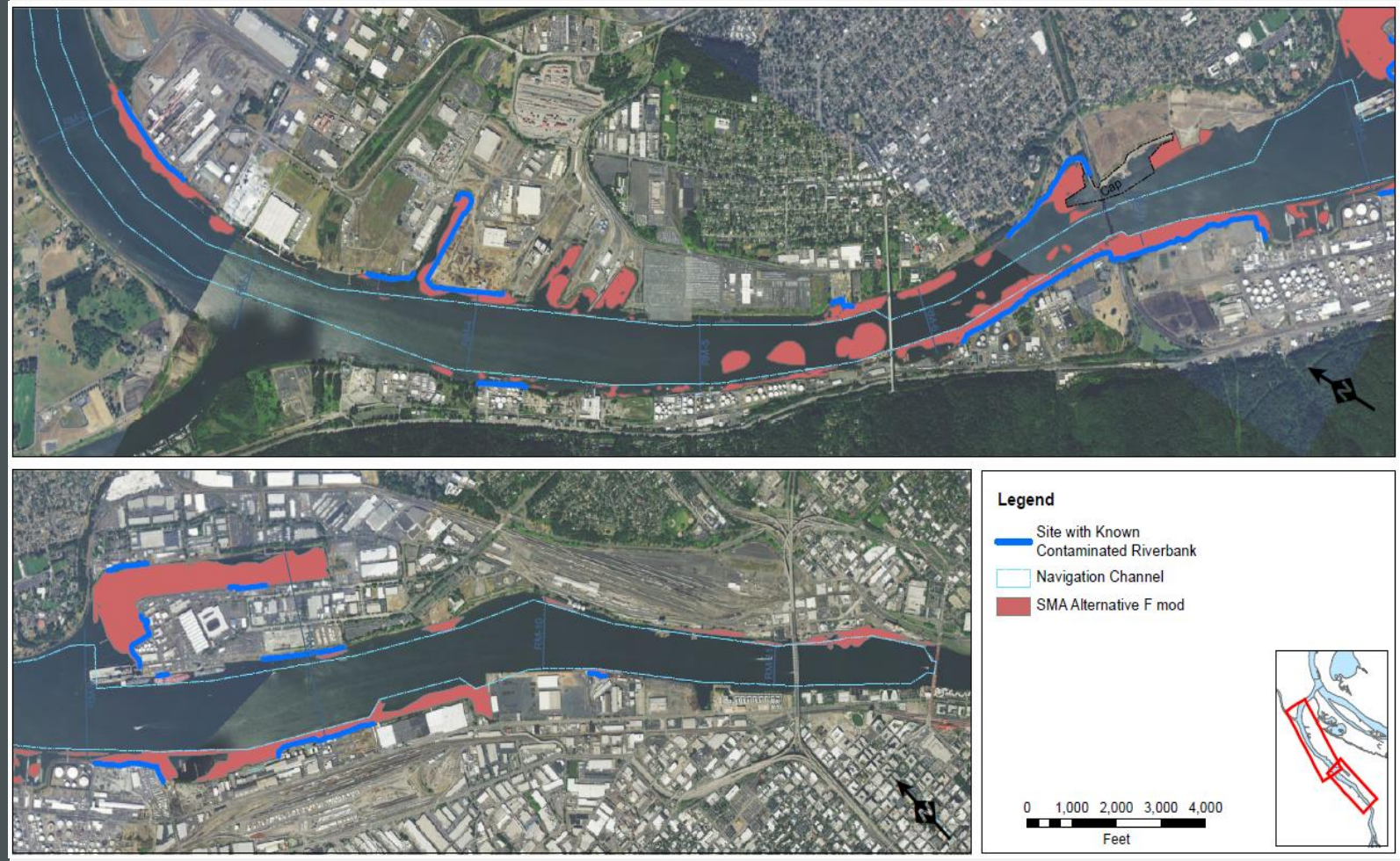
Five tribes, state and federal natural resource trustees

EPA PROCESS – THE PAST

- Preliminary Site Investigation (1997)
- Listed as a Superfund Site (2000)
- Remedial Investigation/Feasibility Study (2001-2015)
- Proposed Plan (June 2016)
- Record of Decision (ROD) (January 2017)
  - **EPA's Estimated Cost** – $1.05 billion (present value w/7% discount rate); $1.7 billion (w/out discount rate); accuracy range of -30%/+50%
  - It is reasonable to believe that cleanup costs will significantly exceed these estimates given numerous uncertainties surrounding the scope of the cleanup (e.g., riverbanks, buried contamination) and general inflation of construction costs
  - The estimated costs for active cleanup/construction of the remedy do not include several significant costs (e.g., RI/FS costs)

EPA'S CLEANUP PLAN – ROD

- **Dredge Volume** – 3 mill cy
- **SMAs** – 300 +/-
- **Constructed Area** – 365 acres
- **MNR Area** – 1774 acres (83%)
- **Construction Duration** – 13 years



EPA PROCESS – THE PRESENT

- The Portland Harbor ROD is not highly prescriptive. It guides development of area-specific cleanup plans during remedial design
- EPA has broken the Site up into "project areas" for design (and hopefully remedial action). These are areas designated for active in-water remediation
- All of the project areas at the Site are now in remedial design, most under EPA consent orders. EPA is performing the RD in some areas itself
- Progress per EPA's last quarterly update (September 2025):
  - Six areas have completed 30% design and started 60% design (including Willamette Cove)
  - Seven other areas have started 30% design
  - Five areas have not yet started 30% design, and at least one key area is very far behind

Portland Harbor Superfund Site Remedial Design Status

SEPTEMBER 2025

EPA United States Environmental Protection Agency

Project Area	Sufficiency Assessment	Preliminary Design Investigation	Basis of Design Report	Remedial Design Work Plan	Preliminary Remedial Design (30%)	Intermediate Remedial Design (60%)	Pre-Final and Final Remedial Design (95%, 100%)
B1a	✓	✓	✓	✓			
Gasco	✓	✓	✓	✓	✓		
US Moorings	✓	✓					
Navigation Channel	✓	✓	✓				
River Mile 7 West (Bayer)		✓	✓				
River Mile 7 West (Arkema)		✓					
Wilbridge Cove	✓	✓	✓				
River Mile 9 West	✓	✓	✓	✓			
River Mile 10 West	✓	✓	✓	✓			
River Mile 11 East	✓	✓	✓	✓	✓		
River Mile 10 East	✓	✓	✓	✓			
Swan Island Basin	✓	✓	✓	✓	✓		
Willamette Cove	✓	✓	✓	✓	✓		
Cathedral Park Project Area	✓	✓	✓	✓	✓		
Terminal 4	✓	✓	✓	✓			
River Mile 3.5 East	✓	✓	✓	✓			
River Mile 2 East	✓	✓	✓	✓			
Unassigned Areas	✓	✓	✓	✓	✓		

KEY

- In Progress
- ✓ Complete
- Not Started
- Updated

STATE REMEDIAL DESIGN ACTIVITY

- The State has entered four EPA Remedial Design Administrative Settlement Agreements and Orders on Consent (ASAOCs) and a Settlement Agreement to manage risk and avoid EPA enforcement:
  - Settlement Agreement for Funding Remedial Design (May 2019), DSL/ODOT partnering with City of Portland
  - Willamette Cove ASAOC (Dec 2019), DSL as a performing party
  - Swan Island ASAOC (Jan 2021), DSL as a funding-only party
  - Site-wide ICIAP/IMP ASAOC (Nov 2019), DSL/ODOT as a performing party
  - Interim Database ASAOC (Oct 2020), DSL/ODOT as the performing party

EPA PROCESS TIMELINE (THE BIG PICTURE)

Site Listed (2000) → Remedial Investigation + Feasibility Study (2001-2015) → Proposed Plan (2016) → Record of Decision (2017)

↓

Sitewide Remedial Design Initiated (2020) → Sitewide Remedial Design Complete (TBD – 3+ years from today?) → Sitewide Remedial Action (TBD – 13+ years?) → Long-Term Monitoring (30 years)

EPA PROCESS – THE FUTURE

- The next phase of EPA's process is to enter a consent decree or decrees with performing and funding parties to complete the required remedial actions (i.e., implement the remedial design).
- The consent decree will encompass the project areas and Site-wide work (e.g., long term monitoring).
- Don't forget that liability under CERCLA is joint and several (i.e., EPA can force a PRP to pay for the whole thing and seek contribution from other PRPs)