



Priorities in Washington, Oregon, and at Federal Level

EPA Obama EPA Budget Highlights

- **\$3.9 billion for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund** grants to support approximately 1,000 clean water projects and 700 drinking water projects - this year's largest single investment. Funding is a critical step in addressing the water infrastructure needs. EPA will work with state and local partners.
- **A new \$475 million, multi-agency Great Lakes Initiative to protect the world's largest fresh water resource.** EPA and its partners will address invasive species, non-point source pollution, habitat restoration, contaminated sediment and other critical issues.
- **A \$19 million increase for the greenhouse gas emissions inventory and related activities** that will provide data critical for implementing a comprehensive climate change bill. EPA's funding for climate change investments is the foundation for working with key stakeholders and Congress to develop an economy-wide cap-and-trade program to reduce greenhouse gas emissions approximately 83 percent below 2005 levels by 2050.
- **Strengthening EPA's core research, enforcement and regulatory capabilities.** Proposes reinstating the Superfund excise taxes that expired. Reinstating the Superfund taxes would collect over \$1 billion annually to fund the cleanup of the nation's most contaminated sites.

EPA Stimulus Bill Benefits

- The economic recovery plan signed by President Obama will create 3 to 4 million quality, sustainable jobs with many protecting our country's public health and our environment.
- The American Recovery and Reinvestment Act of 2009 specifically includes \$7.22 billion for projects and programs administered by EPA that include:
 - Clean Water State Revolving Fund and Drinking Water State Revolving Fund: \$4 billion for assistance to help communities with water quality and wastewater infrastructure needs and \$2 billion for drinking water infrastructure needs.
 - Brownfields: \$100 million for competitive grants to evaluate and clean up former industrial and commercial sites.
 - Diesel Emissions Reduction: \$300 million for grants and loans to help regional, state and local governments, tribal agencies, and non-profit organizations with projects that reduce diesel emissions.
 - Superfund Hazardous Waste Cleanup: \$600 million for the cleanup of hazardous sites.
 - Leaking Underground Storage Tanks: \$200 million for cleanup of petroleum leaks from underground storage tanks.

Obama Cap and Trade

- **President Obama's nearly trillion-dollar budget - to be funded in part by cap-and-trade limits on carbon emissions.**
- **The 2010 budget commits \$150 billion over 10 years toward seeking more energy independence, including research and funding for attempts to boost auto fuel efficiency.**
- **The effort includes doubling the production of renewable energy in three years, via tax breaks and loan guarantees for the industry**
- **Obama hopes to raise some portion of the money for alternative energy development from cap and trade on carbon emissions.**
- **Obama's projection of garnering \$646 billion of revenue during the first eight years of a carbon-capping program and presumes that a U.S. law to limit carbon emissions will be in place by 2012.**
- **Budget includes programs for energy conservation in government buildings and homes alike. It promises more funds for clean coal plants, and there is a plan to revamp the electric grid.**

Other Obama Budget Information

- **Among other funding methods, here are some measures of the budget that will impact the environmental and energy sectors:**
 - \$17 billion - reinstate Superfund taxes
 - \$5.3 billion - excise tax on Gulf of Mexico oil and gas
 - \$3.4 billion - repeal expensing of tangible drilling costs
 - \$49 million - repeal passive loss exception for working interests in oil and natural gas properties
 - \$13 billion - repeal manufacturing tax deduction for oil and natural gas companies
 - \$1 billion - increase to seven years geological and geophysical amortization period for independent producers
- **The repeal of tax benefits for oil companies is likely to increase the cost of research and development in the sector, and may make alternative energies more palpable.**

Energy Secretary Chu Cap and Trade

- Department of Energy Secretary Steven Chu promised to work with Congress to implement President Obama's cap-and-trade system.
- Under the system, a cap on carbon emissions would be imposed on U.S. power plants, oil refineries and other industrial sites, which then could bid at auction on permits to exceed those limits.
- Plants which decrease emissions could sell their permits to other facilities that pollute more.
- Passing Obama's plan as envisioned is not likely to be a walk in the park.
- Senate climate bill would not likely adhere to the strict auction plan for permits. Congress may develop a cap-and-trading emissions system with carbon allowances provided to polluters like cement factories and coal-burning power plants, along with permits that are sold.
- In the European Union, the Emissions Trading Scheme at first gave away emissions permits to polluters, who then sold them, leading to a glut of permits on the market.

EPA National Priorities 2008-2010

- **Clean Water Act - Storm Water:** Storm water releases from homebuilding and big box store construction sites, and from sand and gravel, crushed stone, and ready-mix concrete facilities.
- **Clean Air Act - New Source Review:** Compliance investigations to identify facilities that have increased their emissions. Occurs when new facilities built/existing facilities modified w/o appropriate reviews or permits and installing the required control technologies.
- **Clean Air Act - Air Toxics:** Improve compliance in: (1) leak detection and repair (LDAR) programs; (2) industrial flares to control hazardous air pollutant emissions; and (3) controlling emissions from petroleum refineries and chemical plants.
- **Financial Responsibility:** Concern about cost estimates for RCRA corrective actions; use to prioritize enforcement actions.

EPA Priorities

- **RCRA**: Leaking surface impoundments at mineral processing and mining facilities. Expand future inspections of mining operations.
- **Indian Country**: EPA has made it a priority to improve compliance with environmental laws in Indian Country. One of EPA's priorities is public drinking water, where EPA seeks to improve monitoring and reporting requirements under the Safe Drinking Water Act. A second area of priority is schools, and EPA also will focus on the unregulated dumping of waste.
- **Sanitary Sewer Overflows, Combined Sewer Overflows, and Concentrated Animal Feeding Operations (CAFOs)** as enforcement priorities for FY 2007–2010. EPA intends to focus on CAFOs that should have NPDES permits and will prioritize facilities for inspection based on “size and type of operation, proximity to waters of the U.S., proximity to impaired waters or priority watersheds, citizen complaints and manure spill data, environmental harm, compliance history, and environmental justice.” EPA will also target states with lower levels of CAFO permit coverage.

EPA Schools Emphasis First Action of EPA Administrator Jackson

- A new initiative to further measure levels of toxic air pollution near many schools across the country for better protection. EPA and its state partners will prioritize and monitor schools for more extensive air quality analysis, looking closely at schools located near large industries and in urban areas.
- EPA anticipates monitoring at some schools will begin within the next 30 days. Directed by EPA, the monitoring will be conducted primarily by state and local governments. Some states have already begun monitoring.
- Recent media reports have raised critical questions about air quality outside schools near large industrial facilities. At Administrator Jackson's confirmation hearings, she was asked about this issue by Congress and pledged to take swift action to investigate and remediate if necessary any potential high-risk exposure for our nation's school children.

EPA Enforcement Priorities in Region 10

- **Risk Management Plans under Clean Air Act**
 - 19 of 27 enforcement actions in 2007 and 2008 for RMP
- **Section 404 Wetland Dredge and Fill**
- **Fuel Spills**
- **CAFO Enforcement at Meat Packers and Dairies**

EPA Wastewater Pharmaceuticals

- **Pharmaceuticals and personal care products (PPCPs) are being discovered in our Nation's waters at very low concentrations. Pharmaceuticals refer to prescription and over-the-counter therapeutic drugs and veterinary drugs. Personal care products refer to products used for personal and cosmetic reasons such as soaps, fragrances, and cosmetics.**
- **Issues of PPCPs in water aimed at:**
 - improving science;
 - improving public understanding;
 - identifying partnership and stewardship opportunities; and
 - taking regulatory action when appropriate.

EPA NPDES Compliance Monitoring

- **Outlines inspection and compliance goals for the entire NPDES program, including major and minor NPDES facilities, pretreatment programs, biosolids, CSOs, SSOs, stormwater, and CAFOs.**
- **New strategy takes effect in 2009, places increased emphasis on wet weather issues, particularly stormwater sources, and sets ambitious targets for audits and inspections of Phase I and II MS4s, construction sites, and industrial facilities.**

Particulate Matter (PM_{2.5}) Non-Attainment Designation

- EPA designates new fine particle pollution “nonattainment” areas in Pacific Northwest in December, 2008 :
 - OREGON (Klamath County & Lane County)
 - WASHINGTON (Wapato Hills/-Puyallup River Valley/Tacoma)
- Affected states and tribes will be required to take steps to reduce the pollution that forms these particles.
- In 2006, EPA strengthened the 24-hour fine particle standards from 65 micrograms per cubic meter to 35 micrograms per cubic meter of air to protect public health. Nationwide, monitored levels of fine particle pollution fell 11 percent from 2000 to 2007.
- Fine particles can either be emitted directly, or they can form in the atmosphere from reactions of sulfur dioxide and nitrogen oxides. Exposure to fine particle pollution can cause serious health problems, ranging from increased hospital admissions and doctor and emergency department visits for respiratory and cardiovascular disease, to heart attacks and to premature death.

PM_{2.5} Details of Non Attainment Areas

- **Klamath County** A portion of Klamath County is being designated nonattainment that includes the area comprised of the modified Air Quality Zone (AQZ). Residential home heating, using wood burning appliances, is the main contributor.
- **Oakridge** A portion of Lane County is being designated nonattainment that includes the Oakridge Urban Growth Boundary (UGB) and the city of Westfir. Residential home heating using wood burning appliances as being the main contributors.
- **Wapato Hills/Puyallup River (Pierce County)** EPA is designating the Wapato Hills Puyallup River Valley (Tacoma) area as nonattainment. Local sources, dominated by woodstove and fireplace emissions, cause and contribute to the violations captured at a at the monitor in a residential area southwest of Tacoma (at 7802 South L Street at the Peterson School). Other local sources (particularly mobile sources and diesel trucks) contribute. Washington and Puget Sound Clean Air Agency have taken actions to reduce PM levels through woodstove change out program and participation in the NW Ports Air Strategy.

Puget Sound Clean Air Agency Cargo Handling Initiative

- **The Puget Sound Clean Air Agency was awarded an \$850,000 grant by EPA. The grant will be used to bolster the Clean Air Agency's "Puget Sound Ports Cargo-Handling Equipment Replacement and Retrofit Program" aimed at reducing diesel emissions at the Ports of Seattle and Tacoma.**
- **Approximately 350 pieces of cargo handling equipment operate at each port, emitting tons of harmful diesel pollutants. This project will enable both facilities to retrofit more than 10% of their fleets.**
- **EPA estimate that the money will return approximately \$17 million in health benefits.**
- **The project will help the Port of Seattle and the Port of Tacoma meet specific pollution reduction targets they have set for themselves via commitments in the Northwest Ports Clean Air Strategy – a voluntary emissions reduction strategy.**
- **The grant program making the award is part of the highly successful West Coast Collaborative (WCC), a public-private partnership to reduce diesel emissions in the west.**

Hanford

- **Decision by Oregon to join Washington in litigation to compel the U.S. Department of Energy to complete the cleanup of the Hanford nuclear reservation:**
 - The federal cleanup at Hanford has been far too slow in achieving the critical environmental results mandated in the three-party cleanup agreement, which the federal government committed to.
 - Washington state negotiated in good faith for an acceptable change in the cleanup schedule.
 - The negotiations failed to produce an agreement with legal safeguards to make sure the federal government finishes the job of emptying the hazardous and radioactive waste from the tanks and appropriately treating it.
 - Washington had no reasonable alternative but to file lawsuit in November to seek relief from the U.S. District Court.

WA and OR EPA Energy Star Buildings

- **Energy Star is an EPA program for buildings that have made significant cuts to their energy bills and greenhouse gas emissions.**
- **There are a total of 144 Energy Star-certified buildings in Washington. There are a total of 85 Energy Star-certified buildings in Oregon.**
- **Seattle ranks 10th out of 25 metropolitan areas with 83 buildings acquiring the Energy Star label in 2008.**
- **Portland ranked 18th place, tied with Charlotte, NC, with 45 Energy Star-labeled buildings in 2008.**
- **Buildings that earn the Energy Star label use 35 percent less energy than average buildings.**
- **The Energy Star buildings program can assist any building or plant owner or manager to evaluate, plan and implement significant cuts in energy use and costs.**

Oregon and Washington E Cycle

- **Oregon and Washington E-Cycles Collection Sites to Accept Recyclable Computers, Monitors and**
- **Recycle their unwanted computers, computer monitors and TVs for free.**
- **Anyone can bring up to seven items for free recycling. The sites will accept all brands of these items as part of the state's newly launched electronics recycling program.**
- **Suggest calling the collection site ahead of time if you plan to bring more than seven items at once.**

Wind Turbines

- The global wind turbine market grew vastly in 2007, the year for which most recent figures are available, according to Emerging Energy Research
- Nearly 30 GW of turbines were activated during 2007, almost double the volume in 2006.
- The United States and China accounted for nearly 48 percent of wind turbine activation. The U.S. economic slowdown is expected to impact numbers going forward, but China is likely to continue its aggressive expansion, according to Emerging Energy Research.
- Overall, the U.S. is the worlds largest producer of electricity from wind, at more than 25 GW a year

Western Climate Action Initiative (WCI)

- **Partners**

- Arizona
- British Columbia, Canada
- California
- Manitoba, Canada
- Montana
- New Mexico
- Ontario, Canada
- Oregon
- Quebec, Canada
- Utah
- Washington

- **Observers**

- Alaska
- Colorado
- Idaho
- Kansas
- Nevada
- Wyoming
- Saskatchewan, Canada
- Baja California, Mexico
- Chihuahua, Mexico
- Coahuila, Mexico
- Nuevo Leon, Mexico
- Sonora, Mexico
- Tamaulipas, Mexico

Oregon and Washington Climate Change

- ***Both States Joined Western Climate Initiative- Supernational and Regional Leader for Climate Change***
- ***Oregon (October, 2008): Greenhouse Gas (GHG) reporting:***
 - **Phase 1** Businesses with air discharge permit /Title V permit, required to report GHG emissions in 2010 for emissions in 2009.
 - **Phase 2:** Businesses without an air permit, required to report GHG emissions in 2011 for 2010 emissions (Facilities < 2,500 metric tons of CO₂/year exempt).
- **Washington, House and Senate Bills with Climate Change Cap and Trade Legislation are Pending**
 - Washington SEPA requires climate change considerations.
 - Proposal A fleet of on-road motor vehicles that as a fleet emit at least 2,500 metric tons of greenhouse gases annually in the state; or a source or combination of sources that emit at least 10,000 metric tons of greenhouse gases annually in the state.
- **The cap-and-trade program designed by the WCI jurisdictions will include about one-third of Washington State's emissions and about one-half of the emissions in the region when the program starts in 2012. By 2015, the program will expand to include about 90 percent of the emissions in the state and in the region.**

Ecology and DEQ Enforcement

- **Citizen Suits for stormwater violations by Puget Soundkeepers Alliance and Columbia Riverkeeper Alliance (former Direct of CRA now a Department of Justice Special Counsel)**
- **ODEQ Expedited Enforcement Offer system became effective in November, 2008 (a field ticket system for less serious violations)**
 - Reduced penalties for prompt payment
- **Oregon Underground Injection Control Amnesty Expired on December 31, 2008**

OSHA and EPA Disconnect on Indoor Air Quality

- **OSHA PELs vs. EPA Indoor Air Quality standards creates conflict when doing remediation projects involving impacts to indoor air quality**
- **Problem with cleanup concentrations being imposed that are less than PEL in buildings**
- **Benzene is an example of a mobile chemical that can be ubiquitous indoors and out creating difficulty establishing cleanup concentrations**

Washington Puget Sound Cleanup

- ***Washington (November 2008): The Puget Sound Partnership*** released a draft Action Agenda, a roadmap for protecting, restoring and cleaning up Puget Sound. Action Agenda provides critical data and a strategy for tackling the threats to the waters in and around Puget Sound.
 - **Seeks funding from Ecology.**



The Lower Duwamish Waterway and Portland Harbor Superfund Sites

Status of the Cleanups



Lower Duwamish Waterway Background

- **5.5 mile portion of Lower Duwamish River**
- **South of downtown Seattle**
- **Flows into Elliott Bay**
- **Added to National Priority List in 2001**
- **Primary contaminants include:**
 - PCBs
 - PAHs
 - Mercury / metals
 - Phthalates
 - Dioxins / furans



Lower Duwamish Waterway PRPs and Oversight

- **Superfund PRP Group (LDWG)**
 - City of Seattle
 - King County
 - Boeing
 - Port of Seattle
- **Dep't of Ecology lead for upland source control**
 - Identifying and controlling current and historical releases to river
- **EPA lead for in-water cleanup**
 - Lines “blurred”
- **Other parties being investigated**
 - Approx 200 104(e) Requests for Information sent out to date



Lower Duwamish Waterway

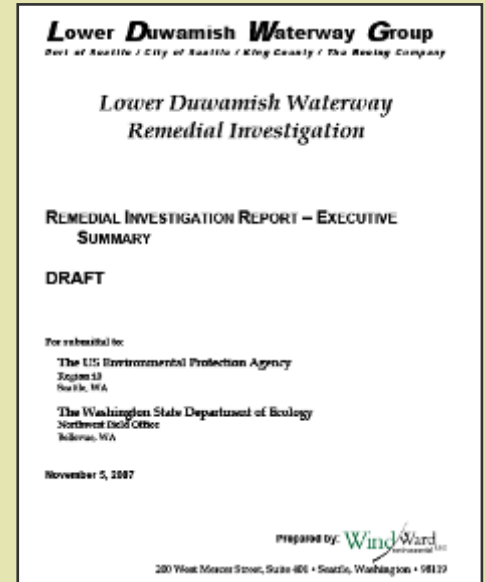
Early Action Areas

- **Trotsky**
- **Former Slip 5 (Boeing)**
- **Boeing Plant 2**
- **Duwamish Diagonal (King County)**
- **Jorgensen Forge**
- **Norfolk (King County)**
- **Philip Georgetown**
- **Rhone Poulenc**
- **Slip 4 (City and County)**
- **Terminal 117 (Port of Seattle)**
- **Basin Oil**



Lower Duwamish Waterway Project Progress

- **2001 - Added to National Priority List**
- **2003 - Phase 1 Remedial Investigation (RI) report (Windward)**
 - Included preliminary human and eco risk assessments
- **2007 - Draft Phase 2 RI report (Windward)**
 - Included baseline human and eco risk assessments
 - Final report expected “early 2009”
- **2007 - Draft Final Sediment Transport Analysis Report (Windward and QEA)**



Lower Duwamish Waterway Next Steps

- **Feasibility Study**
 - Work plan issued in 2007
 - River to be divided into Sediment Management Units (SMUs)
- **Natural Resource Damage Assessment (NRDA)**
- **Cleanup**
- **Cost Allocation**



Lower Duwamish Waterway

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- **Approximately \$15 million spent to date on the RI**
- **Total liability?**



Portland Harbor Background

- **Added to National Priority List in 2000**
- **Initial study area is 6.2 mile stretch of the Willamette River**
- **Flows through Portland and NWIA into Columbia River**
- **Primary contaminants include:**
 - **Metals**
 - **Pesticides / herbicides**
 - **PAHs**
 - **PCBs**
 - **Semi-volatile organics**
 - **Dioxin / furans**



Portland Harbor PRPs and Oversight

- **Lower Willamette Group (LWG)**
 - Over 70 PRPs (!)
 - Significant members include Port, City, and LSS
- **ODEQ lead for upland source control**
 - Joint Source Control Strategy
- **EPA lead for in-water cleanup**
- **Other stakeholders**
 - 6 tribes
 - Other agencies (eg, NMFS)
 - Community Advisory Group (CAG)
- **Other parties being investigated**
 - 225 104(e) requests sent out to date



PORTLAND HARBOR JOINT SOURCE CONTROL STRATEGY

FINAL
DECEMBER 2005

This document provides information and technical assistance to the public and employees of the Oregon Department of Environmental Quality (ODEQ) and U.S. Environmental Protection Agency (EPA) regarding the agencies cleanup programs. The information contained in this document should be interpreted and used in a manner that is fully consistent with the State's and EPA's environmental cleanup laws and implementing rules. This document does not constitute rulemaking by the Oregon Environmental Quality Commission or by EPA, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable in law or equity, by any person, including the DEQ or EPA. DEQ or EPA may take action at variance with this document.

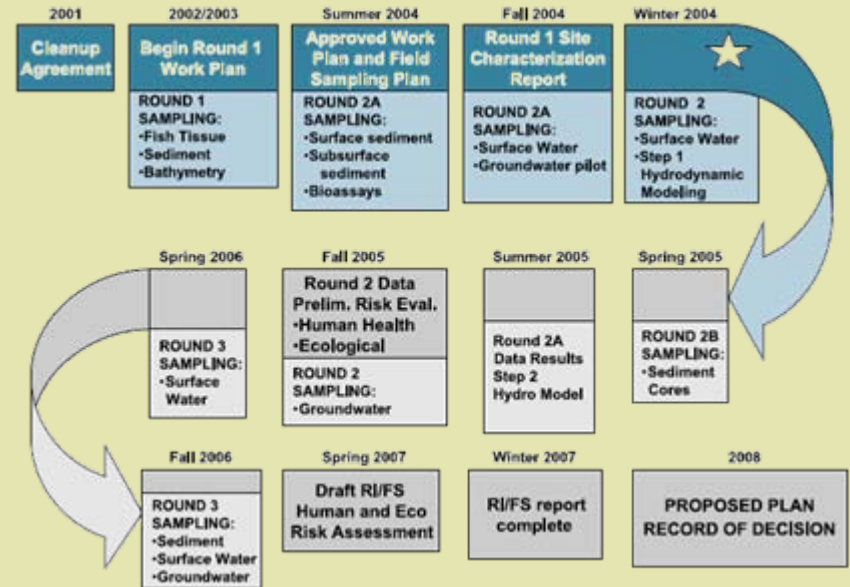
Portland Harbor Early Action Areas

- **Arkema (LSS)**
- **GASCO (NW Natural)**
- **Terminal 4 (Port of Portland)**
- **Triangle Park (Univ. of Portland)**
- **U.S. Moorings (USACE)**



Portland Harbor Project Progress

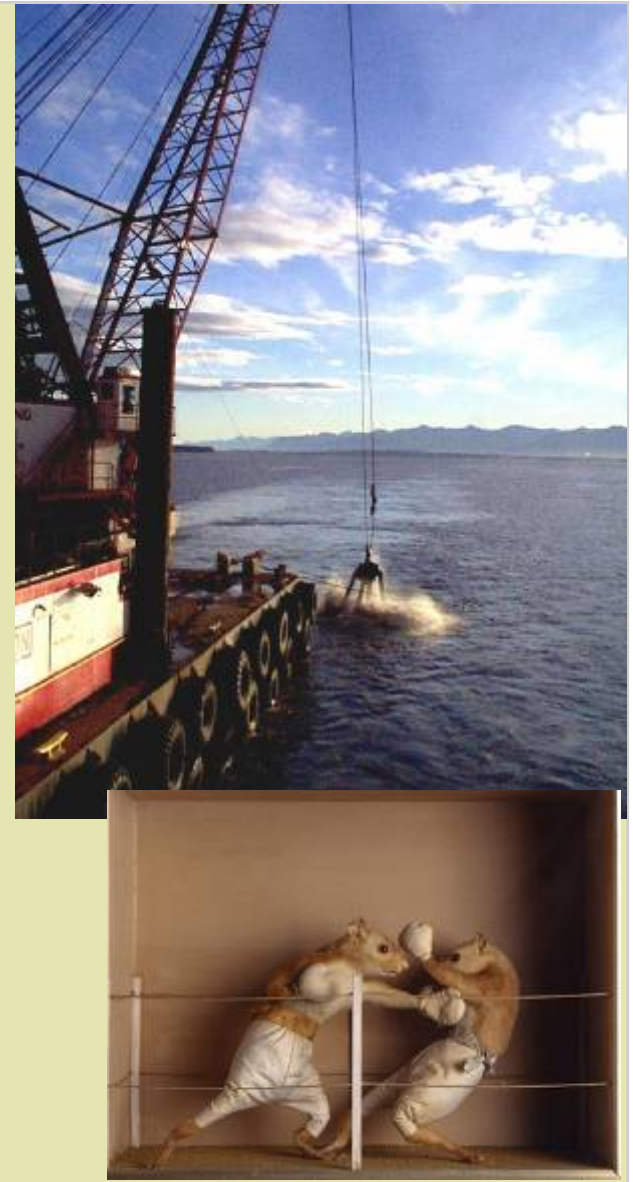
- **2000 – Harbor listed on NPL**
- **2004 – RI/FS Work Plan**
 - RI (Integral)
 - Human health risk assessment
 - Ecological risk assessment
 - Feasibility Study
- **2002 to 2008 – Three rounds of characterization**
- **Draft RI currently being reviewed by LWG**



Portland Harbor

Next Steps

- **Feasibility Study**
- **Natural Resource Damage Assessment (NRDA)**
- **Cleanup**
- **Cost Allocation**



Portland Harbor

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- **Over \$65 million spent to date on the RI**
- **Total liability estimated at \$1 BILLION**

