

McCormick and Baxter Superfund Clean Up Q & A

This document provides answers to the most common questions related to the McCormick & Baxter and Portland Harbor Superfund Sites.

McCormick & Baxter Superfund Site

What is the history of the M&B Superfund Site?

The McCormick & Baxter Creosote Company operated at the site from 1944 to 1991, producing a variety of chemically treated wood products, such as utility poles, using creosote, arsenic, pentachlorophenol and other hazardous substances. Historic dumping and leaking of chemical wastes at the 41-acre site resulted in high levels of toxic contamination in soils, groundwater and river sediments, and posed a significant threat to people, fish and wildlife. In 1990, the Oregon Department of Environmental Quality (DEQ) identified the McCormick & Baxter site as a high priority for cleanup, and in 1994, the U.S. Environmental Protection Agency (EPA) listed McCormick & Baxter as a "Superfund Site" (a national priority for cleanup). DEQ has led cleanup work at the site over the past 16 years; the last 12 years have been in partnership with EPA, the Tribes, National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, City of Portland and others.

How much toxic material was dumped or spilled at M&B over the years?

DEQ believes that the company dumped and spilled hundreds of thousands of gallons of wood-treating waste on the site over the course of 50 years, although a precise quantity is impossible to estimate.

What was done to cleanup the site?

Cleanup actions included extraction of 6,000 gallons of creosote from the ground; removal of 33,000 tons of highly-contaminated soils and debris; construction of an underground barrier wall up to 80 feet deep around 18 acres of the site to stop creosote and contaminated groundwater from moving into the river; construction of a 23-acre sediment cap and a six-acre soil cap along the riverbank in 2004; and construction of a 15-acre impermeable cap and 20-acre earthen soil cap on the upper part of the site in 2005. Approximately \$45 million has been invested in making the site safe for people and the environment.

Where has the \$45 million come from?

EPA has contributed approximately \$35 million to cleaning up M&B to date; DEQ has contributed \$3.2 million from the Orphan Site Account; \$7.2 million was received from an insurance settlement for the McCormick & Baxter Company; and \$376,000 came from the Company's bankruptcy and sale of their assets. An additional \$1.15 million has been allocated from EPA through September 2006 for monitoring and other work at the site.

Is M&B now clean and safe?

M&B no longer poses an immanent threat to human health and the environment. Recent surface water samples and other data collected by DEQ confirm this fact. However, M&B is a very complex site and additional monitoring is necessary to definitively conclude that the cleanup remedies are reliable and effective in the long-term. These data will be collected over the next five years and will be used by DEQ and EPA to determine whether the site can be de-listed as a Federal Superfund Site or whether additional cleanup actions will be necessary.

What work remains to be done at M&B?

Finishing construction of the cleanup “remedies” (the barrier wall, sediment and soil caps, hot spot removals and other work) in September 2005 was an important milestone and a big success, but DEQ is not done with work at the site. Extensive testing will continue over the next eight months to determine whether the remedies are *operational and functional*. If in September 2006, DEQ and EPA determine that they are operational and functional, DEQ will be required to finance long-term monitoring and maintenance costs at M&B. Then, in 2011, DEQ and EPA will determine whether the remedies are *protective of human health and the environment*. If the remedies are deemed protective, EPA will remove M&B from the Superfund Site list.

Who will pay for monitoring and maintenance work at M&B, and where will the money come from?

Federal law requires that states pay the cost of long-term monitoring and maintenance at “Fund Financed” (i.e., EPA funded) Superfund Sites like M&B. DEQ will begin funding the monitoring and maintenance costs for M&B in October 2006 if the remedies are determined to be operational and functional. The estimated annual costs will be \$100,000 to \$300,000. Currently, DEQ expects to fund these costs through DEQ’s orphan program, but we are also looking into other funding mechanisms.

I heard that some creosote was seeping through the sediment cap. What happened and what’s happening now?

Following the first phase of sediment cap construction in 2004, creosote continued to seep into the river from three discrete areas, although the amount of creosote seepage was vastly reduced from pre-cap releases. The three areas were capped with an absorptive material as part of the second phase of cap construction in 2005. DEQ is continuing to monitor for the presence of creosote seepage. It is possible that limited amounts of additional seepage may occur, requiring additional capping by DEQ. This and other potential problems, such as erosion to the sediment cap armoring layer, are being addressed in the long-term monitoring and maintenance plan for M&B.

How will the M&B site be used in the future?

A Site Re-Use Assessment was conducted in 2000 and 2001 by the City of Portland Bureau of Planning under a grant from EPA. In developing reuse recommendations, the City analyzed the site’s redevelopment potential and engaged stakeholders and the interested public in learning about, proposing, and jointly considering what uses would best fit the site. The City concluded that the site is best suited for recreational use. These findings were presented in a final June 2001 report that was endorsed by the Portland City Council.

Development is prohibited within the six-acre riparian zone along the riverfront at M&B, as specified in the Biological Opinion issued by the National Marine Fisheries Service under Section 7 of the Endangered Species Act. This restriction requires that the riparian zone remain in an undisturbed state in order to protect the integrity of the native vegetation with the goal of providing habitat for federally listed salmon and steelhead.

Development and certain activities are also restricted within the 23-acre sediment cap, as specified in a permanent easement (No. 31530-EA) granted by the Oregon Division of State Lands. This easement prohibits the anchoring and grounding of non-recreational vessels and the use of all motor propelled vessels. The easement specifies that the sediment cap may be closed to all public uses if DEQ determines that the area poses a threat to public health or the environment.

I've heard that the University of Portland is interested in buying the M&B site. Are they in the process of purchasing it?

The University of Portland (UP) is currently negotiating to purchase the adjoining riverfront property directly south of M&B (called "Triangle Park") and has expressed interest in purchasing M&B. The UP has had preliminary conversations with the City of Portland, EPA, DEQ and the property owner, Charlie McCormick, about the purchase of M&B. So far, no major obstacles have been identified that could prevent such a purchase from moving forward, although there are a variety of difficult issues that would need to be resolved.

Who holds title to the M&B land?

Title to the property continues to be held by the defunct McCormick and Baxter Company. Charlie McCormick acts for the Company and has authority to transfer the property on behalf of the Company. Preliminary conversations between Mr. McCormick, the University of Portland and DEQ suggest that the Company will cooperate with the University if the University finally decides to acquire the property and makes a suitable proposal.

Will the public have access to the M&B site after someone buys it?

DEQ will work within its legal authorities to assure that the recommendations of the Site Re-Use Assessment are implemented. These recommendations include the recreational use of the site by the public. This may or may not allow for public use of the whole 41-acre site.

How many other Superfund sites exist in Oregon? In Portland?

There are 11 Superfund Sites in Oregon and five in the Portland Metro area, including Portland Harbor and M&B.

Portland Harbor Superfund Site

What is the history of the Portland Harbor Superfund Site?

Portland Harbor is an 11.6 mile section of the Lower Willamette River that stretches from downtown Portland to the confluence of the Willamette and Columbia Rivers. DEQ began investigating properties along the banks of the Lower Willamette River in the late 1980's. In March 1997, DEQ and EPA began a joint study to sample near-shore, in-river sediments within Portland Harbor. The investigation identified the presence of elevated levels of metals, polychlorinated biphenyls (PCBs), pesticides and semi-volatile organic compounds such as polycyclic aromatic hydrocarbons (PAHs) in Willamette River sediments. Based on the results of this investigation, a 5.7 mile stretch of the Lower Willamette River was added to National Priorities List (also known as the "Superfund" list) in December 2000. This 5.7 mile stretch extends from the southern tip of Sauvie Island (river mile 3.5) upstream to Swan Island (river mile 9.2) and is referred to as the "Initial Study Area" that EPA and its partners are investigating.

What roles do EPA, DEQ and others play in working on the Portland Harbor Superfund Site?

Shortly after the December 2000 listing, a Memorandum of Understanding (MOU) was developed to establish a partnership between EPA, DEQ, state and federal Natural Resource Trustee agencies (U.S. Fish and Wildlife, National Oceanic and Atmospheric Administration and Oregon Department of Fish and Wildlife) and six Tribal governments (Siletz, Grand Ronde, Yakama, Umatilla, Warm Springs, and Nez Perce) to work on Portland Harbor. The MOU specifies EPA as the lead agency for the in-water work (river, beach and sediments) and DEQ as the lead agency for work on the lands adjacent to the river (i.e., upland source control). Under the MOU, DEQ is responsible for identifying sources of contamination from the “uplands” adjacent to the river and controlling those sources so that they no longer pollute the Portland Harbor area. EPA is responsible for investigating the nature and extent of contamination in the river itself, estimating risks to human health and the environment, identifying and evaluating clean up alternatives, and making a decision on how the in-water contamination will be cleaned up. The state and federal Natural Resource Trustee agencies and the Tribal governments are partners to EPA and DEQ in this work.

What is the status of work at the Portland Harbor Superfund Site?

Work is still in the “investigation” stage, which is a necessary first step before developing clean up options and starting cleanup work throughout the Harbor. EPA and its partners are overseeing work of the Lower Willamette Group¹ (LWG) to investigate the nature and extent of contamination in the Initial Study Area, estimate risks to human health and the environment, and identify cleanup alternatives. In 2008, EPA plans to make a decision on how the Harbor will be cleaned up, and at that point, EPA will pursue “potentially responsible parties” to perform or finance the cleanup. Thus far, the LWG has spent approximately \$30 million on the Portland Harbor investigation (including oversight costs), and much more will likely be spent in the years to come.

In addition, three “early actions” are underway to clean up parts of the river in advance of EPA’s 2008 decision for the entire Portland Harbor site. EPA is the lead agency overseeing these actions, which are being taken by the Port of Portland (at Terminal 4), Northwest Natural Gas Co. (Gasco site), and Arkema. After taking public comments this fall on options for cleaning up the Port of Portland’s Terminal 4, EPA plans to make a decision soon (note: one of the options includes a “confined disposal facility”). The early action at Northwest Natural’s Gasco site was completed this past fall, and the Arkema early action is still in initial planning stages.

In December 2000, DEQ issued a strategy that describes how sources of pollution on the lands adjacent to the river will be identified and controlled. This “Joint Source Control Strategy” (issued jointly with EPA), will serve as a guide for DEQ’s work with individual property owners in Portland Harbor to identify and control upland pollution sources to protect Portland Harbor from being re-contaminated once cleanup actions are taken.

How can people get involved in the Portland Harbor cleanup?

Attend meetings of or become part of the Portland Harbor Community Advisory Group, which meets on the second Wednesday of each month at 7:00 p.m. at the Portland Bureau of Environmental Services Water Lab (6543 N. Burlington Ave, Portland, 97203).

¹The LWG consists of ten signatories to an EPA Administrative Order on Consent that commits the group to fund the investigation and feasibility study in Portland Harbor. The parties include the Port of Portland, the City of Portland, Arkema, Chevron Texaco, Inc., ConocoPhillips Company, Gunderson, Inc., NW Natural Gas, Oregon Steel Mills, Time Oil Co., and Union Pacific Railroad Company.