

2019 Annual Government-to-Government Report on Tribal Relations

Submitted to:
Oregon Legislative Commission on Indian Services
Environmental Quality Commission

By: Richard Whitman, Director
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Environmental Quality**
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DEQ is a leader in restoring,
maintaining and enhancing the
quality of Oregon's air, land and
water.



State of Oregon
**Department of
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Executive Summary

This Oregon Department of Environmental Quality Annual Government-to-Government Report on Tribal Relations provides an update on DEQ efforts and actions during the past year to consult, coordinate, collaborate and enhance relations with tribal nations. These activities center around protecting human health and the environment, and include work to reduce greenhouse gas emissions, protect communities from emissions of air toxics, cleanup of contaminated lands, protection of rivers and streams, partnerships for restoration projects, consultation on the development of rules, policies and procedures, technical assistance and more.

DEQ has government-to-government relationships with federally recognized tribal governments and communicates formally through in-person meetings, correspondence via letters and emails, as well as informally through phone conversations and coordination meetings. DEQ is interested in seeking additional opportunities to work together, coordinate with and learn from tribal representatives to protect and enhance Oregon's air, water and land.

1. Agency contacts for 2020

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2. Agency interest areas

As the State of Oregon's environmental protection agency, the Department of Environmental Quality coordinates with federally recognized tribal governments on issues related to air, water and land quality. DEQ's work is linked to the work of tribal governments through natural resources, cultural resources, as well as community and economic development programs. Programs that DEQ administers and implements may impact federally recognized tribes. In recognition of this, DEQ's director sends an annual letter to tribal chairpersons summarizing the policy recommendations (such as rulemakings) that are anticipated to be considered by the agency's policy-making body - the Environmental Quality Commission (EQC). DEQ's tribal liaison asks the key contacts from each tribe how to best communicate relevant information. In addition, DEQ's tribal liaison updates the key contacts for each tribe on a variety of topics, such as:

- upcoming cleanup projects;
- the list of permits scheduled for issuance in the upcoming year;
- DEQ's regulatory authority, timelines and processes for proposed new projects or policies that may be of interest;
- development of monitoring plans;
- presentations on monitoring results from the previous year; and
- emergency/spill response activities; and
- other relevant topics.

3. Agency statement

In 2002, the Oregon Department of Environmental Quality adopted a “Statement of Intent” to implement Executive Order 96-30 and the requirements of Senate Bill 770 (ORS 182.162-168), which directs state agencies to promote government-to-government relations with Oregon’s nine federally recognized tribal governments.

In June 2010, DEQ updated its Tribal Relations Policy. The policy states that DEQ is committed to building and maintaining strong government-to-government relations with tribes. DEQ consults and coordinates with tribal nations on air, water and land quality issues that affect tribal interests, resources and lands. DEQ strives to build positive relationships with tribal leaders, managers, staff and representatives to understand tribal interests, explore opportunities for greater partnership and collaboration, and address tribal interests as much as possible in DEQ actions. These partnerships increase our collective ability to protect and enhance public health and the environment.

The complete DEQ Tribal Relations Policy can be found at: <http://www.oregon.gov/deq/about-us/Pages/tribal.aspx>. DEQ implements the policy through regular meetings with tribal representatives at the staff, manager and leadership levels, and by seeking opportunities to collaborate with tribes on issues important to tribal governments.

4. Participation in the government-to-government process

In 2019, the Oregon Department of Environmental Quality engaged in the following government-to-government activities:

- On April 18, 2019, DEQ's Director sent a letter to the chairpersons of Oregon's nine federally recognized tribes with a summary of all of the rulemakings scheduled for the Environmental Quality Commission's consideration in the upcoming year and a half. The letter also requested government-to-government meetings between DEQ and each of the tribal governments to discuss the proposed rulemakings and any other topics of interest.
- On May 2, 2019, DEQ's Director sent a letter to the chairpersons of Oregon's nine federally recognized tribes regarding a rulemaking associated with Oregon's new Cleaner Air Oregon program to allow for more protective standards previously passed by the Oregon Legislature. DEQ's letter summarized the rulemaking, invited participation on the Rules Advisory Committee and requested consultation on the rulemaking.
- On July 8, 2019, the Chair Kathleen George of the Environmental Quality Commission (EQC) sent an invitation to Chairman Burke from the Confederated Tribes of Umatilla Indian Reservation inviting him to a government-to-government meeting in Enterprise with the Environmental Quality Commission.
- On July 9, 2019, DEQ's Director sent a letter to the chairpersons of Oregon's nine federally recognized tribes regarding DEQ's 2019-2021 Legislatively Adopted Budget, and an offer to consult on the 1200-Z Industrial Stormwater General Permit renewal.
- On July 9, 2019, DEQ's Director sent a letter to the chairpersons of the six federally recognized tribes that engage in activities occurring in the Columbia River Basin regarding a rulemaking to consider modifying the water quality standard for Total Dissolved Gas (TDG) in the mainstem of the Columbia River. The rulemaking is considering an increase to the allowable total dissolved gas levels to 125% for voluntary spill operations of the four Columbia River dams during the 2020-2021 spring spill periods. The goal of the change being considered is to provide additional spill during times of low hydropower demand to facilitate downstream migration of juvenile salmonid during that timeframe.
- DEQ's tribal liaison and other representatives or applicable technical experts attended the tribal-state natural resources cluster and cultural resources cluster meetings held in 2019 as an important part of government-to-government relations. DEQ followed up with tribal representatives in a number of ways regarding topics and issues raised at those meetings.

- DEQ continued to host calls the first Friday of each month at 9 a.m. as an opportunity for tribal representatives to have open discussion with the tribal liaison and other DEQ representatives.

In addition, DEQ provided the following government-to-government communications:

- On March 1, 2019 DEQ sent an update on the implementation of the new Cleaner Air Oregon rules to the key contacts for each tribe's natural resources department. The announcement was the list of the first 20 facilities for review under the Cleaner Air Oregon program and an invitation to engage in the process.
- In April 2019, DEQ forwarded a letter sent by Governor Brown to the Administrator of the Environmental Protection Agency (EPA) and the Assistant Secretary of the US Army regarding proposed federal Waters of United States rule to all of the key contacts for each tribe's natural resources department.
- In May 2019, DEQ sent an update to all of the Oregon tribes that may have interest in a cleanup with historic contamination along Scappoose Bay that dates back to the 1920s. One of the former owners agreed to settle its liability for the contamination as part of the company's bankruptcy proceedings. DEQ had a public notice on the proposed settlement that would result in a trust fund managed by DEQ to clean up the site.
- In July 2019, DEQ sent an email with a public notice to all of the tribes that have interest in the Willamette River basin regarding the proposed consent order for a Prospective Purchaser Agreement (PPA) with the Confederated Tribes of the Grand Ronde concerning its acquisition of the former Blue Heron Mill site in Oregon City.
- In April 2019, the Greater Eastern Regional Solutions Team, including DEQ representatives, met with the Confederated Tribes of Umatilla (CUITR) economic development staff to discuss various projects and issues, including the Clean Water State Revolving (CWSRF) program, and opportunities available from DEQ's Material Management Grant program.
- In October 2019, DEQ representatives attended the Klamath Tribal Council Meeting to provide a short briefing on the objectives and draft sampling plans for a groundwater study taking place in the Klamath Basin region. Representatives from the three Klamath Tribes received information about our groundwater sampling effort and were invited to participate, if interested.
- Throughout 2019, DEQ in partnership with other state agencies, has met several times with representatives from the Klamath Tribes, Cow Creek Band of Umpqua Tribe of Indians, Coquille Indian Tribe, Confederated Tribes of Siletz Indians, Confederated Tribes of the Grand Ronde, and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians on the proposed Jordan Cove Energy Project. In May 2019, DEQ issued a decision to deny the requested Section 401 Water Quality "without prejudice." This means that the applicant may reapply for the certification, and submit additional information that could result in a different decision.
- Since early 2019, DEQ solid waste and Central Oregon regional solutions staff attended multiple Infrastructure Summits with the Confederated Tribes of the Warm Springs and more than a dozen other state and federal agencies to discuss water, wastewater, landfill and housing needs at Warm Springs. The summit initially came together to address critical failures of the tribal drinking water system, though the collaborative work was expanded to include other tribal infrastructure needs.

DEQ will continue to meet at least semi-annually in the years ahead and continues to work on the landfill subcommittee to identify critical needs, resources and funding for Dry Creek Landfill.

- Throughout the year, DEQ connected with all of the nine-federally recognized tribes on various topics and DEQ actions including draft air and water permits that were proposed or in the process of being renewed, cleanup sites, and restoration projects.

DEQ greatly appreciates the leadership and partnership of tribal governments working with the state to protect the environment, human health, as well as natural and cultural resources.

5. Internal tribal relations action and training

The Oregon Department of Environmental Quality's internal tribal relations activities are focused on improving consultation and communication between agency and tribal leadership and staff, as well as providing training to DEQ employees on tribal government, sovereignty, and issues of interest to tribal nations.

- In November 2019, a DEQ representative attended the Culture Summit hosted by the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.
- DEQ has a staff member that has recently enrolled in the Portland State University Professional Certificate in Tribal Relations beginning late 2019 and continues into 2020. The program strives to foster understanding of tribal perspectives, increase staff effectiveness and accountability and improve working relationships between participants and the tribal communities with whom they work.
- Throughout the year, DEQ's tribal liaison advised and assisted DEQ managers and staff on issues of interest to tribal nations, providing guidance for consulting and coordinating with tribal governments on many environmental activities.
- DEQ maintains a [Tribal Government Relations webpage](#)¹ to provide information about the government-to-government process, federally recognized tribes, and DEQ's tribal relations activities. DEQ employees regularly use this site to learn about tribal nations and our government-to-government responsibilities.
- DEQ maintains an online training on tribal relations for DEQ staff and managers through iLearn, a state online tool for instruction. The training module covers the history of tribal-state relations in Oregon, tribal sovereignty and government-to-government consultation, and highlights opportunities for greater collaboration with tribes.

¹ See <http://www.oregon.gov/deq/about-us/Pages/tribal.aspx> .

6. Summary of program related issues and activities

The Oregon Department of Environmental Quality works to protect air, water and land quality across the state and interacts regularly with tribal leaders and staff on a broad range of activities and issues. Primary areas of collaboration between tribal nations and DEQ over the past year are summarized below.

6.1. Improving water quality

Integrated report

A representative from the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians has served as a member of the Integrated Report work group, which provided a great deal of support in recent efforts to revise and modernize DEQ's Integrated Report methodology and user-interface. DEQ conducted a data call in summer 2018 and completed its methodology in late 2018. Input from the Integrated Report work group was incorporated into the methodology document, which was used in the development of the 2018/20 assessment and for generating the 303(d) list.

DEQ released its draft 2018/2020 Integrated Report for public comment in September 2019, and the public comment period will end on January 6, 2020. This is the first in-depth statewide water quality report since 2012. Water quality staff released the most detailed report yet on the state of Oregon's rivers, streams, lakes, bays and coastline. The Integrated Report covers thousands of miles of waterways and includes a first-ever interactive map that allows users to zero in on a single river or pinpoint a specific river mile and learn about its environmental status. DEQ anticipates submitting the 2018/20 Integrated Report for EPA approval in April 2020.

Aluminum criteria

The EPA published the proposed aluminum aquatic life rule for Oregon and the final rule is expected to be effective on March 20, 2020. EPA is working with the US Fish & Wildlife Service and the National Marine Fisheries Service on Endangered Species Act consultation. The proposed rule for Oregon was based on the new national 304(a) criteria for aluminum. The new criteria uses a water-quality based multi-linear regression model of dissolved organic carbon, hardness, and pH to calculate water chemistry-based criteria for aluminum. The EPA proposed aluminum criteria are expressed as total recoverable aluminum.

Mercury variances for the Willamette Basin

DEQ has initiated a rulemaking process to develop a multiple discharger variance for mercury in the Willamette Basin. Under the variance, qualified facilities will be given permit limits that reflect the best effluent condition they can achieve, and will also be required to implement a mercury reduction plan to reduce mercury loads to the Willamette Basin. A representative of the Confederated Tribes of Grand Ronde has served on the Advisory Committee for this rulemaking. The Multiple Discharger Variance will be presented to the EQC in January 2020 for final adoption.

Outstanding Resource Waters

In response to a rulemaking petition, the EQC has directed DEQ to initiate a rulemaking to designate Waldo Lake as an outstanding resource water under the state's antidegradation policy. At DEQ's recommendation, the EQC also directed DEQ to include the outstanding resource water designation for Crater Lake in the same rulemaking. The rule amendments will include policies to protect the current exceptional water quality and unique ecological values of these lakes. DEQ expects to publish the draft rules for comment in the summer of 2020 and propose final rules to the EQC for adoption in November 2020.

Lower Willamette Cold-Water Refuge Plan

DEQ is developing a cold water refuge plan for the lower Willamette River in response to a National Marine Fisheries Service Biological Opinion on the state's temperature standard. DEQ has completed the draft analysis of existing cold water refuge availability and utilization. DEQ expects to deliver a final report in January 2020. The final report will incorporate the draft analysis, peer review and expert opinion on refuge sufficiency for the needs of migrating adult salmon.

Implementing more stringent water quality standards for toxics based on a higher fish consumption rate

DEQ continues to implement more stringent toxics criteria to protect human health based on a higher fish consumption rate. DEQ developed guidance documents for implementing permitting compliance tools, such as intake credits and variances, and for addressing specific pollutants such as methyl mercury and arsenic. DEQ has developed several memos specific to individual toxic pollutants to assist DEQ staff and the regulated community to consistently implement the criteria.

DEQ continues to implement the revised human health standards through renewed and newly issued wastewater permits. The current human health standards were adopted in 2011. Some of the permits include new toxics monitoring requirements for large municipalities and industrial facilities with the potential to discharge toxic pollutants. In addition, DEQ continues to evaluate facilities with known toxic pollutants in their discharge to assess their potential to exceed the human health standards. When industrial facilities are found to have the potential to exceed the standards, their permits contain stringent effluent limits designed to ensure compliance with the human health standards.

DEQ continues to implement the new copper criteria, which was approved by the EQC on November 6, 2016 and EPA on January 9, 2017, into new and renewed permits when applicable. In addition, several permits have been evaluated for reasonable potential to exceed the water quality criteria for copper and applicable permits currently have monitoring requirements that will provide data that will be evaluated according to the copper criteria during the next permit cycle.

Total dissolved gas (TDG) water quality standard modification for the Columbia River dams

In July 2019, the U.S. Army Corp of Engineers requested a TDG water quality standard modification applicable to spill at the four lower Columbia River dams operated by the Corps. DEQ will present this request to the Oregon EQC for their decision in January 2020. Although increasing spill at the dams increases TDG, it also may improve the survival of juvenile salmonids migrating past the dams. DEQ conducted outreach to the Confederated Tribes of Grand Ronde, Nez Perce Tribe, Confederated Tribes of Siletz Indians, Confederated Tribes of the Umatilla Indian, Confederated Tribes of Warm Springs and Confederated Tribes and Bands of the Yakama Nation to inform them of the Corps' request and provide updates of the regulatory progress. DEQ also met with the Confederated Tribes of the Grand Ronde to familiarize them with aspects of the TDG standard modification.

Water Quality Permitting

DEQ's Wastewater Permitting Program made progress implementing various process improvements in 2019 that aim to increase program efficiency and the timely issuance of quality permits. In particular, the program has set out to address a significant backlog of permits that have expired and have been administratively continued. These process improvements resulted in DEQ taking action on 33 permits (as of September 30, 2019), and reducing the backlog of National Pollutant Discharge Elimination System (NPDES) wastewater individual permits from 83% to 74%. Action on an additional 21 permits is anticipated before the end of 2019 which is expected to further reduce the backlog to 71%.

In October 2019, DEQ published a permit issuance work plan to identify the individual NPDES permits DEQ plans to issue in the coming year. DEQ identified 48 permits for development during the 2020 federal fiscal year (Oct. 1 – Sept. 30). DEQ contacted tribal representatives with information about the issuance plan for [individual permits](#)² and [general permits](#)³ and subsequently have identified the permits that some tribes have requested more information or status updates.

DEQ and representatives from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) worked to address significant challenges regarding a permit for a fish hatchery on the South Fork of the Walla Walla River. Permit drafting was initiated in June 2019, and completed for issuance in December 2019.

DEQ has been in ongoing communications with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians regarding permit development for a new wastewater treatment plant in Coos Bay. Current facilities need to be upgraded to address bacteria criteria exceedance that are having deleterious impacts to the receiving waterbody, including areas that represent important recreational clamming sites.

In response to the July 2019 letter from DEQ's Director about the rulemaking for the 1200-Z industrial stormwater permit renewal rulemaking, DEQ met with representatives from the Confederated Tribes of Grand Ronde and the Confederated Tribes of the Siletz Indians to provide an overview of the rulemaking plan, history of the permit and discussion on engagement on the topic moving forward.

Columbia River Basin Toxics Reduction Action Plan

The EPA-led Columbia River Toxics Reduction Working Group is a forum for sharing information on work efforts, technical assistance and ongoing toxics reduction and toxics monitoring in the Columbia River Basin. DEQ participates in the working group with Columbia River Basin tribes, federal agencies, other Columbia River Basin state agencies and non-governmental environmental groups. The Columbia River Basin tribes and tribal consortiums that participate in the working group include the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Confederated Tribes of Grand Ronde, Yakama Nation, Nez Perce Tribe, Upper Columbia United Tribes, Upper Snake River Tribes Foundation and Columbia River Inter-Tribal Fish Commission.

In 2019, EPA convened two meetings of the Columbia River Toxics Reduction Working Group to share updates on toxics related work and plan for implementation of the 2016 Clean Water Act Section 123 Columbia River Basin Restoration Program, including a new \$900,000 grant program for toxics assessment and reduction actions in the basin. At the October meeting, DEQ presented on Oregon's actions to address per- and polyfluoroalkyl substances (PFAS).

Willamette River Toxics Reduction Partnership

The Willamette River Toxics Reduction Partnership is a joint commitment by DEQ and EPA articulated in the Record of Decision for the Portland Harbor Superfund Site. The purpose is to work collaboratively

² Individual permits issuance plan available at: www.oregon.gov/deq/FilterDocs/NPDESPip2020.pdf

³ General permits issuance plan available at: www.oregon.gov/deq/FilterDocs/wqpNPDESpip2020.pdf

with interested parties to understand and reduce upstream toxics in the Willamette River that could negatively impact the success of the Portland Harbor cleanup plan. The initial work effort was a review of existing data and reduction efforts to help determine priorities for further toxics reductions. The depth and breadth of this project is directly related to the level of available funding.

The area of focus is between River Mile 12 and Willamette Falls (River Mile 26), and includes tributaries to this stretch of the Willamette River. DEQ gave priority to potential upstream sources of Portland Harbor Record of Decision contaminants of concern, including focused contaminants, such as PCBs (polychlorinated biphenyls), DDT (dichlorodiphenyl-trichloroethane), PAHs (polycyclic aromatic hydrocarbons) and dioxins/furans.

DEQ and EPA convened the first stakeholder meeting on May 24, 2017. There were approximately 60 participants, representing a wide range of governmental agencies, tribes, municipalities, universities, consultants and watershed councils. The Steering Committee met in January, May and October 2018 and shared toxics monitoring and reduction efforts. Out of these discussions, the Steering Committee coalesced around the idea of developing a Story Map as a tool for communicating toxics reduction efforts, rather than through a traditional written report. DEQ and EPA are seeking additional information from partners to complete the draft Story Map. DEQ provided Story Map information on relevant regulatory and non-regulatory program activities that address toxics in the Lower Willamette.

In 2017 and 2018, DEQ used an EPA grant to collect samples in the Upriver Reach, River Miles 16 to 26. Areas were prioritized for characterization based on historical data, proximity to potential sources, and areas of accumulated soft sediment. DEQ distributed and presented the sampling plan and subsequently the results, to members of the Steering Committee. To complement this work, DEQ, the City of Portland and the Oregon Department of Transportation conducted investigations at River Mile 16.5 (near the Sellwood Bridge) and River Mile 12 (just upstream of the Portland Harbor Superfund Site). The results of the sampling indicated that the Upriver Reach is much less contaminated than the Portland Harbor Superfund Site, and is not expected to adversely impact the Portland Harbor Superfund Site cleanup.

EPA was successful in securing an EPA Urban Waters Program grant to fund 2019 work to connect with and engage various groups, including tribes, in toxics reduction activities in the Willamette Basin. The focus of this grant-funded work was on the development of a new website and story map, including multiple “river stories” that help people understand the importance of the river to tribes and other populations, how toxic pollutants impact human and aquatic life, and the efforts to reduce toxic pollutants in the Willamette. Two of these river stories are focused on tribal connections to the river and the need for a clean and healthy Willamette. One was developed in coordination with the Confederated Tribes of the Grand Ronde, and the other with the Confederated Tribes and Bands of the Yakama Nation. The story map and river stories can be found at this website: <https://willametterivertoxicsreductionpartnership.org/>

To find out more about the partnership, meeting content, or associated studies, please go to the following website: <https://www.epa.gov/columbiariver/willamette-watershed-toxics-reduction-partnership>.

DEQ Integrated Toxics Reduction Strategy

Representatives from the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Grand Ronde served as members of DEQ’s Toxics Stakeholder Group in 2012 that helped establish the framework for DEQ’s comprehensive toxics reduction strategy. DEQ presented its updated Integrated Toxics Reduction Strategy (<https://www.oregon.gov/deq/Hazards-and-Cleanup/ToxicReduction/Pages/Reducing-Toxics.aspx>) to the EQC in January, 2019. This update builds on some 2012 strategy actions, while outlining new actions to improve toxics assessment and reduction

efforts. The purpose is to complement and support DEQ's core air, water and land quality toxics work. DEQ is developing implementation plans for each of the proposed strategy actions, which describe how and when the work tasks will be accomplished.

The implementation of on-going 2012 strategy actions have involved tribal participation, particularly the Pesticide Stewardship Partnership program and efforts to advance safer chemistry in products. The National Tribal Toxics Council is now a member of the Interstate Chemicals Clearinghouse (IC2) along with DEQ and the Oregon Health Authority (OHA). This council's representative also works for the Columbia River Inter-Tribal Fish Commission. As a result, tribal concerns and priorities on toxic chemicals – including those affecting Pacific Northwest tribal members - are reflected into the IC2's plans, tools and resources designed to advance the use and availability of safer chemicals and products.

Many of the actions require collaboration with partner agencies and organizations. DEQ will reach out to tribal government partners to solicit input on the proposed strategy actions for which they may have an interest in working with DEQ to implement. In addition, the updated strategy proposes to incorporate specific principles into all actions to the extent possible, including environmental justice.

Monitoring toxic pollutants

In 2019, DEQ's statewide toxics monitoring program established a trend network of approximately 60 locations based on a risk assessment using previously collected data through the toxics monitoring program. The goal is to sample sites three times annually to establish a trending network for toxics. The first sampling event was completed in Fall of 2019 and the second is scheduled this winter. Initial analysis includes priority metals and will expand to organics in the near future. Toxics monitoring supports the evaluation of toxics impacts on tribal First Foods and ecological integrity.

Volunteer monitoring

Each year the Oregon Watershed Enhancement Board Monitoring team reviews grant applications for funding consideration on proposed monitoring work statewide. Two tribal submissions from the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians were evaluated by DEQ's Volunteer Monitoring Coordinator.

Groundwater

Groundwater Management Areas (GWMA's)

DEQ has been participating in Lower Umatilla Basin Groundwater Management Area Advisory Committee meetings and working with CTUIR representatives toward efforts to revise and update the Lower Umatilla Groundwater Management Area Action Plan.

Statewide Groundwater Monitoring

DEQ's Statewide Groundwater Monitoring program sampled groundwater in Klamath County in 2019. Representatives from DEQ presented information on the project objectives and draft sampling plan to the Klamath Tribes Tribal Council in October 2019. As this effort moves into new areas, DEQ will continue to engage with tribal representatives in the sampling areas and provide the monitoring results to all interested.

Clean Water State Revolving Loan Fund

DEQ's Clean Water State Revolving Fund loan program continues to provide below-market rate loans for planning, design and construction of projects that enhance or protect water quality. Federally recognized tribal governments are eligible to apply to the loan program. The program offers loans for wastewater

treatment, as well as stormwater and nonpoint source watershed protection projects. The program awards principal forgiveness to eligible borrowers based on affordability, as well as for projects addressing water efficiency and energy efficiency, incorporating green infrastructure or that qualify as environmentally innovative.

Developing and Implementing Water Quality Improvement Plans (TMDLs)

When rivers and streams exceed water quality standards set to protect people and aquatic life, DEQ develops a pollution reduction plan called a Total Maximum Daily Load, or TMDL. Many tribal governments have worked collaboratively with DEQ over the past year to develop and implement plans to reduce pollution in waters across the state that currently do not meet water quality standards. Progress made on these clean water plans, also known as TMDLs, is summarized below.

Temperature TMDL's

In October 2019, the U.S. District of Oregon, Portland Division, issued its final order and judgement for *NWEA v. USEPA*, commonly referred to as the Temperature TMDL litigation. This case was originally filed in 2012 by Northwest Environmental Advocates to challenge EPA's action on numerous temperature TMDLs. This final order requires DEQ and EPA to develop replacement TMDLs by the end of 2027 for 14 areas, including most of the following basins:

- Willamette
- Rogue
- Umpqua
- John Day
- Northeast Oregon
- Umatilla
- Willow Creek
- Snake River Hells Canyon
- Miles Creek and Malheur

DEQ is developing a reissuance schedule, and is working with EPA, various agencies and stakeholders, and tribes as we work towards reissuance of these TMDLs. The existing TMDLs in these areas continue to stay in effect until the revised TMDLs are reissued.

Klamath Basin

DEQ issued the Upper Klamath and Lost Subbasins Nutrient TMDL in January 2019, and EPA approved it for implementation in March 2019. In September 2019, DEQ issued and EPA approved the Upper Klamath and Lost Subbasins Temperature TMDL. Completion of both projects involved extensive coordination and partnership with Klamath Tribe representatives. DEQ has worked with multiple tribes during these efforts to protect and restore the health of local waterways within the Klamath Basin, including Klamath Tribe, as well as the Karuk Tribe, Quatz Valley Indian Reservation, and Yurok Tribe.

Willamette Basin Mercury TMDL

In 2019, DEQ continued to assist with the EPA-led outreach to tribes who expressed interest in the Willamette Mercury TMDL project. The tribes include Confederated Tribes of Warm Springs, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Nez Perce Tribe of Idaho and Confederated Tribes and Bands of the Yakama Nation. The tribes had an open invitation to participate in advisory committee meetings, to become members of the advisory committee, and DEQ provided tribal representatives with regular project updates. DEQ sought input from tribes before and during public comment period on the draft TMDL and Water Quality Management Plan. DEQ issued a revised TMDL in mid-November 2019 that the agency determined would be protective of Willamette Basin streams, eventually meet water quality standards

throughout the basin and continue to reduce mercury levels making it safer for communities to eat fish from the river basin. However, EPA disapproved the revised TMDL on November 29, 2019 and as a result, issued a federally-revised TMDL at the end of 2019.

Mid-Coast Basin TMDLs

The Confederated Tribes of Siletz Indians are active participants with DEQ and other stakeholders in development of temperature and dissolved oxygen TMDLs for the Mid-Coast Basin. Representatives from the Tribes are members of the local advisory committee that works with DEQ on topics related to temperature, dissolved oxygen, sedimentation, drinking water protection and aquatic habitat throughout the Mid-Coast Basin. Cooperative projects in 2018-2019 include monitoring hydrology, ground water characteristics and nutrient processes and data sharing. The Confederated Tribes are also an active participant with DEQ and other state and local agencies in the Mid-Coast Water Planning Partnership convened by the Oregon Water Resources Department and the City of Newport under the state's Integrated Water Resources Strategy. The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians conduct water monitoring in the Siuslaw subbasin to characterize estuarine conditions, assist in protection of beneficial uses like recreational shellfish collection, and provide data that can be used in TMDL development. These tribal governments periodically provide water quality and other technical assistance to local organizations, including watershed councils, Soil and Water Conservation Districts and municipalities, all of which are DEQ partners.

Coquille River TMDLs

DEQ continues to work closely with the Coquille Indian Tribe to develop the Coquille River TMDLs to address pollution problems with dissolved oxygen, temperature, bacteria, chlorophyll a and pH. The tribe has provided valuable technical data and mapping support in the development of the TMDLs and continues to remain interested in the results and outcomes from the TMDL process. Coquille Indian Tribe water quality staff have served on the local advisory group for the Coquille River TMDLs in the past, and are expected to participate again in 2020 when DEQ reinitiates the Coquille TMDL Local Advisory Group. DEQ has also communicated with representatives from the Cow Creek Band of Umpqua Tribe of Indians staff for their input on the South Fork Coquille River TMDL for Camas Valley. Tribal input into the Coquille River TMDL development process has been both informative and supportive in the ongoing efforts to improve water quality and fish habitat conditions on the Oregon South Coast.

Deschutes River Basin TMDLs

The Confederated Tribes of Warm Springs, DEQ and EPA are working together under a Memorandum of Understanding on the development and implementation of TMDLs for the Deschutes River Basin. DEQ is planning to develop TMDLs for pH, dissolved oxygen and chlorophyll in the Deschutes basin. DEQ completed data collection for this effort in 2016 and plans to begin TMDL modeling in 2020. DEQ will continue to connect with tribal representatives as part of this effort.

Western Hood Subbasin TMDL

Both DEQ and the Confederated Tribes of Warm Springs are active members of the Hood River Watershed Group and technical stakeholder groups working with several of the irrigation districts to change district operations to improve water quality and fish habitat.

In addition to these specific examples, many tribal governments work on TMDL implementation projects throughout Oregon, such as channel reconstruction, fencing and flow restoration, levee elimination, and riparian planting to improve water quality.

Relicensing Hydroelectric Projects

Tribal governments and DEQ have worked together on the following hydroelectric relicensing projects over the past year.

Hells Canyon Hydroelectric Project

In May 2019, DEQ issued a Clean Water Act Section 401 Certification to Idaho Power Company as part of the company's application to the Federal Energy Regulatory Commission for a new federal license for continued operation of the Hells Canyon Complex Hydroelectric Project. The Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Burns Paiute Tribe, Shoshone Paiute Tribe, Nez Perce Tribe, Shoshone Bannock Tribes, the Upper Snake River Tribes Foundation and the Columbia River Inter-Tribal Fish Commission provided comments on the draft water quality certification.

Pelton Round Butte Hydroelectric Project

DEQ and the Confederated Tribes of Warm Springs are working with other stakeholders to implement the hydroelectric license for this project on the Deschutes River. Among other items, reintroduction of anadromous fish above the Pelton Round Butte project is required. The Confederated Tribes of Warm Springs have important roles as a regulatory entity, 401 water quality certification authority, Fish Committee member, and co-owner and co-licensee with Portland General Electric for the project. During 2017, DEQ, the tribes and Portland General Electric continued to work together to evaluate the water quality impacts of the new selective withdrawal structure at the Round Butte Dam, and to assess compliance with terms of the 401 certifications. DEQ and the Confederated Tribes of Warm Springs have entered into interim implementation agreements with Portland General Electric every year since 2010. These agreements have allowed Portland General Electric to target compliance with the current state standards for temperature and dissolved oxygen, rather than the standards that were in place when the 401 certifications were issued in 2002.

The Deschutes River Alliance is a local organization that formed to address concerns about the health of the lower Deschutes River since the selective withdrawal structure began operation in 2010. The Deschutes River Alliance has filed a citizen law suit against Portland General Electric for past and continuing violations of the Clean Water Act. In 2018, DEQ and representatives from the Confederated Tribes of Warm Springs were both amici in this lawsuit, arguing against some of the allegations. The tribe later became a party to the suit as a co-operator of the facility. DEQ provided review of proposed water quality standards the tribe has proposed. DEQ expects to begin modification of the Pelton Round Butte 401 Certification in 2020 which will be a coordinated process between DEQ and the Confederated Tribes of Warm Springs.

Klamath Hydroelectric Project

DEQ has partnered with the Klamath Tribes and more than 40 other stakeholders to develop and implement the Klamath Hydroelectric Settlement Agreement. This historic agreement, amended in 2016, will lead to the removal of four hydroelectric dams on the Klamath River and restore access to more than 350 miles of salmon habitat in the upper basin for the first time in a century. Under the amended Klamath Hydroelectric Settlement Agreement, PacifiCorp, who currently owns the dams, will transfer ownership of the project to the Klamath River Renewal Corporation. The Klamath River Renewal Corporation will then seek license surrender from the Federal Energy Regulatory Commission and oversee the decommissioning of the dams. Dam removal is scheduled to begin in January 2022. DEQ issued a 401 water quality certification in September 2018 for the proposed removal of the J.C. Boyle Dam, which is one of four dams on the Klamath River slated for removal and the only one in Oregon.

Pesticide Stewardship Partnerships

Since 1999, DEQ has been using a voluntary, collaborative approach called Pesticide Stewardship Partnerships (PSPs) to identify problems and improve water quality associated with pesticide use. The PSP approach uses local expertise in combination with water quality and pesticide expertise of state agencies and Oregon State University to encourage and support voluntary changes that result in measurable environmental improvements. The 2019 Legislatures allocated over \$1.9 million to the Oregon Department of Agriculture and DEQ to implement the Pesticide Stewardship Program through June 30, 2021.

The Cow Creek Band of the Umpqua Tribe has been involved in the pilot pesticide monitoring activity in the South Umpqua since 2014, offering insights and assistance to inform monitoring plans. The Confederated Tribes of Warm Springs has been actively contributing time and financial resources to the Hood River project since the early 2000s. The Warm Springs Tribe is now involved in the Middle Deschutes PSP project, through their participation on the board of the Jefferson Soil and Water Conservation District (SWCD). This project recently expanded from being a “pilot” project into a longer-term partnership, with the SWCD as the primary local partner organization. In addition, the Confederated Tribes of the Grand Ronde conducted stream sampling for the South Yamhill Pesticide Stewardship Partnership between 2010 and 2016. Based on the monitoring data findings in the South Yamhill, active monitoring was discontinued in 2017. DEQ and ODA met with representatives from the Confederated Tribes of Grand Ronde in 2018 to review the results of the report on the South Yamhill project, and to receive their input on potential future pesticide assessment activities.

In 2018 and 2019, the inter-agency team overseeing the Pesticide Stewardship Program began initiating a renewed strategic planning approach with local watershed partners to ensure consistent and effective implementation of activities at the local level. One objective is to ensure all potentially interested partners are invited to participate in the project. Tribal government presence in each of the watersheds will be assessed, with the goal of gaining increased participation of tribal partners. A proposed stakeholder advisory group will, starting in late 2019, provide their input on all elements of the PSP program. A tribal government representative will serve on the stakeholder group. One topic the inter-agency team will seek stakeholder advisory group input on is an evaluation of how the PSP program and individual watershed projects will most effectively incorporate environmental justice (EJ) principles into on-going and future activities.

Integrated Water Resources Strategy

DEQ participates in the statewide work to implement the water quality recommendations in Oregon’s Integrated Water Resources Strategy. One of the initiatives is place-based planning, which provides a framework for communities to understand and meet their water needs now and into the future. DEQ participates in the development of the four collaborative water plans throughout Oregon and provides technical assistance as needed. The current plans under development are: Mid-Coast Region, Lower John Day Subbasin, Upper Grande Ronde Subbasin, and the Malheur Lake Basin. Tribal representatives participate in each of the planning efforts.

Another Integrated Water Resources Strategy initiative is Oregon Water Resources Department’s Water Project Grant and Loan Program. This program provides grants and loans for projects that increase water supply to meet instream or out-of-stream needs. DEQ participates on the Technical Review Team to review the economic, environmental, social and cultural benefits of each grant application. As part of that review team, DEQ considers comments from tribes and the public when making funding recommendations to the Oregon Water Resources Commission.

6.2. Improving Air Quality

Cleaner Air Oregon

In December of 2018 the EQC adopted final rules for Cleaner Air Oregon – air toxics regulations for stationary sources. Throughout the process, DEQ and OHA provided regular outreach to the nine federally recognized tribes regarding the rulemaking. Throughout 2019, the agency focused on implementing the rules for all new facilities seeking air quality permits and have called-in six existing facilities to initiate the risk assessment process. The agency will continue to consult the nine federally recognized tribes if and when impacts from specific facilities are expected on tribal lands and when initiating follow-up rulemakings to refine the rules.

Partnering with Tribal Governments on Air Quality Monitoring

The Confederated Tribes of the Umatilla Indian Reservation assist DEQ in the operation of air quality monitoring stations in Pendleton and Hermiston. When requested, DEQ assists the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians with operation and maintenance of a fine particulate air quality monitor in Coos Bay, providing technical assistance and training at the monitoring site.

DEQ also continues to work with representatives from the Klamath Tribes to locate an air quality monitor at the tribe's administrative offices in Chiloquin.

Responding to Open Burning Complaints and Asbestos Issues

DEQ works closely with tribal governments to respond to complaints about open burning and the safe handling of asbestos, particularly when complaints occur near tribal lands. DEQ, tribal governments and tribal police departments work quickly and collaboratively to address complaints when they arise.

Wildfire Smoke

During 2019, wildfire smoke response efforts included outreach to all of the tribal health or environmental contacts for state-wide smoke response coordination efforts. This is part of DEQ's standard Oregon Wildfire Severe Smoke Response Protocol process. Tribal representatives participated on regular calls with various state agencies as they saw the need at various times during the wildfire season. The information provided focused on the concentration of particulate matter (fine PM, or PM 2.5), the associated health rating, and the expected impacts or conditions for weather and smoke in the upcoming few days. When warranted, practices were discussed on how to avoid or best manage smoke indoors and outside, as well as which populations of people are most vulnerable. 2019 was a relatively moderate wildfire season, with primary response and coordination activities taking place in the Southern portion of the state and involved interactions with the Klamath Tribes and Cow Creek Tribes.

In addition, DEQ staff worked with representatives of the Burns Paiute Tribe, Klamath Tribe and CTUIR on associated air quality and particular matter coordination committees.

Regional Haze Plan

The federal Regional Haze rule requires states to address visibility protection for regional haze in Class 1 Areas in each state. In Oregon, there are 12 mandatory federal Class 1 areas, including Crater Lake National Park and 11 wilderness areas. Oregon includes the Columbia River Gorge National Scenic Area in our Regional Haze analyses. EPA requires states to adopt regional haze plans to improve Class 1 area visibility on the most impacted days and ensure no degradation on the clearest days over the next 60 years. The goal of the regional haze rule is to return visibility in Class 1 areas to natural background levels by the year 2064. Additionally, the Regional Haze Rule requires States to update their Regional Haze Plans every 10 years. The revised plan must show how the State will continue to implement its plan to reduce haze, while meeting both short-term and long-term progress goals to achieve natural visibility

conditions by 2064. It requires states to consult with federal land managers during the plan development process, including the U.S. Forest Service, National Park Service, and others. DEQ has initiated government-to-government consultations with all nine of the federally recognized tribes and will partner with the tribes over the 2020 calendar year. Specifically, DEQ will share air quality modeling results, discuss areas of concerns and consult the tribes on the development of the plan update.

6.3. Improving Land Quality

Emergency Response

DEQ's Emergency Response Program contacts tribes regularly regarding significant incidents throughout the state. Between November 2018 and September 2019, DEQ contacted tribes for at least 36 separate spills to ensure cleanup actions were undertaken in a manner to protect cultural and natural resources. Most of these incidents were regarding oil contamination to soil that resulted in ground disturbance work associated with the necessary cleanup actions. DEQ also provides contact information for each tribe to cleanup contractors to ensure contact is made with the appropriate tribes before any ground disturbance activities occur.

Some of the more significant spills that have involved notifying tribal governments in Eastern region included the BNSF Trout Creek Spill (Warm Springs), the Lindsey Lake Spill (Yakama, Warm Springs) and several Idaho Power spills (CTUIR). In addition, DEQ continues to look for opportunities to allow tribal governments to engage in training opportunities in their region such as the BNSF Deschutes Swift Water and GRP deployment Drills (Yakama, Warm Springs).

During the EPA-lead Wallowa Lake Drum removal response in Joseph, DEQ and EPA coordinated with CTUIR, Nez Perce, and Colville tribes on cultural and environmental impacts to the lake as part of the response.

Coastal Oil Spill Response Plan Update

In 2019, DEQ continued efforts to seek input and collaboration with tribal nations in a project to update the agency's oil spill response plans for the coast. DEQ met with natural and cultural resource staff from the tribes who reviewed and provided feedback regarding the updated strategies.

The DEQ Oil Spill Contingency Program had tribal involvement at two of the spill preparedness drills conducted during 2019. The Confederated Tribes of Coos, Lower Umpqua & Siuslaw sent one person to the Coos Bay Cooperative's oil spill drill, and the Confederated Tribes of Grand Ronde attended the Harley Maritime Services.

DEQ also worked with tribal representatives from the Confederated Tribes of Coos, Lower Umpqua & Siuslaw during the Ann Kathleen Fishing Vessel spill which took place near Bandon, Oregon. Tribal representatives provided valuable insight and instruction to DEQ staff regarding potential location of sensitive archaeological resources in relation to the oil spill, and how we cleanup operations should proceed to avoid potential disturbance of those sites.

Northwest Area Committee (NWAC)

DEQ was an advisory member to the NWAC Tribal Engagement Task Force. NWAC was tasked with developing a Tribal Engagement Presentation Team; development of presentation materials for tribes on oil spill response and how to engage with the NWAC and Regional Response Team (RRT); and develop a tribal needs/gap assessment and a timeline for filling these identified gaps. The materials developed in this task force are being reviewed currently and will be made available on the NWAC website in late 2019.

In 2019, the NWAC RRT began discussing the development of a standing Tribal engagement workgroup to coordinate and promote additional guidance, resources, and policy within the NWAC/RRT, and for inclusion in the NW Area Contingency Plan.

Environmental Cleanup

DEQ and tribal governments collaborate on a number of projects to investigate and clean up contaminated lands across the state. During 2019, the projects included:

Armstrong World Industries

DEQ is overseeing the environmental investigation and cleanup of contamination at the Armstrong World Industries site by the city of St Helens. Contamination at the site extends to the adjacent wetlands of Scappoose Bay and poses health threats to humans, fish and wildlife. Scappoose Bay is a unique off-channel estuary located on the Multnomah Channel near the Columbia River and was once home to tribal villages and an abundance of culturally-important plant and fish resources.

Kaiser Gypsum, a significant responsible party and former owner, declared bankruptcy in 2016, prompting DEQ to file a claim for the costs of cleaning up the contamination. DEQ reached a \$10.1 million settlement in 2017 with former fiberboard manufacturers Armstrong World Industries and Owens Corning Fiberglass Corporation. Armstrong, the current owner, also agreed to complete cleanup of the upland, or developed portion of the site. The upland cleanup was completed in September 2019.

Kaiser Gypsum agreed to settle its liability for contamination at this site for a cash payment of \$67 million to a site-specific remediation trust with DEQ as the beneficiary. The proposed settlement will be included in the comprehensive bankruptcy plan that is still under negotiation with the various creditors. If approved, the settlement would be the largest in DEQ history for any single cleanup action. The combined settlements will be used to fund cleanup as well as habitat restoration projects in the Scappoose Bay watershed. DEQ plans to work closely with interested tribes to investigate and cleanup the site and other impacted areas of Scappoose Bay.

Astoria Marine Construction Company

DEQ is overseeing the environmental investigation and cleanup of contamination at the Astoria Marine Construction Company in Astoria. DEQ coordinates with representatives from the Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians of Oregon, the Nez Perce Tribe and Yakama Nation for their input on this cleanup site. In 2012, EPA deferred a Superfund listing with the condition that DEQ lead the remedial investigation and cleanup. The remedial investigation found that past operations had contaminated the upland soil and nearshore sediment in the adjacent Lewis and Clark River, near Astoria, Oregon. The selected cleanup (Record of Decision) for Astoria Marine was issued in February 2017, which incorporated input by these tribes on the cleanup proposal. A consent judgement requires Astoria Marine to implement the selected cleanup and a restoration plan reached between tribal, federal and state natural resource trustees. Construction of the selected remedy will occur in summer of 2020. DEQ will continue to communicate with trustees and the community on project milestones.

Portland Harbor

DEQ has both lead- and support-agency responsibilities at the Portland Harbor Superfund site. DEQ works closely with six tribal governments on the Portland Harbor Superfund Site. The Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Yakama Nation, and Nez Perce Tribe are partners in this project. DEQ, tribal partners, EPA, U.S. Fish and Wildlife and National Marine Fisheries Service representatives meet regularly to discuss technical issues on this regionally important cleanup project.

The Portland Harbor Superfund Site is located in the Lower Willamette River, stretching approximately 10 miles from River Mile 2 to River Mile 12. DEQ provides technical support and works to ensure Oregon state rules are applied to the project in support of EPA, which is the lead agency working on cleaning up pollution in the river itself. DEQ leads the work controlling contaminants in “upland” areas—

the contaminated lands along the river—to prevent recontamination of the river following EPA’s in-water cleanup. Prior to making decisions on controlling sources of pollution, DEQ solicits input from the tribes. EPA’s Record of Decision, issued in January 2017, relies on the upland and upriver pollution control work being conducted by DEQ as part of the overall strategy for addressing contamination at the site.

Blue Heron Mill site

In August 2019, the Confederated Tribes of the Grand Ronde and DEQ signed a Prospective Purchaser Agreement for the former Blue Heron Mill in Oregon City. The 23-acre now-closed paper mill is located at the base of the Willamette Falls, an area of immense cultural significance. Until the closure of Blue Heron in 2011, site operations included flour, saw, and woolen mills, tannery operations, foundries, city waterworks, and an electrical generation plant. Numerous environmental investigations performed on the property have raised concerns about asbestos, lead-based paint, electrical and hydraulic fluids, mercury, and petroleum.

The agreement identifies environmental clean up tasks to be completed, and, in turn, limits the purchaser’s future liability upon completion of the work. It is an agreement between the two parties that says they will work together to develop a scope of work for cleanup, followed by specific work plans to complete the scope of work, and a schedule for the work to be completed with DEQ oversight.

Bradford Island

DEQ continues to work with the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Yakama Nation, Nez Perce Tribe and the U.S. Army Corps of Engineers (Corps) to evaluate contamination levels at Bradford Island in the Columbia River.

The primary concern is PCBs from electrical components that were dumped into the river decades ago. Cleanup has involved efforts in 2000 and 2002 to remove electrical components from the river, and dredging of contaminated sediment in 2007. Despite this work, fish tissue sampling indicates that further remediation is needed. In October 2017, the Corps issued a draft feasibility study that evaluates options for addressing contamination in the river. DEQ and Yakama Nation, along with other members of the Technical Advisory Group, determined in 2019 that additional passive sampling should be done in the river to better assess the locations of contamination before selecting a remedy.

In August 2019, the Corps informed the Technical Advisory Group that the President’s budget includes no funding for Bradford Island in the fiscal year 2020 budget. All parties hope that the Army Corps’ funding will be restored. However, in light of this information, DEQ, Yakama Nation, and WA Department of Ecology issued a joint letter to EPA in October 2019 requesting that the site be listed on the National Priorities List (NPL) for ‘superfund’ cleanup sites.

Willamette Slough

Contamination from former pulp mill operations in the area resulted in elevated levels of dioxins in sediment in the Willamette Slough. DEQ is working with Boise Cascade to complete further sediment and fish tissue studies and determine the level of risk to public health and the environment from elevated dioxin levels in Willamette Slough. An Inadvertent Discovery Plan for Cultural Resources was developed and implemented for this project.

DEQ is working to finalize the remedial investigation/risk assessment report and will continue to collaborate and communicate with tribal representatives in doing so. DEQ’s comments on the draft report were submitted to the responsible party on November 26, 2019. There will likely be some additional communication with the responsible party and their environmental consultants before the remedial

investigation/risk assessment report is finalized in 2020. Once the report is finalized DEQ will begin work on the feasibility study that will determine the remedial action necessary.

Elmira/Fern Ridge Reservoir

Contamination from leaking underground storage tanks was found to have migrated offsite onto Corps property on Fern Ridge Reservoir. This is one of DEQ's Orphan sites where DEQ works with our contractor on the investigation and remedial action. DEQ worked closely with multiple tribal governments on this project, including the Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, the Coquille Indian Tribe, Confederated Tribes of Warm Springs, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, and the Cow Creek Band of Umpqua Tribes of Indians. Part of this process included coordinating work through the State Historical Preservation Office, assessing threatened and endangered species, and development of an Inadvertent Discovery Plan for any encountered cultural resources.

DEQ anticipates that the assessment of cleanup alternatives to be completed by the end of January, 2020.

Mosier Union Pacific Railroad Spill

DEQ continues to provide oversight on cleanup and sampling work at the site of an oil spill that occurred in June 2016 in Mosier, Oregon. DEQ has been providing periodic updates to tribal representatives via email. Groundwater has been treated quite effectively with a biosparge system since 2016. This system was turned off in March 2019 for a 90-day rebound test. The purpose of the test was to see if contaminant concentrations would increase without treatment. Groundwater testing in May and June 2019 indicate that contaminant concentrations remain quite low. DEQ therefore notified the railroad in September 2019 that the treatment system and monitoring wells can be decommissioned.

Landfill Permit Renewal

As part of the Chem-Waste Management landfill permit renewal process, DEQ met with CTUIR staff to discuss expectations of the programs, the permit schedules, and the involvement of tribal governments as part of the permitting process and the new Cleaner Air Oregon rules.

Materials Management in Oregon: 2050 Vision and Framework

DEQ's Materials Management Program funds projects that support [Oregon's 2050 Vision for sustainable materials management](#). Grants are for projects that reduce impacts across the full life cycle of materials and products.

The Materials Management grant program conducted outreach with each Oregon tribe by emailing and calling their offices. The program also hosted a webinar to introduce the grant program specifically for tribal governments on August 19, 2019; representatives from the Confederated Tribes of Warm Springs participated on the call and a representative from the Coquille Indian Tribe requested grant reference documents after the webinar. DEQ also collaborated with EPA Region 10 to promote this opportunity in its September Tribal Newsletter and within its network.

The Program had the opportunity to work with the Pacific Northwest Tribal Climate Change Project and the Affiliated Tribes of Northwest Indians (ATNI) to promote the grant program during their monthly calls from June-September with the help of representatives of that organization. DEQ attended their Tribes and First Nations Climate Change Summit 2019 to talk about food waste prevention and promote the grant opportunity to Oregon Tribes.

7. Conclusion

The Oregon Department of Environmental Quality is grateful for the partnership with federally recognized tribal governments. These partnerships are essential in the State of Oregon's efforts to protect and enhance the health of Oregon's people and environment.