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**Smith and Bybee Wetlands Natural Area  
Management Committee**

*Dave Helzer, Chair*



**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2736

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**Smith and Bybee Wetlands Management Committee Meeting**

5:30 p.m. - 7:45 p.m., Tuesday, January 25, 2011  
Metro Regional Center, 600 N E Grand Ave., Room 370  
Portland, Oregon 97232

**AGENDA**

|   |                           |                |
|---|---------------------------|----------------|
| Welcome and introductions                                       | (Dave Helzer)             | 5:30 – 5:35 pm |
| Approve November's meeting notes                                | (Dave Helzer)             | 5:35 – 5:40 pm |
| Merit Oil / DEQ staff report update                             | (Mark Pugh)               | 5:40 – 5:55 pm |
| Public hearing request for Merit Oil/DEQ                        | (Dale Svart)              | 5:55 – 6:00 pm |
| Draft policies for the new Comprehensive Natural Resources Plan | (Dave Helzer, Janet Bebb) | 6:00 – 7:30 pm |
| General updates   |                           | 7:30 – 7:45 pm |
| Adjourn   |                           | 7:45 pm        |

**MEETING SUMMARY**  
**Smith and Bybee Wetlands Management Committee**  
**January 25, 2011**

**In Attendance:**

Dave Helzer (Chair)\* .....Portland Bureau of Environmental Services  
Troy Clark (Vice Chair)\* .....Audubon Society of Portland  
Larry Devroy \* .....Port of Portland  
Patt Opdyke\* .....N. Portland Neighborhoods  
Dan Kromer\* .....Metro Parks & Environmental Services  
Dale Svart\* .....Friends of Smith & Bybee Lakes  
Pam Arden\* .....40 Mile Loop Trust  
Lynn Barlow\* .....Portland Parks & Recreation  
Sara Henderson\* .....St. Johns Neighborhood Association  
Paul Vandenberg .....Metro Parks & Environmental Services  
Jeffrey Kee .....Friends of Smith & Bybee Lakes  
Eric Tonsager .....Oregon Bass & Panfish Club  
Jane van Dyke .....Columbia Slough Watershed Council  
Phyllis Cole .....Metro Parks & Environmental Services

Mark Pugh .....DEQ  
Bruce Gillis .....DEQ

\* Denotes voting SBWMC member

The meeting was called to order at 5:40 p.m. Introductions were made.

**Approve November Meeting Notes**

The minutes were approved with a motion by Dan Kromer and a second by Patt Opdyke.

**Merit Oil / DEQ staff report update**

Mark Pugh of DEQ presented a Power Point (attached) entitled “Summary of Remedial Investigation and Proposed Remedial Action,” which familiarized attendees with the layout of the property in question. The railroad originally owned the land where part of the Merit Oil site stands, and where used oil historically has been managed and recycled. The panhandle was built in the 1980’s and is a contaminated with aluminum dross, lumen sands and heavy metals. DEQ has been involved since January of 1985, and the accompanying PowerPoint showed the history of documented releases.

A map of historical samples was shown. Investigation revealed contaminant locations. Shallow groundwater is impacted, but surface water essentially is not. Two hot spots on the site map indicate zinc and chromium contamination. There is some sloughing of chromium which is not evident with the zinc-contaminated area. Some detection limits were elevated above risk screening criteria, but although all of the optimal cleanup criteria may not be covered in the remediation, the hot spots will. Remedial action objectives were detailed in the PowerPoint. Contaminated soil will be consolidated and capped to contain the pollution problem. The revised remediation plan is to remove the upper one foot of contaminated wetland sediments and dispose of it off-site, and consolidate the bottom two feet on the panhandle, where it will be capped with concrete. The removal areas will be capped with clean soil.

Cost of original remediation plan was estimated at \$650,000, and kept the contaminated material on site. The cost estimated with the revised remediation plan is \$750,000, but will remove 650 cubic yards of contaminated material from the site. A four-inch asphalt cap, will slope to a treatment area, and then into a bioswale before being discharged into Smith Lake. Since the bioswale will be a point source, an NPDES will be required.

The site will be best used for parking, and the owner will be required to maintain it. DEQ said the cleanup will be privately funded by the owner and their insurer, and they were not aware of any public funds being used.

Part of the DEQ Record of Decision will include all public comments, as well as the DEQ response to all comments. If parties need more time to comment additional time could be granted. Bruce Gilles asked for feedback from the Management Committee. Troy requested that the Management Committee take a vote requesting a public hearing on the remediation. Patt asked about the process; DEQ responded that 10 or more people need to request a hearing, which is taped and kept as part of investigative record. An open forum is provided at the hearing. Bruce asked if the questions at the meeting could take the place of a hearing so that remediation could go forward more quickly, since scheduling and notification take significant time, possibly delaying implementation of the remediation.

#### **Public hearing request for Merit Oil / DEQ**

Dale passed out a list of ten bullet points detailing the reasons he would like the Committee to request a hearing (attached), this being the best way to get the information about this situation. into the public record.

Dale felt that a longer time is needed for DEQ to adequately review his list, and that a public hearing should be required to address his issues.

Bruce feels good dialogue flows more freely in an informal setting such as the Management Committee meeting; people can become educated more completely and thus provide better comments at a public hearing. Bruce said he would be willing to return to this meeting.

The question emerged as whether to vote for a hearing or meet again with the Committee to provide more education. A thirty-day extension can be granted upon receipt of an email request. Dave verified that another meeting could be held during February to provide more background on rules, and address Dale's concerns. Dale said that if the Committee did not vote on the public hearing request at this meeting, he would find ten people in Portland who would do so. He is not trying to slow down the process; he wants the best cleanup we can get as soon as possible. Larry said he'd rather have the Committee ask for a special meeting and an extension of comment period. Extending the comment period does not preclude the opportunity for a public hearing. Sara said that if time is of the essence, it would be logical for us to be more educated so that we can make a more educated comment at a public hearing.

Troy voiced his irritation that the Committee did not hear about the remediation project until the 11<sup>th</sup> hour; too late for this group of stakeholders to make a difference. The 1990 plan clearly shows this area as part of the Smith Bybee Management Area. The owner needs to take responsibility for not keeping in contact with neighbors. Bruce noted that DEQ could do a better job informing other stakeholders.

Time will be set aside at the next meeting on February 22<sup>nd</sup> for DEQ to discuss the Committee's concerns or answer additional questions. Troy will not be able to attend, but urged the Committee to keep this date for the meeting if this date works for others.

Patt inquired about the process regarding extension of the comment period. Dave asked Patt to request this through e-mail, and she will contact Phyllis for assistance.

#### **Draft policies for the new Comprehensive Natural Resources Plan**

Dave led the discussion, which focused on policy only, not projects or priorities. Janet formatted a document that shows which policies will be deleted, which will be re-written, and proposed re-writes. Dave led discussion on three of the policies; the Trust Fund management, the new policy identifying Metro's and the Committee's roles and responsibilities, and policies covering Smith Bybee specifically.

#### **Old 4, New Policy C discussion**

The role of the Committee as an advisory body on the annual budget review was discussed. The Metro budget process begins in October and takes effect in July. Dan Kromer invited the Committee members to participate, and that a Metro finance person could be available to answer questions and clarify. Troy asked that the Committee's advice be taken seriously, this puts responsibility on both sides. Jeffery Kee was not comfortable with the word "seriously" feeling that it suggests approval. This implies that the Committee would approve the budget, which is not the case.

- In the first blue section of New Policy C, the text has been amended (changes noted in italics) to read: "Metro will effectively manage *the budget for the Fund* so that it serves the purposes outlined in the CNRP, and maintains the Fund in perpetuity.

There was discussion on the role of the Committee to provide recommendations. Patt asked if the annual budget applies only to the Trust Fund. Dan Kromer said that some of the Smith Bybee operating funds come from the Trust Fund with the rest coming from Metro's general fund. Money in the Smith Bybee Trust Fund budget is the only pot of monies the Committee has authority over. The importance was stressed of the Committee knowing the whole picture, regardless of areas of fiscal control, especially when changes happen, such as when people move and money moves with them. Sara asked if getting the full budget picture is possible, Dan and Dave assured her that it was.

Metro will draft budget, work plan and present these to the Committee.

Troy said the proposed new policies elevate the Committee to a more active role like having a responsibility to help fill budget shortfalls by going for grants. In the past Metro has done all the "heavy lifting" and Troy sees this as an opportunity to raise expectation of increased responsibility. This was discussed at the last meeting and supported.

The following was moved from proposed New Policy C to proposed New Policy D, Section F: "Metro will bring annual fund budget, work plan and work plan budget for Smith Bybee Natural Area to the Committee for review, discussion, advice, and recommendation. Final determination on fund use is by the Metro council."

Policy D defines Metro's responsibilities. Language was suggested detailing more engagement by Metro with citizens, as well as increased regional collaboration.

Public engagement and the roles of the Committee members were discussed.

- It was decided that under New Policy D, Section B, "community outreach" be added before "environmental education."

### **New Policy E**

- Page 4, Point G, add "and the annual work plan budget" at end of point. Pam asked if the Greenway Trail group could be added. Dave clarified that the groups listed are voting members, other entities will be heard from, but do not vote. Pam will ask if they are interested in being a part of this, and becoming voting members. Patt reminded the Committee that increasing its size already increases the number needed for a quorum.
- Amend and move new C to New E, as Point I: "The Management Committee will be responsible for designating the chair of the committee or the process through which the chair will be determined".
- New Policy E, Point A: remove "detrimental" so that neutral or positive effects may be responded to.

During discussion on New Policy E, Point D: Project monitoring. Patt stated that Metro's monitoring responsibilities could be reviewed by the Committee, to look for ways to craft mutually beneficial relationships involving multiple smaller, private landowners. They might be helpful on the Committee, i.e. Recology. Paul brought up that Recology is the operator of the Central Transfer Station.

Jeff shared that he and Janet had spoken about the possibility of developing an executive management group to deal with time sensitive events. The Chair, Vice-Chair and past Chair were suggested. Dale asked that e-mail be used to keep members informed. Dave brought up the problem of defining what level of things would go to this executive group. Jeff suggested that a space holder can be kept to keep this option open.

The draft policy document is scheduled to come out in March, and additional time is needed before that to finish the discussion of policies. Once completed, the Plan will last for 10 years before it is revised.

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The trail study on non-Metro property is going to council in March, to be presented by Jane Hart. She would like to come and check in at the next Committee meeting.

Three items were suggested for a meeting February 22, 2011, from 5:30 to 7:30 p.m.

1. DEQ
2. Jane Hart's report
3. Policies continued.

**General updates**

St John's remediation work by CH2MHill is complete, and will go into finalization with DEQ and go out for public review.

The meeting adjourned at 8:06 p.m.

Next meeting: 5:30 to 7:30, Feb.22<sup>nd</sup>, 2011  
Room 370 A/B

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Attachments

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