

The Portland Mercury

Now The EPA's Delaying Plans To Clean Up The Portland Harbor. That Could Be A Problem.

By Dirk VanderHart

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The US Environmental Protection Agency is pushing back by weeks a long-anticipated proposal for cleaning up the toxic Portland Harbor. In a statement issued Wednesday evening, EPA spokesperson Mark MacIntyre said the plan's release might be pushed back to early May.

"To meet our legal obligations under Superfund, we must modify our timeline for delivering our Proposed Plan for Portland Harbor," MacIntyre said in the statement. "We expect it will take us another three weeks to meet those requirements."

The delay is a swift turnabout for the EPA, which less than a week ago said it was planning to release its plan on time next week. And, as first reported by the Mercury, it comes amid concern over two massive public records requests filed by polluters who'll potentially have to pay for the cleanup. Those requests were filed in March by the Lower Willamette Group—a coalition of 14 river polluters including the City of Portland and Port of Portland—and a lesser known entity calling itself the Portland Harbor PCI Group.

The LWG's records request [PDF] demands an enormous array of records the EPA created from March 2012 to the present day. The PCI Group's request goes even further. Groups like Willamette Riverkeeper and the Audubon Society of Portland have said the requests are little more than a delay tactic, noting EPA employees are saddled with the requests.

MacIntyre's statement, though, chocked up the new delay to "software challenges."

"Prior to issuing the Proposed Plan, EPA must prepare an extensive 'Administrative Record' and make it electronically available," he said. "This Record is required in order to give the public access to all of the background information they need when reviewing and commenting on the Proposed Plan."

It's hard to miss similarities between that explanation and the record requests, which LWG spokesperson Barbara Smith told the Mercury were merely filed to collect a complete administrative record so the LWG could ably respond to the EPA's stance.

Timing's really important here. The Portland Harbor was labeled a Superfund site way back in 2000, and it's taken more than 15 years just to get to a proposed cleanup. That's partly because of the hugely complex array of chemicals on the bottom of the 10-mile, 2,000 acre site. But environmental advocates also think it's because of undue delay on the part of the LWG.

At any rate, there's a huge belief a plan for cleanup needs to be finalized by the end of the year, because the EPA's organizational structure could easily change next year under a new president. The EPA now thinks it'll release a cleanup plan in May, and is planning to allow two months for public comment, pushing the process into July.

\$800,000 Discrimination Lawsuit: Former Portland Electrician Sues City

By Doug Brown

April 6, 2016

A former Portland electrician just filed a massive federal lawsuit against the city, alleging she was fired and discriminated against for her sexual orientation by bosses who perceived her to be mentally impaired.

Heather Kowitz asking the city to pay \$800,000 for violating the Americans with Disabilities Act, for discriminating against her because she's lesbian, and for retaliation after she filed two complaints with the state labor bureau.

The complaint says Kowitz was a "journeyman" electrician for the city, starting in Nov. 2013 through when she was fired in March 2015. Her attorney, Eric Fjelstad, when reached on the phone this afternoon, couldn't remember her exact job title or department within the city. Her former supervisor, mentioned in the complaint, is listed on the City of Portland website as the lead electrician for the Portland Bureau of Transportation.

During her year and a half on the job, she filed two complaints with the Oregon Bureau of Labor and Industries, it says. First in Sept. 2014, "alleging a hostile work environment, retaliation and different terms and conditions of employment based on her sexual orientation." That was dismissed a month later, and the complaint says someone at the city that day "demanded that Ms. Kowitz submit to a psychological examination as a condition of continued employment." She passed it, it says, and she was not allowed to return to work until Jan. 2015.

She filed another complaint that month against the city "alleging unlawful discrimination based on perceived disability and on Ms. Kowitz's opposition to unlawful employment practices."

Kowitz is not actually mentally impaired, Fjelstad explained, but the city perceived to her to be.

The complaint says her boss at PBOT referred to her clothing as a "Canadian Tuxedo" (referencing a joke made in the movie *Super Troopers* about someone wearing a denim jacket and jeans), called her "worthless," and referred to her as "it." She was subjected to poor working conditions as retaliation, per the complaint.

The lawsuit is asking for \$800,000, Fjelstad tells us.