

# ORDINANCE No. 183909

\*Authorize the City to provide funds for Portland Harbor Natural Resource Trustees to pursue evaluation of Natural Resource Damage Assessment Restoration Projects. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council has designated the Bureau of Environmental Services (BES) as the City's lead representative for the Superfund program. BES is coordinating this work with multiple other City programs under the comprehensive framework of Portland's River Renaissance.
2. The City has a strong interest in ensuring that the Lower Willamette is restored to a condition that protects human health and the environment in a timely and cost-effective manner..
3. The purpose of this ordinance is to ensure that Natural Resource Trustees and the City of Portland can pursue evaluation of specific Lower Willamette restoration projects. The Natural Resource Trustees include:
  - Department of the Interior
  - Oregon Department of Fish and Wildlife
  - National Oceanic and Atmospheric Administration
  - The Confederated Tribes of the Grand Ronde Community of Oregon
  - The Confederated Tribes of Siletz Indians of Oregon
  - The Confederated Tribes of the Umatilla Indian Reservation
  - The Confederated Tribes of the Warm Springs Reservation of Oregon
  - The Nez Perce Tribe
4. Potentially responsible parties funding the Portland Harbor Superfund investigation are responsible for funding natural resource damage assessment (NRDA) activities. The US Environmental Protection Agency identified the City of Portland as a potentially responsible party. The City has a strong interest in achieving a negotiated settlement of any potential natural resource damage liabilities and restoration projects may be a component of any such settlement.
5. The Natural Resource Trustees have developed a scope of work and budget associated with developing an injury assessment plan and damages assessment that will be used to determine the scope of the potentially responsible parties' liabilities under NRDA. This portion of the NRDA work is focused on the development and refinement of specific restoration projects, their elements and costs. The funding to initiate these evaluations is estimated at \$100,000.
6. Funds are available in the Environmental Remediation Fund, FY 2009-10 Budget, Bureau of Environmental Services, Cost Center ESDR00004, Account No. 529000.

NOW, THEREFORE, the council directs:

- a. The Director of the Bureau of Environmental Services is authorized to conduct settlement negotiations and the Commissioner of Public Utilities and Auditor are authorized to expend funds in the amount up to \$100,000, for the purposes described in Section 1.
- b. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Environmental Remediation Fund Budget when demand is presented and approved by the proper authority.

Section 2. The Council declares that an emergency exists because: the NRDA process is a critical part of the Portland Harbor Superfund that needs to be implemented as expeditiously and effectively as possible. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,  
Amanda Fritz  
Commissioner of Public Utilities

JUN 16 2010

[Sara Gardner]  
[June 16, 2010]  
[ESDR00004, Acct 529000] - ord

**LaVonne Griffin-Valade**

Auditor of the City of Portland  
By

Deputy



899  
Agenda No. 183909  
**ORDINANCE NO.**  
Title

140

\*Authorize the City to Provide Funds for Portland Harbor Natural Resource Trustees to pursue evaluation of Natural Resource Damage Assessment Restoration Projects. (Ordinance)

<p style="text-align: center;"><b>INTRODUCED BY</b></p> <p>Commissioner Fritz</p> <p style="text-align: center;"><b>NOTED BY COMMISSIONER</b></p> <p>Mayor—Finance and Administration</p> <p>Position 1—Utilities <i>T. Bigelow COS</i></p> <p>Position 2—Works</p> <p>Position 3—Affairs</p> <p>Position 4—Safety</p> <p style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Bureau: Environmental Services <i>DeMaun</i></p> <p>Prepared by: Sara Gardner Date Prepared: May 14, 2010</p> <p>Financial Impact Statement  <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Amends Budget  <input checked="" type="checkbox"/> Not Required         </p> <p>Portland Policy Document          If "Yes," requires City Policy paragraph stated in document. <input type="checkbox"/> Yes <input type="checkbox"/> No       </p> <p>Council Meeting Date June 16, 2010</p> <p>Bureau Head: Dean Marriott</p>	<p>CLERK USE: DATE FILED <u>JUN 11 2010</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>Susan Parsons</i> Deputy</p> <p><b>ACTION TAKEN:</b></p> <p style="text-align: center; font-size: 1.2em;"><i>HEALTHY WORKING RIVERS</i></p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
Consent X	Regular			YEAS	NAYS
		1. Fritz	1. Fritz	✓	
		2. Fish	2. Fish	✓	
		3. Saltzman	3. Saltzman	✓	
		4. Leonard	4. Leonard	✓	
		Adams	Adams	✓	
NOTED BY City Attorney <i>Vans</i>					