

ORDINANCE No. 184139

*Amend Intergovernmental Agreement with the Oregon Department of Environmental Quality for the Columbia Slough Sediment Program (Ordinance; amend Contract No. 36553)

The City of Portland ordains:

Section 1. The Council finds:

1. Since 1993, the City of Portland, Bureau of Environmental Services (BES) and the State Department of Environmental Quality (DEQ) have implemented actions to improve sediment quality and watershed health in the Columbia Slough
2. Early studies and subsequent long term monitoring efforts indicate that widespread, low-level contamination remains in Columbia Slough sediment at levels of concern to human health and the environment.
3. Impacted sediments are present around a number of City outfalls, transportation outfalls, and private sites. Identified City outfalls include former CSO outfalls and stormwater outfalls that drain public roadways, private commercial/industrial facilities, farmland, and limited residential land use.
4. City requirements to address sediment are detailed in the Remedial Action Record of Decision (ROD) issued by the Oregon Department of Environmental Quality (DEQ) in July 2005. The ROD identifies the selected remedial action approach for the Columbia Slough, as well as categories of remedial actions that will be implemented by DEQ and the City acting through the Bureau of Environmental Services (BES). The City is working with DEQ to implement the ROD as part of the State Voluntary Cleanup Program.
5. In 2006, DEQ and the City entered into an Intergovernmental Agreement (IGA) to jointly implement elements of the ROD using a watershed approach (Contract #36553, Ordinance #180036). The purpose of the IGA is to formalize the partnership between DEQ and BES. The Scope of Work (SOW) included in the IGA identifies the actions that each agency will implement to improve watershed conditions and sediment quality within the Columbia Slough. The intent of this approach is to address the source(s) of sediment contamination within the context of the watershed as a whole, and to address remaining, specific, higher level contamination sites that exceed risks posed by the ubiquitous contamination found in the Portland urban environment.
6. The IGA covered a five-year period with the expectation that it would be extended or reissued at the end of that period. Actions described in Amendments 1 and 2 to the IGA are consistent with, and build upon, actions implemented as part of the original IGA.

7. Amendment 1 temporarily extended the termination date (from June 30, 2010 to September 30, 2010), to allow for development of the revised SOW. Amendment 2 documents the revised SOW and extends the term of the IGA through June 30, 2015. All other sections of the original 2006 agreement remain in place.
8. Improving watershed health is a long-term effort. Over the life of this agreement, adaptive management will be incorporated into how decisions are made to ensure the most effective projects are being implemented for the least cost.
9. The established cost of Amendment 2 to the IGA is not to exceed \$50,000 per year for five years, or \$250,000 total. This funding will be used for DEQ participation in IGA related activities, and DEQ oversight/administration of City actions to comply with the IGA and the ROD. Funds are available in the Sewer System Operating Fund, FY 2010-11 Budget, Bureau of Environmental Services, Center Code ESWS000008, Account No. 529000, and will be requested in subsequent budgets as needed for the agreement.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services is authorized to execute Amendments 1 and 2 to the Intergovernmental Agreement with the Oregon Department of Environmental Quality for the purpose described in Section 1, and substantially in the form of Exhibits "A" and "B", in the amount of \$250,000.
- b. The Director of the Bureau of Environmental Services is also authorized to execute future amendments to this agreement that do not increase the agreement amount by more than ten percent (10%) of the original agreement amount.
- c. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Section 2. The Council declares that an emergency exists because the Department of Environmental Quality's Record of Decision requires the City to address sediment quality through selected remedial actions for the Columbia Slough. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **SEP 29 2010**
Dan Saltzman
Commissioner of Public Affairs

[Julie Berry]
[August 16, 2010]

[ESWS000008] - ord

LaVonne Griffin-Valade
Auditor of the City of Portland

By 
Deputy

1800 -

Agenda No. **184139**
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 Title

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INTRODUCED BY Commissioner/Auditor: Saltzman	CLERK USE: DATE FILED SEP 24 2010
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman <i>Don Saltzman</i> Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Environmental Services Bureau Head: Dean Marriott <i>[Signature]</i> Prepared by: Mary Stephens Date Prepared: 9-1-10 Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input type="checkbox"/> Council Meeting Date	ACTION TAKEN:
City Attorney Approval <i>[Signature]</i>	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	_____	_____
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	