

ORDINANCE No. 184142

* Authorize a Funding and Participation Agreement the with the Natural Resource Trustees for the Portland Harbor Injury Assessment process (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.
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 the Funding and Participation Agreement (Agreement) is to ensure Natural Resource Trustee participation in the identification of natural resource injury resulting from contamination at the Portland Harbor Superfund Site and the development of restoration opportunities. 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
 - The Yakama Nation
4. Potentially Responsible Parties funding the Portland Harbor Superfund investigation are responsible for funding the Natural Resource Damage Assessment (NRDA) activities of the Natural Resource Trustees. The City entered into the Funding and Participation Agreement with the Natural Resource Trustees in June 2003. This Agreement was entered into pursuant to the natural resource trustee provision of Section 107(f) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA commonly known as Superfund) as amended and other federal and state statutes. The 2003 Ordinance indicated that costs for studies to assess the potential injury to resources and the planning and implementation of restoration opportunities would be developed over several years, and the City would fund a portion of those costs. Since July 2003, the City has contributed about \$1,261,000.
5. The NRDA for the Portland Harbor Site is being conducted in three Phases. Phase 1 is almost complete and included the development of the Natural Resource Damage Assessment Plan (AP) and implementation of early studies. The City has provided funding for the Phase 1 Injury Assessment. The Natural Resource Trustees have recently developed a scope of work and budget associated with the Phase 2 Portland Harbor Injury Assessment. This work includes implementation of the AP. The Trustees have estimated the budget for the scope of work to be about \$5.5 million. The City's initial cost for funding the Phase 2 process is \$195,780.49.

6. Funds are available in the Environmental Remediation Fund, FY 2010-11 Budget, Bureau of Environmental Services, Cost Center ESDR00004, Account No. 529000.

184142

NOW, THEREFORE, the council directs:

- a. The Commissioner of Public Utilities and Auditor are authorized to execute a Funding and Participation Agreement with the Portland Harbor Natural Resource Trustees for the purpose described in Section 1, in a form substantially in accordance with the attached Exhibit A, in an amount up to \$360,000.
- 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 Site investigation that needs to be implemented as expeditiously as possible; 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**
Amanda Fritz
Commissioner of Public Utilities

[Sara Gardner]
[September 9, 2010]
[ESDR00004, Acct 529000] - ord

LaVonne Griffin-Valade

Auditor of the City of Portland

By

Emily Matasan


Deputy

✓140

1306
 Agenda No.
ORDINANCE NO. 184142

Title
a Funding and Participation Agreement with

* Authorize the City to Provide Funds to the Natural Resource Trustees for the Funding and Participation Agreement for the Portland Harbor Injury Assessment Process. (Ordinance)

INTRODUCED BY	CLERK USE: DATE FILED <u>SEP 24 2010</u>
Commissioner Fritz	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy ACTION TAKEN:
NOTED BY COMMISSIONER	
Mayor—Finance and Administration	
Position 1—Utilities <i>Thomas Byrnes</i>	
Position 2—Works	
Position 3—Affairs	
Position 4—Safety	
BUREAU APPROVAL	
Bureau: Environmental Services	
Prepared by: Sara Gardner Date Prepared: September 9, 2010	
Financial Impact Statement <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required	
Portland Policy Document If "Yes," requires City Policy paragraph stated in document. <input type="checkbox"/> Yes <input type="checkbox"/> No	
Council Meeting Date September 29, 2010	
Bureau Head: <i>Dean Marriott</i>	

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