

ORDINANCE No. 185972 As Amended

*Authorize the Mayor and the Director of the Bureau of Environmental Services to enter into an Administrative Settlement Agreement and Order On Consent with the U.S. Environmental Protection Agency for Supplemental RI/FS Work at River Mile 11E in the Portland Harbor Superfund Site and a confidential common interest and joint defense agreement up to \$400,000 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City has conducted investigation activities to evaluate contamination in sediments in the area of River Mile 11 East in the Portland Harbor Superfund Site.
2. The City and several other potentially responsible parties have negotiated the terms of an Administrative Settlement Agreement and Order On Consent (AOC) with the U.S. Environmental Protection Agency to conduct additional actions at River Mile 11E in preparation for remediation of contaminated sediments after EPA issues a Record of Decision for the Portland Harbor Superfund Site.
3. The City currently owns upland properties that were contaminated by historical operations and some contaminants may have reached the river through stormwater runoff from those properties; operations at other upland and shoreline properties also may have contributed to sediment contamination.
4. The AOC requires the City and other property owners and operators to fund and implement a scope of work to support preliminary design at RM11E.
5. Funds to support this work are available in the Environmental Remediation Fund cost center ESDR000004, a portion of which will be repaid by the Water Bureau cost center 8WAFS0000560 and Bureau of Transportation cost center 9TR000000994 through Interagency Agreements for their respective shares of the work.

NOW, THEREFORE, the Council directs:

- a. It is in the interest of the City to enter into the attached AOC in a form substantially in accordance with Exhibit A and a confidential common interest and joint defense agreement to advance the evaluation of contamination at RM 11E so that remediation can proceed when EPA issues its Record of Decision for the Portland Harbor Superfund Site.
- b. The Mayor and the Director of the Bureau of Environmental Services are authorized to enter into the AOC and common interest and joint defense agreement on behalf of the City and to enter into any amendments thereto, and; the Mayor and Auditor are hereby authorized to draw and deliver warrants up to \$400,000 chargeable to the Environmental Remediation Fund when demand is presented and approved by the proper authority.

Section 2. The Council declares that an emergency exists because the AOC and joint defense agreement must be signed in order to implement investigation activities during the regulatory in-water work window; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,
Charlie Hales
Office of the Mayor

APR 10 2013

Sara Gardner
April 4, 2013

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LaVonne Griffin-Valade
Auditor of the City of Portland
By



Deputy

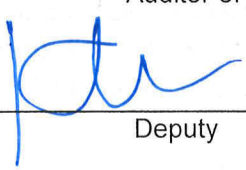
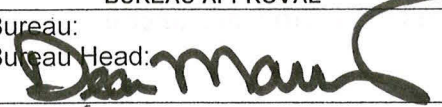

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Agenda No.
ORDINANCE NO. 185972 **As Amended**
 Title

the mayor and

*Authorize the Director of the Bureau of Environmental Services to enter into an Administrative Settlement Agreement and Order On Consent with the U.S. Environmental Protection Agency for Supplemental RI/FS Work at River Mile 11E in the Portland Harbor Superfund Site and a confidential common interest and joint defense agreement, (Ordinance) (Agreement up to \$400,000)

INTRODUCED BY Commissioner/Auditor:	CLERK USE: DATE FILED APR 05 2013
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy ACTION TAKEN:
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	
BUREAU APPROVAL	
Bureau: Bureau Head: 	
Prepared by: Sara Gardner Date Prepared: April 4, 2013	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date April 10, 2013	
City Attorney Approval:  required for contract, code, easement, franchise, comp plan, charter	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/> <i>Pulled</i>
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. Novick	4. Novick	_____	_____
Hales	Hales	✓	