

ORDINANCE No. 188552

*Authorize funding of the supplemental environmental investigation and remediation work at River Mile 11 East in the Portland Harbor Superfund site required under the Administrative Settlement Agreement and Order On Consent with the U.S. Environmental Protection Agency up to \$300,000 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City and several other parties entered into an Administrative Settlement Agreement and Order On Consent (AOC) with the U.S. Environmental Protection Agency to conduct supplemental remedial investigation and feasibility study work at River Mile 11 East in the Portland Harbor Superfund site (CERCLA Docket No. 10-2013-0087). Ordinance No. 185972, passed by Council on April 10, 2013 authorized the Director of Environmental Services to enter into the AOC and perform work required under the AOC up to \$400,000. Ordinance No. 186868, passed by Council on October 29, 2014, authorized an additional \$500,000 in funding for this purpose.
2. The City and five other parties (collectively the RM11E Group) entered into a common interest and joint defense agreement Group and executed the AOC which became effective on April 15, 2013.
3. The AOC requires the signatories to continue to fund and implement a scope of work and a series of work plans to supplement remedial investigation and feasibility study work as directed and approved by EPA.
4. The City as a member of the RM11E Group has prepared the work plans and EPA has approved them as required under the AOC.
5. The City's estimated cost to fund the remaining work under the existing Statement of Work for the AOC is up to \$300,000, for a grand total of \$1,200,000. Funding may be expended beyond FY 2017-2018 if work required under the AOC has not been completed and approved by EPA. If EPA requirements change, additional funds may be required to complete this work.
6. The City's participation in the RM11E Group and funding work under the AOC will allow the City to advance the interests of the public in preparation for remediation of contaminated sediments after EPA issues a Record of Decision for the Portland Harbor Superfund Site.
7. The funds for this work for FY 2017-2018 are available in the Environmental Remediation Fund cost center ESDR000004, a portion of which will be repaid by the Water Bureau cost center WAFS000001, Bureau of Transportation cost center TRDR000001 through cash transfers for portions of the work.

NOW, THEREFORE, the Council directs:

- a. It continues to be in the interest of the City to comply with the legal obligation of the AOC and the 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 Director of the Bureau of Environmental Services, or the Director's designee, is authorized to conduct the work necessary to comply with the AOC for River Mile 11E within the Portland Harbor Superfund Site and to enter into interagency agreements with the Water Bureau, Bureau of Transportation or other Bureaus to repay a portion of the funds expended from the Environmental Remediation Fund (ESDR00004). The funds are currently available in the Environmental Remediation Fund. The Mayor and Auditor are hereby authorized to draw and deliver warrants 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 work must be completed in accordance with the legally binding schedule in the AOC; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

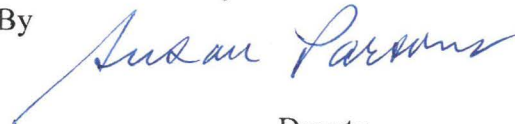
Passed by the Council,
Commissioner Nick Fish

[C Ryals]
[August 21, 2017]

ESDR000004

AUG 16 2017

Mary Hull Caballero
Auditor of the City of Portland
By

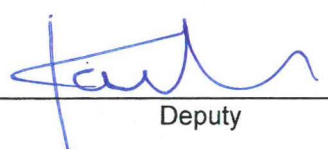
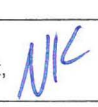


Deputy

Agenda No. **188552**
ORDINANCE NO.
 Title

at River Mile II
 East in the
 Portland Harbor
 Superfund site

*Authorizes funding of the supplemental environmental investigation and remediation work required under the Administrative Settlement Agreement and Order On Consent (AOC) with the U.S. Environmental Protection Agency CERCLA Docket No. 10-2013-0087, up to \$300,000. (Ordinance).

INTRODUCED BY Commissioner/Auditor: Commissioner Fish	CLERK USE: DATE FILED AUG 08 2017
COMMISSIONER APPROVAL Mayor—Finance and Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: Environmental Services Bureau Head: Michael Jordan Prepared by: Cindy Ryals Date Prepared: July 19, 2017 Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	ACTION TAKEN:
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter 	
Council Meeting Date: 08/16/17	

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: 10 min (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	