

ORDINANCE No. 189696

* Authorize the Director of the Bureau of Environmental Services to execute agreements with U.S. Environmental Protection Agency to perform remedial design at Portland Harbor and conduct a public involvement program to facilitate public involvement in these projects (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In January 2017, the U.S. Environmental Protection Agency (EPA) issued its Record of Decision that identifies EPA's requirements for the cleanup of the Portland Harbor Superfund Site (Site).
2. In December 2018, EPA notified more than 150 parties who are potentially responsible for cleanup at the Site, including the City, that they must be in good faith negotiations with EPA by June 30, 2019 to design cleanup at areas of the Site not currently under order.
3. The City, State of Oregon (State), Port of Portland (Port) and federal parties including the U.S Maritime Administration and U.S. Department of Defense have negotiated the terms of an Administrative Settlement Agreement and Order on Consent (ASAOC) with the EPA to conduct remedial design for the area of Willamette Cove within the Site.
4. The Willamette Cove ASAOC requires the City, State and Port and federal parties to fund a scope of work to complete 100% remedial design for the Willamette Cove area within the Site. This ASAOC obligates the City, State and Port to perform the design work. The costs of the work conducted under this ASAOC will be shared equally among the four signatories. The City's share of the total estimated budget through FY2023-2024 is estimated to be approximately \$2.025 million dollars. Funding may be required beyond FY2023-2024 if the work required under the ASAOC has not been completed and approved by EPA.
5. The City and State of Oregon have negotiated the terms of an ASAOC with EPA for remedial design of a site-wide institutional control implementation and assurance plan and information management plan. These plans will coordinate site-specific work throughout the Site. This ASAOC requires the City and State to prepare these plans and conduct the needs assessment and stakeholder outreach that will guide development of the plans. The City's share of the total estimated budget for this work is estimated to be approximately \$1.15 million dollars through FY2022-2023. Funding may be required beyond FY2022-2023 if the work required under the ASAOC has not been completed and approved by EPA.

6. Public outreach and involvement are significant components of conducting the work required under both ASAOCs. To facilitate meaningful public participation in the remedial design phase of the cleanup including those disproportionately affected by the Site, BES proposes to administer a Portland Harbor public involvement program which will include issuance of grants to community stakeholder groups among other public involvement activities. The total expenditures for the program through FY 2023-2024 are not to exceed \$300,000.
7. Funds to implement the two ASAOCs and the grant program are available in the Environmental Remediation Fund. In addition, pursuant to the Council's direction in the FY 2019-2020 budget, resources from non-ratepayer funds will also be used to fund this work. Annual amounts authorized for each ASAOC will be included in the City's approved budget for the fiscal year in which the funds will be spent.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services or the Director's designee is authorized to sign an Administrative Settlement Agreement and Order on Consent (ASAOC) for remedial design at the Willamette Cove Project area in a form similar to the agreement attached as Exhibit A and modify the administrative terms of the agreement including notice provisions and timeline extensions as mutually agreed upon with EPA.
- b. The Director of the Bureau of Environmental Services, or the Director's designee, is authorized to sign an ASAOC for preparation of site-wide institutional controls implementation and assurance plan and information management plan in a form similar to the agreement attached as Exhibit B and modify the administrative terms of the agreement including notice provisions and timeline extensions as mutually agreed upon with EPA.
- c. The Director of the Bureau of Environmental Services, or the Director's designee, is authorized to enter into agreements with the Port of Portland, and State of Oregon to memorialize that the costs of implementing each ASAOC are shared equally among the signatories to each ASAOC.
- d. The Director of the Bureau of Environmental Services, or the Director's designee, is authorized to establish and implement a public involvement program that expends up to a total of \$300,000 including grants and other public involvement activities through FY 2023-2024 to facilitate meaningful public participation in the remedial design phase of the Portland Harbor Superfund Site. Individual grants may exceed \$5,000 per grant.

- e. The Director of the Bureau of Environmental Services, or the Director's designee, is authorized to conduct the work and make expenditures, as approved in the annual budget from the Environmental Remediation Fund and/or the Portland Harbor Reserve, for both ASAOCs as necessary to complete the scope of work in each ASAOC and the public involvement program. The annual expenditures, including expenditures that may exceed the currently estimated budget, will be appropriated by City Council in the City's approved budget for the fiscal year in which the funds will be spent.
- f. The Director of the Bureau of Environmental Services, or the Director's designee, is authorized to enter into such contracts and agreements as are necessary to implement both ASAOCs and the public involvement program.

Section 2. The Council declares an emergency exists because it is necessary to conduct the contractor procurement and remedial design work at Willamette Cove as soon 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 11 2019

Commissioner: Commissioner Fish

Prepared by: Annie Von Burg & Nanci Klinger

Date Prepared: August 26, 2019

Mary Hull Caballero

Auditor of the City of Portland

By 

Deputy

Agenda No.
ORDINANCE NO. 189696
 Title

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INTRODUCED BY Commissioner/Auditor: FISH	CLERK USE: DATE FILED SEP 03 2019
COMMISSIONER APPROVAL Mayor—Finance and Administration – Wheeler Position 1/Utilities – Fritz Position 2/Works – Fish <i>smet</i> Position 3/Affairs – Hardesty Position 4/Safety – Eudaly	Mary Hull Caballero Auditor of the City of Portland
BUREAU APPROVAL Bureau: Environmental Services Bureau Head: Michael Jordan <i>Michael Jordan</i> Prepared by: ANNIE VON BURG Date Prepared: 8/26/19	By: <i>[Signature]</i> Deputy
ACTION TAKEN: Financial Impact & Public Involvement Statement Completed <input 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 type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>Kun</i>	
Council Meeting Date 9/11/19	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
TIME CERTAIN <input checked="" type="checkbox"/> Start time: 2:00 pm Total amount of time needed: 30 mins (for presentation, testimony and discussion)		YEAS	NAYS
CONSENT <input type="checkbox"/>	1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
REGULAR <input type="checkbox"/>	2. Fish	2. Fish <input checked="" type="checkbox"/>	
Total amount of time needed: _____ (for presentation, testimony and discussion)	3. Hardesty	3. Hardesty <input checked="" type="checkbox"/>	
	4. Eudaly	4. Eudaly <input checked="" type="checkbox"/>	
	Wheeler	Wheeler <input checked="" type="checkbox"/>	