

## IMPACT STATEMENT

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

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### **Purpose of proposed legislation and background information:**

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).

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 develop cleanup designs at areas of the Site not currently under order. These recent actions by EPA have officially kicked off the phase of the project commonly referred to as the Remedy Design Phase.

The City has stepped up to take on three projects to meet our obligations in the Remedy Design Phase (in addition to our early action work at the River Mile 11 site that was started 5 years ago). The first project came to City Council last month as Ordinance 189509 to create a trust in partnership with the State of Oregon that will pool and cap public funds up to \$24 million for new remedial design work. These funds are currently available to parties that commit to doing cleanup designs, at \$80,000 per acre of active cleanup. For all funds spent from the trust the City and State will receive a credit from EPA.

The two other projects for this phase are included in this proposed legislation. First, Willamette Cove which is a site on the east side of the river just north of the Railroad Bridge. This site was used extensively from the early 1900s to 1970s for heavy industrial activity, including a cooperage, lumber mill, and dry dock activities with significant over-water activity. In partnership with the State of Oregon, Port of Portland and federal parties including the U.S Maritime Administration and U.S. Department of Defense we have negotiated an agreement with EPA to complete 100% of the site's cleanup design.

The second project in this proposed legislation is the Information Management Plan. This Plan will be developed in partnership with the State of Oregon and will include two main components, a site-wide data management plan and a site-wide institutional control implementation and assurance plan. This Plan will promote long-term consistency, efficiency and transparency of information as the cleanup moves forward.

This Plan will guide how information is collected, where it is stored and make recommendations to EPA on how to make information easily accessible and timely for those performing the cleanup, overseeing the cleanup and tracking ongoing progress. Because large amounts of data will be generated from several smaller sites within the 10-mile superfund site, having a comprehensive and standardized approach for collecting and sharing information is critical for the long-term success of the project. As public agencies, the City and State have a significant interest in this Plan and the guidance it will provide. The work we do on all three of these projects are performed to address our alleged obligations as a potential responsible party for the remedy design phase.

The proposed legislation also includes dedicated funds for public involvement related activities. For both the Information Management Plan and Willamette Cove, public outreach and involvement, specifically to those disproportionately affected by the cleanup, are significant components of conducting the work required under both agreements. To facilitate meaningful public participation in the remedial design phase of the cleanup, BES proposes to administer a Portland Harbor public involvement program that will disburse grants to community stakeholder groups and conduct other public involvement activities through FY 2023-2024 for a total not to exceed \$300,000.

### **Financial and budgetary impacts:**

There are three financial obligations included this proposed legislation.

#### **1. Willamette Cove;**

- The City's share of the total estimated budget through FY2023-2024 is estimated to be \$2.025 million dollars. Funding may be required beyond FY2023-2024, if the work required under the agreement has not been completed and approved by EPA. This is a high-level project estimate and may change due to unforeseen circumstances.
- The funds for this project will come from the Environmental Remediation Fund in BES and/or the Portland Harbor Superfund Reserve within the General Fund.
- Work identified in this agreement will be conducted by current members of the Portland Harbor team located in BES. There will be no staffing changes as a result of this legislation.

#### **2. Information Management Plan;**

- The City's share of the total estimated budget for this work is estimated to be \$1.15 million dollars through FY2022-2023. Funding may be required beyond FY2022-2023, if the work required under the agreement has not been completed and approved by EPA. This is a high-level project estimate and may change due to unforeseen circumstances.

- The funds for this project will come from the Environmental Remediation Fund in BES and/or the Portland Harbor Superfund Reserve within the General Fund.
- The City's work identified in this agreement will be conducted by current members of the Portland Harbor team located in BES. There will be no staffing changes as a result of this legislation.

3. Public Involvement Program;

- To facilitate meaningful public participation in the remedial design phase of the cleanup specifically to those disproportionately affected by the cleanup, BES proposes to administer a Portland Harbor public involvement program which will include grants to community stakeholder groups and other public involvement activities. The total fund expended on this public involvement program through FY 2023-2024 are not to exceed \$300,000.
- These funds have been budgeted and will come from Environmental Remediation Fund in BES and/or the Portland Harbor Superfund Reserve within the General Fund.
- Work identified in this agreement will be conducted by current members of the Portland Harbor team located in BES. There will be no staffing changes as a result of this legislation.

**Community impacts and community involvement:**

The \$300,000 designated in this proposed legislation would allow for meaningful public involvement for this phase of the project and increase opportunities for Portlanders' priorities to be included in the cleanup design process. Authorized funds will support public involvement activities among all Portlanders, including those disproportionately affected by the Superfund, such as those who live near the Superfund and/or have historical connections to the area that contains the Superfund; communities of color; tribal members; urban Indians; immigrants; refugees; people who are houseless; and people who are low-income.

**100% Renewable Goal:**

N/A

**Budgetary Impact Worksheet****Does this action change appropriations?**

- ☐ **YES:** Please complete the information below.  
☐ **NO:** Skip this section

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>