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# 191026

Ordinance

## Authorize Intergovernmental Agreement with the Port of Portland to provide for cost sharing of joint National Pollutant Discharge Elimination System Municipal Storm Sewer System permit compliance requirements

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. In 1995, co-permittees, the City of Portland ("City") and the Port of Portland ("Port"), were issued National Pollutant Discharge Elimination System ("NPDES") Municipal Separate Storm Sewer System ("MS4") Discharge Permit No. 101314. The Oregon Department of Environmental Quality ("DEQ") issued renewed permits in 2005, 2011, and most recently on October 1, 2021. The renewed permit includes both preceding and new requirements.
2. The City and the Port originally entered into Intergovernmental Agreement ("IGA") No. 52955 authorized by Ordinance No. 181296 on September 26, 2007. The IGA established responsibilities for satisfying various NPDES MS4 Permit requirements and for cost sharing of joint permit activities such as compliance reporting, permit fees, and water quality monitoring. The IGA was last revised in 2013 (IGA No. 30003325, authorized by Ordinance No. 185826 on December 19, 2012) following the issuance of the 2011 NPDES MS4 Permit.
3. A new IGA is necessary to update the allocation of responsibilities and cost sharing for satisfying new MS4 Permit requirements.
4. The established cost share is to be determined in accordance with sections 4 and 5 and Exhibit 1 of the IGA attached, Exhibit A. Funds are available in the Sewer System Operating Fund, FY 2022-2023 Budget, Bureau of Environmental Services, Cost Center ESST000023, 521000, 8ESST23MS001.

NOW, THEREFORE, the Council directs:

- A. The Director of the Bureau of Environmental Services is authorized to execute an IGA with the Port, in a form substantially similar to Exhibit A attached to this ordinance, for the purpose described in

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

October 12, 2022

Section 1, and to execute amendments to this IGA for implementation the MS4 program in conformance with MS4 permit requirements between the City and the Port.

- B. The Mayor and Auditor are hereby authorized to pay or receive payment for the IGA from the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

## Documents and Exhibits

 [Exhibit A](#) (454.61 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
October 12, 2022

Auditor of the City of Portland  
Mary Hull Caballero

## Impact Statement

### Purpose of Proposed Legislation and Background Information

National Pollutant Discharge Elimination Permit (NPDES) Municipal Separate Storm Sewer (MS4) Permits are issued by the Oregon Department of Environmental Quality (DEQ) delegated under the requirements of the federal Clean Water Act.

The City of Portland (City) and its co-permittee, the Port of Portland (Port), received their first MS4 Permit in 1995, with subsequent renewed permits in 2005, 2011, and most recently in 2021. The MS4 Permit imposes requirements on the City and Port relating to stormwater drainage, roadway infrastructure, municipal facilities, and other activities to prevent and reduce pollutant discharges to surface waters and protect and improve the water quality of local waterways. This Agreement outlines and updates the allocation for sharing costs when applicable to satisfy the new MS4 Permit requirements.

This is the third Intergovernmental Agreement (IGA) between the City and Port for MS4 Permit implementation and cost sharing. The first IGA was authorized by Ordinance 2007 and the second in 2013.

BES was delegated the lead for administration of City's MS4 permit with multiple City bureaus as critical partners.

## Financial and Budgetary Impacts

- There are not any long-term financial impacts for the City related to this IGA.
- This IGA and Ordinance do not result in a new or modified financial obligation, impact the budget, or require any budget amendments.
- This Ordinance does not include authorization for additional or change spending beyond what is already budgeted for implementation of MS4 Permit requirements.
- This Ordinance does not create, eliminate or re-classify positions now or in the future. This legislation does require the use of staff resources to calculate annual shared costs and invoice the Port and is estimated at less than 8 hours annually.
- Benefits of the IGA:
  - The benefit to the City includes reimbursement by the Port at 12.7 percent of annual permit implementation costs for annual compliance fees, any permit modification fees, and water quality monitoring expenditures to comply with the permit requirements.
  - The benefit to the Port is reduced compliance fees and monitoring costs.

## Community Impacts and Community Involvement

This IGA provides no direct benefit to the community beyond the benefits of the programs developed, implemented, and provided to the community as a result of the MS4 permit and the City's environmental goals.

## 100% Renewable Goal

- This project will neither increase nor decrease the City's total energy use.
- This project neither contributes nor takes away from the City's goal of meeting 100 percent of community-wide energy needs with renewable energy by 2050.

## Agenda Items

### 828 Consent Agenda in [October 5-6, 2022 Council Agenda](#)

Passed to second reading

Passed to second reading October 12, 2022 at 9:30 a.m.

### 847 Consent Agenda in [October 12, 2022 Council Agenda](#)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea