



[Home](#) / [Council Documents](#)

191211

Emergency Ordinance

*Authorize Closeout Agreement with Environmental Protection Agency governing post-closeout use of program income for the Brownfields Revolving Loan Fund

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) received a \$1 million grant from the US Environmental Protection Agency in 2011 under assistance agreement number BF-00J45201 to establish a Brownfield Revolving Loan Fund (RLF) for cleanup of contaminated properties, detailed in Ordinance 184877, passed by the Council September 21, 2011.
2. The Brownfield RLF was used to make two grants and one loan in support of brownfield cleanup projects. BES began a process to close the Brownfield RLF in December 2021.
3. Repayment to the City of the one RLF loan will begin once certain conditions on the property are met. A Closeout Agreement with EPA will govern post-closeout use of program income, allowing the City to revolve these funds for future brownfield work under terms established by EPA.

NOW, THEREFORE, the Council directs:

- A. The Director of the Bureau of Environmental Services is authorized to execute a Closeout Agreement with EPA in a form similar to the agreement attached as Exhibit A.
- B. The Director of the Bureau of Environmental Services is authorized to amend the Closeout Agreement provided such modifications will not increase the cost to the City.

Section 2. The Council declares that an emergency exists because the RLF is now closed and EPA requires the signed Closeout Agreement without further

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

March 22, 2023

delay; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A](#) 58.67 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
March 22, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

- The Bureau of Environmental Services (BES) received a \$1 million grant from the US Environmental Protection Agency in 2011 to establish a Brownfield Revolving Loan Fund (RLF) for cleanup of contaminated properties.
- The fund was used to make two grants and one loan in support of brownfield cleanup projects.
- BES began a process to close the Brownfield RLF in December 2021.
- Repayment to the City of the one RLF loan will begin once certain conditions on the property are met.
- The proposed Ordinance authorizes the City to execute a Closeout Agreement with EPA governing post-closeout use of program income for the RLF, so that the City can revolve these funds for future brownfield work under terms established by EPA.

Financial and Budgetary Impacts

- The Closeout Agreement allows City of Portland to retain future repayments of the loan made from the RLF, and use that income for other brownfield work as outline by EPA.

Community Impacts and Community Involvement

- This Closeout Agreement allows the City to re-use EPA funds for additional brownfield work rather than returning the funds to EPA. Communities of Color are disproportionately impacted by brownfields, and BES's brownfield work supports environmental justice.

100% Renewable Goal

- This action has no impact on the City's total energy use, or its renewable energy use.

Agenda Items

237 Consent Agenda in [March 22, 2023 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea