

SILTRONIC MOU

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
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Barbara Quinn		

3-26-10

**In reference to the MOU Between the City of Portland and Siltronic**

In the context of the North Reach River Plan, also addressed herein

*Mary*  
Dear City Council Members,

Upon receipt of the MOU Draft City Version -2/10/10, I again offer my comments on the matter. For the record, I am speaking as a private citizen. However, I draw upon the knowledge and experience gained by being the Co-chair for the Linnton Environmental Group (LEG), the Environmental Representative for the Portland Harbor Community Advisory Group (CAG), and an active member of the NW Toxics Community Coalition (NWTCC). That's besides considerable investment in ongoing conventional education and first-hand interaction with national and international scientists and other experts on the issues related to the Willamette River Superfund site.

The Siltronic property that the City of Portland Bureau of Planning and Sustainability addresses in the MOU as it relates to the development of the North Reach River Plan is of major concern to me as a person who wants to protect the environment and the city. The environment is in dire straits and the city is going to need its limited resources to fix the things that are actually fixable.

As I told you during testimony, the Siltronic property is extremely contaminated. Prior to making a decision on accepting the Siltronic property, you need to research the Willamette River Superfund site study that the Lower Willamette Group (LWG) recently completed. It lists the contamination and the environmental and human health risk. You should speak with the EPA and DEQ lead people on the Superfund site cleanup. Failing that, you could at least ask those of us who have been involved in this intensive multiyear study. Also, you need to understand the history of the Siltronic site.

I don't know the PDC consultant, URS, but I believe that it can be safely stated that URS did not spend anywhere near the 76 million dollars that the LWG spent studying the site which includes the Siltronic property. Nor did URS spend the time that the CAG consultant, Peter DeFur, has spent analyzing the project. Nor does URS have the expertise that our consultant has developed through years of dealing with these contaminated sites both nationally and internationally. Nor does URS have the expertise of the EPA and DEQ and many other entities who are already engaged in the process and who will, ultimately, be the driving forces that make the determining decisions on what happens on the site.

I concede that I am predisposed to discount the capabilities of PDC consultants due to the fact that the consultants brought in by PDC during the Linnton Village plan were abysmally ignorant (to put it kindly). The city would have been better served and saved

tens of thousands of dollars just buying regular toilet paper instead of the consultant's inaccurate and misleading reports. But I grant you that things may have changed since the Linnton Village Plan fiasco and, not having seen the URS Siltronic report, I ought to withhold judgment. Except that, the fact that URS gave the go-ahead on the deal automatically discounts their ability to provide informed, qualified consultation services.

Portland is jumping the gun on the Superfund site cleanup process and landing us in deep trouble. To wit:

Doans Creek: how does Portland intend cleaning the Agent Orange pollutants out of Doans Creek? Because, if we can do that, our fortunes are made, since no one else on the planet has figured that out. No one, including neither the United States government, nor the Vietnamese government whose people are still suffering terrible health issues, including damage and mutation of human DNA that causes serious birth defects. Are you also unaware of the damage that Agent Orange has caused to the Vietnam veterans? They have diabetes and pancreatic cancer and god knows what all else because of exposure to that hideous pollutant. But now, all of a sudden, Portland has that answer? Please do not deceive yourselves; Portland cannot clean up that creek! Why daylight a health menace that will seriously harm the already compromised and endangered fish and wildlife?

Why are you taking on this impossible task? Is there something going on behind the scenes? Now that the EPA and DEQ are under pressure to perform. Now that people in those agencies are finally getting the backing they need to do their job. Now that we are coming into the realm of the feasibility study for addressing the Willamette River Superfund site clean-up issues, is Siltronic going to implicate Portland and, indeed, Oregon? Is this land-for-favors swap meant to dodge responsibility for the deceitful tactics used to pawn the site off onto Siltronic? Thirty years ago the PDC, the Portland mayor, and the governor of Oregon went to Germany and tricked them into buying that polluted site. Is that a factor? If it is a factor, Portland is mishandling the resolution of the problem. And if we are not addressing the problem created by that initial deceit openly and fairly then we are exacerbating the problem.

Furthermore, if this deal goes through, once Portland again owns the property how do we plan on dealing with other major players such as Rhone Palanc? Don't you think that aspect of the cleanup will involve international law? I do. And I think it will require a boodle of money in legal fees alone, and it will require plenty of expertise on the federal level to solve this ungodly entanglement. Obviously, the site cleanup has serious repercussions worldwide. Why draw Portland any deeper into the mire? The United States and Vietnam are still struggling to figure out how to deal with the Agent Orange problem. It's actually a worse and more complex problem than land mines.

I'm sorry to have moved to a city that has this legacy of deceit and I am just as anxious as any other decent ethical person to see to it that our city co-operates with undoing the harm. But let's be protective of our current residents and wait to see what liability may be fairly assigned to us for our culpability.

Listen to me carefully: do not own that property. Leave it to the larger bodies of government to work this out.

Further, the tolerance level for literally covering up pollution is at rock bottom. Recently during a presentation about Tanner Creek Park located in the Pearl, the roomful of at least two hundred people from around the state who had met at Oregon City became increasingly angry as it became evident that children were being lured unto a contaminated site that poses a potentially serious health risk. The presenter certainly did not intend that reaction! And that triple ply plastic sheeting that supposedly separates the young from further exposure to the toxic soil on that site was not solid ground for the presenter or for Portland. We had a scary couple of moments there! The lesson being that Portland must stop with this practice of whitewashing and greenwashing these brownfields. No one is going to remember the presenter, a landscape architect. They are only going to remember that it is Portland. All Portland has between us and certain condemnation is a 60mm sheet of plastic. Where's the security in that? So do not think that Portland can continue to get by with that "brownfield" stance. That's a ticking time bomb and cannot be used at the Siltronic site.

Two of you council members are new to this ongoing situation so I will tell you that the full depth and breadth of the pollution problem has been made abundantly clear to Portland. The public is weary of the constant task of reiterating to the city the basic problem that is destroying the river and literally killing the residents here.

### **The more holistic picture**

To highlight a few points and to put the Siltronic property in context:

The air polluted by the North Reach is so toxic that at least two neighborhoods are presently engaged in a health survey in preparation for a study through the health department and the CDC. We believe that we qualify as a cancer cluster. We know that we have premature death that is usually caused by illnesses associated with the types of pollutants found here.

We are past due for a serious earthquake, exceeding in magnitude the ones in Haiti and Chile. The tanks and the pipelines are on the faultline. The tanks will implode, explode, and catch fire. Depending on the water level and surge, some of the tanks will float as they did with the 1996 flood.

I am merely setting the stage in order to pose a question in regards to the Siltronic property.

Given the above, what do you think about owning a piece of property between the petrochemical tanks, the LNG, the loaded railroad tank cars of ethanol, the pipelines, and the Siltronic liquid hydrogen tank?

You are not seeing the forest for the trees.

And you are putting the cart before the horse.

And etc.

The Planning Bureau's failure to make fully informed decisions is the result of its failure to actively and adequately engage in forming a partnership with the people of Portland and with the true stakeholders. There is a vast pool of knowledge and experience available that far exceeds the limited knowledge or engagement that is to be found in the Planning Bureau.

Due to past poor judgment on developing a viable economic plan for the city (and indeed, the state) our system is failing. We are in crisis. We must now form holistic partnerships and networks. When Portland fails to do so, we put ourselves in an adversarial and provocative position. Where's the value in that?

I'd look at these options:

Start clean; dump the River Plan and the Siltronics component of it.

Or keep the junker River Plan but continue to try to mitigate it with the amendments.

BUT, whatever else you do, do not cut any side deals, for example, with Siltronics, until after you get the basics ***understood*** and ironed out.

If you start with a lie (which the River Plan most certainly did), and follow up with ignorance-based decisions (Siltronics being the perfect example), how can you expect a positive outcome?

Even if the residents of Portland had the tolerance for yet one more mistake, the natural environment cannot tolerate even one more injury. We are already past the tipping point for some species and indeed for some ecosystems.



Jan Secunda

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36779


March 3, 2010

TO: Portland City Council  
 RE: Wacker Siltronics City of Portland MOA on Riparian Easements

FROM: Brian Lightcap 13342 NW Newberry Rd, Portland, Oregon

- Guess I'm going to reveal my ignorance about the real Corporate world of lawyers and agreements, but a million dollars doesn't buy much anymore;
- The City is getting a 30-foot riparian easement, just below Doane Lake. I hope that toxic site for battery disposal is cleaned up now;
- Would the easement subject to this MOA, REALLY have even been completely developed and so what if it was, a million dollars?
- Whose idea was this anyway, someone in the environmental community, Bureau of Environmental Services? If this is a good idea (for the money), I think I should understand as a professional wetland ecologist. What am I missing? Were any outside sources sought?
- Don't know how much Wacker needs this million dollars.... as much as Mercy Corps, the Red Cross, Haiti, Chili ? Or how about the individual economic issues in NW Portland with all the street repairs?
- There are a few great projects out there that would really appreciate some cash, new bridge over Tryon Creek to let salmon past highway 43 (Macadam) or the Sturgeon Lake Restoration project to get water flows and salmon juveniles back into the lake;
- What about voluntary conservation? That is the heart and soul of what Soil and Water Conservation do in Multnomah County and all over the state. With such voluntary agreements, landowners can get grants from OWEB and conservation districts to make riparian enhancements. Maybe even from the City.
- I like us all to think of other Corporate examples of wetland and riparian stewardship like the Nike and Techtronic campus's.
- I own 52 acres next to forest park and I have a voluntary conservation plan. I don't have a lawyer and I don't have to be paid to do this. 10 acres of my property is ancient forest with trees ranging from 200-400 years of age. Is that worth 10 million? But, it's here, right now, doesn't need any money to for restoration and over the last 20 years, I and my friends and family have eliminated all the ivy that was poised to invade Portland's Forest Park. We did this because it was the right thing to do.
- What are some other options for Wacker Siltronics?

**WEST MULTNOMAH**



SOIL & WATER  
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TESTIMONY  
SILTRONIC MOU

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6:00 PM

IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

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February 17, 2010

Mayor Sam Adams  
Portland City Hall  
1221 SW 4<sup>th</sup> Avenue, Room 340  
Portland, OR 97204

RE: Council Adoption of River Plan North Reach  
Siltronic Corporation

Good evening Mayor Adams and Members of the City Council:

I am Neil Nelson, President and CEO of Siltronic Corporation.

Siltronic Corporation has been a solid corporate citizen of the City of Portland since 1978. As the largest high tech company in the City, we are proud of over 30 years of successful business and stewardship of our property, as evidenced by environmental awards from the City, State, and US EPA. Our silicon wafer manufacturing facility is in the Willamette Industrial Urban Renewal Area, where our parent company Wacker Chemie purchased approximately eighty-five (85) acres of undeveloped land from the City of Portland. Since that time we have invested \$600 Million in plant and equipment improvements. We have brought over 1,100 stable, high wage jobs to the city. We pay a significant sum in income and real estate taxes every year. Siltronic is committed to this City.

Of our 85-acre site, approximately forty-two (42) acres remain undeveloped at this time. As you no doubt know, with the growth of our Country's green economy, Oregon's energy incentive structure and Portland's desire to be at the epicenter of that economy, our site is on the international radar screen for the silicon wafer industry. Demand for silicon wafers is growing as we speak. Siltronic is pursuing international business opportunities in the silicon wafer industry and our Portland site is one of many possible sites. As these opportunities arise, the availability of undeveloped land at our Portland location plays a significant role in attracting investment and jobs to Portland.

One hurdle we unfortunately must overcome is Portland's perceived reputation for taking too long to get a project from the corporate planning phase to an on-the-ground construction phase. The environmental overlays proposed for a significant portion of our building site through the proposed River Plan: North Reach makes that hurdle not only higher, but in my view renders it insurmountable for any business opportunity with a short time fuse interested in our property. Certainty is crucial in today's fast moving economy. Absent certainty, other competing sites, in other competing cities, where the regulatory environment is designed to rapidly accommodate development opportunities, will out-compete Portland every time.





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Mayor Sam Adams  
February 17, 2010

In an effort to keep our Portland site competitive we need regulatory certainty that the new River Plan does not provide. To that end, my staff has worked tirelessly with City bureau staff over the past year in an attempt to reach a consensus as to how the City's environmental and economic goals can be balanced with Siltronic's business objectives. Those discussions have resulted in a proposal before you which provides the City with a conservation easement over a significant portion of Siltronic land and provides Siltronic with regulatory certainty regarding development of the remainder of that land. This certainty will allow Siltronic Portland to favorably compete for opportunities we expect will be available.

While several details remain to be worked out through a development agreement, we are satisfied that the fundamental structure of a workable plan has been reached. A fundamental obstacle, the location and size of the easement itself, has been agreed upon. We now need the Council's support before we proceed with that framework and a development agreement.

On behalf of Siltronic Corporation I ask that you support the general tenets of the Memorandum of Understanding that you have before you today. Although we have not agreed on some provisions of the draft MOU, I believe the remaining issues can be resolved through negotiation of a development agreement which will come before you prior to the effective date of the River Plan: North Reach.

Thank you for giving me an opportunity to provide input into this process. We truly appreciate the time and effort you and city staff members have devoted to this important project.

Sincerely,

Neil Nelson, President & CEO  
Siltronic Corporation

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