

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator: Kim Cox	2. Telephone No. 3-5313	3. Bureau/Office/Dept. Environmental Services
4a. To be filed (hearing date): October 15, 2014	4b. Calendar (Check One) <div style="display: flex; justify-content: space-around;"> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/> </div>	5. Date Submitted to Commissioner's office and FPD Budget Analyst:
6a. Financial Impact Section: X Financial impact section completed		6b. Public Involvement Section: X Public involvement section completed

1) Legislation Title:

*Authorizes funding for completion of the supplemental environmental investigation and remediation work required under the Administrative Settlement Agreement and Order On Consent (AOC) with the U.S. Environmental Protection Agency CERCLA Docket No. 10-2013-0087, up to \$500,000 in FY 1415 (Ordinance).

2) Purpose of the Proposed Legislation:

The purpose of the Ordinance is to authorize funding of the completion of all work required under the Administrative Settlement Agreement and Order On Consent (AOC) with the U.S. Environmental Protection Agency (CERCLA Docket No. 10-2013-0087) to conduct supplemental remedial investigation and feasibility study work at River Mile 11 East in the Portland Harbor Superfund site. Ordinance No. 185972 passed by Council on April 10, 2013 authorized the Director of Environmental Services to enter into the AOC and to fund a confidential common interest and joint defense agreement up to \$400,000. This Ordinance authorizes the City to fund this work until the City's obligations pursuant to the AOC and confidential common interest and joint defense agreement have been fulfilled.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

N/A

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project

estimate, please identify the *level of confidence*.)

The work under the Administrative Order on Consent will be funded by the Environmental Remediation Fund cost center ESDR00004; The Water Bureau and Transportation Bureau will reimburse the Environmental Remediation Fund for portions of the work. The final amount of expenditures will be determined by EPA's requirements under the Order.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No

- **Will positions be created or eliminated in future years as a result of this legislation?**

No

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

☐ **YES:** Please proceed to Question #9.

☒ **NO:** Please, explain why below; and proceed to Question #10.

Entering into an enforceable Administrative Order On Consent with EPA is a legal matter that does not incorporate public involvement.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

c) How did public involvement shape the outcome of this Council item?

d) Who designed and implemented the public involvement related to this Council item?

e) Primary contact for more information on this public involvement process (name, title, phone, email):

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

Since this project is part of the larger Portland Harbor Superfund Site, EPA's proposal for addressing contamination will be included in the proposed cleanup plan for Portland Harbor. EPA will be seeking formal public comment on the proposed cleanup plan.

Dean Marriott

ORDINANCE No.

REFERRED TO COMMISSIONER OF PUBLIC WORKS

*Authorizes funding for completion of the supplemental environmental investigation and remediation work required under the Administrative Settlement Agreement and Order On Consent with the U.S. Environmental Protection Agency CERCLA Docket No. 10-2013-0087, up to \$500,000 in FY 2014-15 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City and several other parties entered into an Administrative Settlement Agreement and Order On Consent (AOC) with the U.S. Environmental Protection Agency to conduct supplemental remedial investigation and feasibility study work at River Mile 11 East in the Portland Harbor Superfund site (CERCLA Docket No. 10-2013-0087). Ordinance No. 185972, passed by Council on April 10, 2013, authorized the Director of Environmental Services to enter into the AOC and to fund a confidential common interest and joint defense agreement up to \$400,000.
2. The City and five other parties (collectively the RM11E Group) entered into a common interest and joint defense agreement Group and executed the AOC which became effective on April 15, 2013.
3. The AOC requires the signatories to continue to fund and implement a scope of work and a series of work plans to supplement remedial investigation and feasibility study work as directed and approved by EPA.
4. The City as a member of the RM11E Group has prepared the work plans and EPA has approved them as required under the AOC.
5. Implementation of the work plans is currently scheduled to be complete within FY 2014-2015. The City's estimated cost to fund work in FY 2014-2015 is up to \$500,000. Funding may be required beyond FY 2014-2015 if work required under the AOC has not been completed and approved by EPA.
6. The City's participation in the RM11E Group and funding work under the AOC will allow the City to advance the interests of the public in preparation for remediation of contaminated sediments after EPA issues a Record of Decision for the Portland Harbor Superfund Site.
7. The funds for this work for FY 2014-2015 are available in the Environmental Remediation Fund cost center ESDR000004, a portion of which will be repaid by the Water Bureau cost center 8WAFS0000560, Bureau of Transportation cost center 9TR000000994 through Interagency Agreements for portions of the work.

NOW, THEREFORE, the Council directs:

- a. It continues to be in the interest of the City to comply with the legal obligation of the AOC and the confidential common interest and joint defense agreement to advance the evaluation of contamination at RM 11E so that remediation can proceed when EPA issues its Record of Decision for the Portland Harbor Superfund Site.
- b. The Director of the Bureau of Environmental Services, or the Director's designee, is authorized to conduct the work necessary to comply with the AOC for River Mile 11E within the Portland Harbor Superfund Site and to enter into interagency agreements with the Water Bureau, Bureau of Transportation or other Bureaus to repay a portion of the funds expended from the Environmental Remediation Fund (ESDR00004) through completion of the work required under the AOC. The funds for FY 2014-2015 are available in the Environmental Remediation Fund. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Environmental remediation Fund when demand is presented and approved by the proper authority.

Section 2. The Council declares that an emergency exists because work must be completed in accordance with the legally binding schedule in the AOC; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,
Commissioner Nick Fish

[K Cox]
[Sept 26, 2014]

ESDR00004

LaVonne Griffin-Valade
Auditor of the City of Portland
By

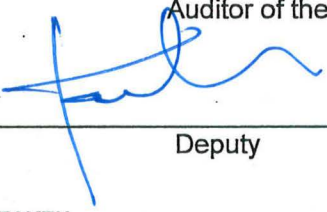
Deputy

1085

Agenda No.
ORDINANCE NO.
 Title

*Authorizes funding for completion of the supplemental environmental investigation and remediation work required under the Administrative Settlement Agreement and Order On Consent (AOE) with the U.S. Environmental Protection Agency CERCLA Docket No. 10-2013-0087, up to \$500,000 in FY 1415 (Ordinance):

2014-15

INTRODUCED BY Commissioner/Auditor: FISH	CLERK USE: DATE FILED <u>OCT 09 2014</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	By: 
Position 3/Affairs - Saltzman	Deputy
Position 4/Safety - Novick	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Environmental Services Bureau Head: Dean Marriott	OCT 15 2014 REFERRED TO COMMISSIONER OF PUBLIC WORKS
Prepared by: Kim Cox Date Prepared: September 26, 2014	
Financial Impact & Public Involvement Statement Completed <input checked="" 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 checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date 10/15/2014	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____
Total amount of time needed: (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR X Total amount of time needed: 10 minutes (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		
2. Fish	2. Fish		
3. Saltzman	3. Saltzman		
4. Novick	4. Novick		
Hales	Hales		