

ORDINANCE No. 186868

*Authorize funding 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. 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). 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]
[October 16, 2014]

ESDR00004

OCT 29 2014

LaVonne Griffin-Valade
Auditor of the City of Portland

By

Gayla Jennings

Deputy

1125

Agenda No.

ORDINANCE NO.

Title

186868

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2014-15

INTRODUCED BY Commissioner/Auditor:	CLERK USE: DATE FILED <u>OCT 24 2014</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>Susan Parsons</i></u> Deputy ACTION TAKEN:
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	
BUREAU APPROVAL	
Bureau: Environmental Services Bureau Head: Dean Marriott	
Prepared by: Kim Cox Date Prepared: October 16, 2014	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> <i>See</i>	
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 <i>AK</i>	
Council Meeting Date 10/29/2014	

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