

IMPACT STATEMENT

Legislation title: Authorize the City to intervene in a proceeding in the matter of The United States of America v. Linnton Plywood Association, U.S. District Court Case No. 3:14-1772, pending in the United States District Court for the District of Oregon.

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Presenter name: Nanci Klinger

Purpose of proposed legislation and background information:

- The Linnton Plywood Association owns property located within the Portland Harbor Superfund Site where a plywood mill operated from the 1950's until 2001.
- The US Environmental Protection Agency has filed a complaint against Linnton Plywood Association under CERCLA (42 USC 9607) in federal court for recovery of costs and natural resource damages in connection with releases of hazardous substances at the Portland Harbor Superfund Site and proposed a consent decree to resolve those liabilities.
- The City as part of the Lower Willamette Group entered into an Administrative Order on Consent to perform and pay for a Remedial Investigation and Feasibility Study at the Portland Harbor Superfund site.
- The City and other entities in the Lower Willamette Group have claims against Linnton Plywood that are not recognized in the proposed consent decree, but the decree would significantly limit the City's ability to pursue those claims.
- The City would like certainty that the EPA will dedicate the settlement proceeds to future response actions at Portland Harbor.
- The proposed consent decree may become a precedent for future settlements of liabilities for the Portland Harbor Superfund.
- To protect the City's interests in this consent decree and future decrees that may be modelled on it, the City needs to intervene in the legal proceeding.

Financial and budgetary impacts:

The City will have no out of pocket or immediate financial impact. The work will be handled in house by existing City Attorney's office staff.

Community impacts and community involvement:

This is a legal matter not subject to involvement. EPA is conducting a public comment period on the proposed consent decree. See Federal Register Notice, November 17, 2014, page 68484.

Budgetary Impact Worksheet**Does this action change appropriations?**

- ☐ **YES:** Please complete the information below.
☒ **NO:** Skip this section

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