

BES Supplemental Report
Council Ordinance/Resolution Package

Routing Info: <input type="checkbox"/> Group Manager <input type="checkbox"/> CIP Manager (if applicable) <input type="checkbox"/> Financial Planning <input type="checkbox"/> Facilities Manager (if applicable) <input checked="" type="checkbox"/> BES Director	Council Info: Agenda: Regular _____ Consent <u>X</u> Requested Council Date: <u>2/14/01</u> During Council Session Submitter will: <input type="checkbox"/> Not Attend <input type="checkbox"/> Attend <input type="checkbox"/> Give Presentation BES Contact: <u>Dean Marriott</u> Phone #: <u>823-5224</u> Group: <u>BES</u>
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February 8, 2001

To: Commissioner Dan Saltzman

Subject: Portland Harbor Superfund Site
 Descriptive title using appropriate dates and wording such as resolution, ordinances, etc.

I. RECOMMENDED/ACTION REQUESTED:
 (Concise listing or recommendations/actions requested.)

Direct the Bureau of Environmental Services to be the lead agency for the City regarding the Portland Harbor Superfund Site.

II. BACKGROUND/ANALYSIS:
 (Explanation of this item. This section should be as detailed as necessary to provide the Commissioners with the information they need to make a decision. Why does this item have to go to the Council? What has the Council already seen about this issue?)

On December 1, 2000, the U.S. Environmental Protection Agency (EPA), pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), included a five and one-half mile section of Portland Harbor on the National Priorities List (NPL). The EPA is moving to begin negotiations on an Administrative Order of Consent with willing Potentially Responsible Parties (PRPs) for the performance of a Remedial Investigation/Feasibility Study (RI/FS) to determine the nature and extent of in-water contamination at the Site, and to analyze cleanup alternatives.

The City of Portland has been identified as a PRP, and has been invited to participate in the negotiations with the EPA and the other PRP. The Bureau of Environmental Services, working closely with the City Attorney, has been working closely with the various agencies involved in the Portland Harbor Superfund Site. There is a need for the City of Portland to designate a lead agency for the purpose of negotiating with state and federal agencies and the tribes, as well as working with these agencies and other PRPs.

III. FINANCIAL IMPACT:
 (Revenue/Expenditure? Address current and long-term issues. Was this approved in the budget process? Has OFA seen this item? Detailed explanation)

N/A

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IV. LEGAL ISSUES:

(What are the legal issues? Cite ORS, ordinances or other city administrative procedure if appropriate.)

The City Attorney will be drafting an ordinance to specifically authorize the City to enter into binding agreements associated with Superfund efforts.

V. CONTROVERSIAL ISSUES:

(Policy/Political)

N/A

VI. LINK TO CURRENT CITY POLICIES:

(Consistent/Changes Needed)

N/A

VII. CITIZEN PARTICIPATION:

(What has been the citizen involvement – Formal, i.e. task force or committee – neighborhood or business associations, etc.? Informal input? Do you anticipate citizen testimony at the council meeting? Who?)

N/A

VIII. OTHER GOVERNMENT PARTICIPATION:

(Does it affect another jurisdiction or city bureau? Do they know about it? How have they been involved?)

I have reviewed this Council package for accuracy. By signing this document I agree that this package is ready for Council's review.

Originator: _____

RESOLUTION No. **35962**

Direct the Bureau of Environmental Services to be the lead agency for the City regarding the Portland Harbor Superfund Site. (Resolution)

WHEREAS, on December 1, 2000, the U.S. Environmental Protection Agency (EPA), pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), included a five and one-half mile section of Portland Harbor on the National Priorities List (NPL); and

WHEREAS, the inclusion of the Willamette River from Swan Island to the Multnomah Channel constitutes an area of significant economic and environmental importance for the City of Portland; and

WHEREAS, EPA and the Oregon Department of Environmental Quality (DEQ) have entered into a joint management plan for oversight of cleanup at the Site, and the EPA will be the lead agency for in-water contamination and DEQ will take the lead for upland contamination; and

WHEREAS, the EPA and the DEQ will be working closely with federal, state and tribal natural resource trustees on resolving natural resource damages to the area; and

WHEREAS, the EPA is moving to begin negotiations on an Administrative Order of Consent with willing Potentially Responsible Parties (PRPs) for the performance of a Remedial Investigation/Feasibility Study (RI/FS) to determine the nature and extent of in-water contamination at the Site, and to analyze cleanup alternatives; and

WHEREAS, the City of Portland has been identified as a PRP, and has been invited to participate in the negotiations with the EPA and the other PRPs; and

WHEREAS, the City of Portland has a significant interest in ensuring that the Willamette River and Portland Harbor are restored to a condition that is protective of human health and the environment in a timely and cost-effective manner; and

WHEREAS, the Bureau of Environmental Services, working closely with the City Attorney, has been working closely with the various agencies involved in the Portland Harbor Superfund Site; and

WHEREAS, there is a need for the City of Portland to designate a lead agency for the purpose of negotiating with state and federal agencies and the tribes, as well as working with these agencies and other PRPs.

NOW, THEREFORE BE IT RESOLVED, that the Council expresses its interest in having the City of Portland play a leadership role in determining the cleanup and natural resource restoration strategies for the Willamette River and the Portland Harbor.

BE IT FURTHER RESOLVED that the City Council designates the Bureau of Environmental Services to be the lead agency for the City in managing the City's participation in the Portland Harbor Superfund Site cleanup, including the negotiations with federal and state agencies, the tribes, and other PRPs.

BE IT FURTHER RESOLVED that the Bureau of Environmental Services is directed to work closely with the City Attorney, Planning Bureau, and other appropriate City agencies in representing the City during the Superfund process.

BE IT FURTHER RESOLVED that, given the importance of these matters to the Council, the Bureau of Environmental Services is directed to report regularly to the Council on the progress of the Superfund Site cleanup, and the cost implications for the City.

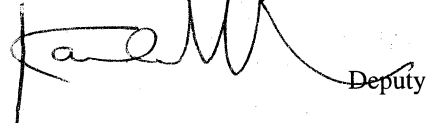
Adopted by Council,

FEB 14 2001

Commissioner Dan Saltzman
Dean C. Marriott,
February 7, 2001

Gary Blackmer
Auditor of The City of Portland

By

A handwritten signature in black ink, appearing to read 'Gary Blackmer', written over a horizontal line.

Deputy

RESOLUTION NO. 35962

Title

Direct the Bureau of Environmental Services to be the lead agency for the City regarding the Portland Harbor Superfund Site. (Resolution)

<p style="text-align: center;">INTRODUCED BY</p> <p>MAYOR KATZ Commissioner Dan Saltzman</p>	<p>DATE FILED: FEB 09 2001</p> <p style="text-align: center;">Gary Blackmer Auditor of the City of Portland</p>
<p style="text-align: center;">NOTED BY COMMISSIONER</p>	<p>By: <u><i>Britta Olson</i></u> Deputy</p> <p>For Meeting of: _____</p> <p>ACTION TAKEN:</p>
<p>Affairs <i>Dan Saltzman</i></p>	
<p>Finance and Administration <i>Vera Katz/TAS</i></p>	
<p>Safety</p>	
<p>Utilities</p>	
<p>Works</p>	
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Environmental Services</p>	
<p>Prepared by Date Deena Pierott February 7, 2001</p>	
<p>Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not Required</p>	
<p>Bureau Head: <i>Deanna</i> Dean C. Marriott</p>	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
			YEAS	NAYS
Consent <input checked="" type="checkbox"/> Regular	Francesconi	Francesconi	✓	
NOTED BY	Hales	Hales	✓	
City Attorney	Saltzman	Saltzman	✓	
City Auditor	Sten	Sten	✓	
City Engineer	Katz	Katz	✓	