

# Portland Harbor Superfund Site

## Portland Utility Board Quarterly Update



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## PORTLAND HARBOR SUPERFUND

The Portland Harbor Superfund Site, which lies within a 10-mile stretch of the lower Willamette River, received EPA's final cleanup plan in early 2017. The cleanup plan is designed to reduce risks to human health and the environment using cleanup techniques such as dredging, capping, enhanced natural recovery, and monitored natural recovery. The cleanup plan calls for removal of about 3 million cubic yards of contaminated sediments and active remediation of 23,305 lineal feet of river bank. EPA estimates that the cleanup will cost approximately \$1.05 billion and take around 30 years to complete.

Getting a settlement among all the parties to share the costs of cleanup is a significant and ongoing task. The City is one of approximately 100 parties participating in an out-of-court settlement process to allocate cleanup costs among all parties. The goal of the allocation is to get parties to an agreement so that they can present a settlement offer to EPA for implementing the cleanup. This allocation settlement process began in 2008 and final negotiations are likely to be a multi-year process because of the number of parties and complexity of assessing responsibility for 120+ years of industrial activity. EPA has notified parties that while the allocation process is taking place, it expects parties to start designing the cleanups that will ultimately be conducted.

If the out of court settlement is successful, the parties will settle their liabilities with EPA by performing the cleanup or funding other parties who will be doing the work. The Portland Harbor cleanup will be costly, but much of the expenditures will be spread out over many years across every stage of the cleanup including the engineering of the cleanup remedy, construction, and long-term performance monitoring.

## UPDATE ON EPA'S PROCESS

### **EPA Enforcement Timeline**

In December 2018 EPA announced that it expects to have the entire 10-mile site under order to do cleanup design by the end of this year or enforcement actions could begin. To meet that deadline, EPA called on parties to be in negotiations with them by this June- 2019. The timeline is intended to move

this phase of the cleanup forward more quickly. The City supports EPA's efforts to expedite this phase of the process and is partnering with the State of Oregon to initiate a unique effort to increase the number of parties stepping up to design cleanup at their sites. See *Update on City of Portland's Work on Superfund* section below for details.

## **EPA Public Forum**

The next quarterly EPA public forum will take place Wednesday, June 12 from 6:00-8:30pm. The Oregon Governor's Office and the City of Portland will present on their innovative partnership to move the sitewide cleanup of the Portland Harbor forward. Additionally, the Department of Environmental Quality will present on source control and EPA will speak about sufficiency assessments. The forum will take place at the Village Ballroom, 704 NE Dekum St. For more information and to RSVP, please contact Laura Knudsen with the EPA at [knudsen.laura@epa.gov](mailto:knudsen.laura@epa.gov), 206-553-1838.

## **UPDATE ON CITY OF PORTLAND'S WORK ON SUPERFUND**

### **City of Portland and State of Oregon Have Partnered to Move Portland Harbor Superfund Cleanup Forward**

Last month Portland City Council approved an innovative partnership between the State of Oregon and the City of Portland to usher in the next phase of the Portland Harbor Superfund cleanup. This phase includes finalization of cleanup designs, which serve as blueprints and workplans for site cleanup.

In December, the United States Environmental Protection Agency (EPA) announced that the entire Portland Harbor Superfund site must meet certain milestones toward cleanup design by the end of 2019 or face enforcement action. The State and City's unique approach efficiently leverages public investment to encourage private parties to jump-start design work. It also reduces risks of higher costs to ratepayers and taxpayers while facilitating harbor-wide action by bringing potentially responsible parties to the table.

Under this agreement, the City and State each contribute up to \$12 million to a trust, for a total of up to \$24 million, that will provide \$80,000 per acre as their contribution to the design work. EPA will credit the State and City against their respective responsibilities for each dollar spent from the trust. The per-acre funds are accessible to parties who sign agreements with EPA to generate cleanup designs by the end of the year, and those parties remain responsible for all costs above and beyond the \$80,000 per acre.

This plan has helped to build an internal process to continue preparations for our long-term financial obligation for the Superfund. The majority of the funds used for this proposal were already collected through the Environmental Remediation Fund and will not have rate impact. The Office of Management and Finance and the City Budget Office will continue to work with affected bureaus to identify funds for the City's remaining obligation outside of the Environmental Remediation Fund.

By pooling and capping public resources, the State and City funds will be spent on actual cleanup design work as opposed to administrative costs associated with negotiating and participating at multiple locations, improving efficiency and effectiveness of public dollars.

This is a creative approach among Superfund sites and represents a significant step forward towards the cleanup of the harbor where multiple stakeholders win. Here's how:

- **Portlanders:** The program assists in moving the cleanup forward faster, addressing risks to human health and the environment sooner.
- **Public Agencies:** Public agencies get more bang for the buck, gain some legal protection and increase financial certainty, which ultimately protects public dollars.
- **Potentially Responsible Parties:** The PRP's at or near a site should be the ones doing the design at their sites. With this incentive, they maintain control of their sites, avoid lengthy legal disputes, and get funds to offset their costs.
- **EPA:** EPA receives more support to meet its deadline and avoids resource-intensive enforcement processes.

## **Willamette Cove**

Hearing from Portlanders that Willamette Cove is of great interest to the public, the State of Oregon, City of Portland, and Port of Portland have stepped up to lead the in-water cleanup at the site. The three agencies are currently in negotiations with EPA and an agreement is expected soon. Each of the public entities is committed to meaningfully involving the public in this project from the very beginning. One example of this involvement is soliciting community feedback to inform the development of the request for proposals (RFP) that will go out for bid on the design phase of this project. The City's Portland Harbor team looks forward to sharing the outcomes of the community-provided input with the PUB when the RFP development process is complete.