



## Portland Harbor Superfund Site: Who Pays?

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The Port of Portland is committed to a cleanup of the Portland Harbor Superfund site that protects the health of Portlanders and the environment, and to finding the most cost-effective way to achieve it.

### Portland Harbor Superfund Site Background

The U.S. Environmental Protection Agency (EPA) listed the Lower Willamette River as a Superfund site in 2000. The affected area encompasses approximately 10 miles of the Willamette River in Portland, from the Broadway Bridge north to near the confluence of the Willamette and Columbia rivers. Contamination of this site came from more than 100 years of regional development (urban, industrial and agricultural), ship building and ship scrapping (dating from World War I and World War II to the Korean War), as well as combined sewer overflows and storm water discharges.

The Port, along with the City of Portland and more than 10 businesses, has been actively engaged in working with EPA to study the river and the best ways to address the contamination in the river. The EPA will soon issue its Proposed Plan for the cleanup of the Portland Harbor.

**How the Law Works:** The federal Superfund law, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), gives EPA the authority to order and oversee cleanup of contamination that poses risks to human health and the environment. The name “Superfund” is misleading because the law no longer levies taxes on industries to support cleanups. In other words, there is not a meaningful “Superfund” to help pay for the cleanup. Instead the law requires that the total cost of cleanup be paid by parties responsible for the historic pollution and for the areas where it occurred. Parties with potential liability (PRPs, or potentially responsible parties) include past and current property owners and operators, as well as generators, transporters and disposers of hazardous substances. Sometimes companies that caused contamination are no longer in existence. When a historical PRP business leaves no funds to pay for cleanup, the remaining PRPs must assume those costs.

There are likely 150 PRPs related to the Portland Harbor Superfund site. These include private property owners and businesses, as well as local, state and federal governments (City of Portland, Department of State Lands, U.S. Department of Defense, and Port of Portland, for example). The process to allocate costs among PRPs involved in the Portland Harbor Superfund site is separate from EPA’s remedy selection process and is already underway. It is designed to ensure each PRP pays its fair share and ideally will be completed by the time cleanup actions are ready to be implemented. The goal is to have a successful allocation in place to avoid costly and lengthy federal litigation. The allocation process is voluntary and not all the PRPs are participating.

**Finding a Balance; Protecting Oregonians with a Cost-effective Strategy:** The cost to clean up Portland Harbor is significant at a time when the city and region are facing many critical issues. The bill for cleanup could well exceed \$1 billion. Portlanders will be responsible for some of these costs—not because industry won’t, but because public entities and utilities are among the responsible parties. The entire cost of cleanup cannot be shifted to certain PRPs simply because they have high profits. The costs are allocated by liability, not equally among all parties.

Given the issues facing our community now, the Port will work to ensure that the Portland Harbor cleanup gets done effectively and responsibly and in a way that does not burden future generations.

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