

IN THE BOARD OF COMMISSIONERS
FOR PORT OF ASTORIA

IN THE MATTER OF ADOPTING AN)
ENVIRONMENTAL COMPLIANCE PROGRAM) NO. 2006-01
POLICY) RESOLUTION AND ORDER

WHEREAS, it is in the public interest of the Port of Astoria adopt an Environmental Compliance Program; and

WHEREAS, the Port of Astoria, its Board of Commissioners, its Executive Director, and each of the members of its staff are committed to do their part and work together to fulfill this Environmental Compliance Program Policy and to comply with all applicable state and federal laws for the protection of the environment; and

NOW, THEREFORE IT IS HEREBY RESOLVED that the Port of Astoria adopts the following Environmental Compliance Program Policy:

1. Compliance Goals

The Port will actively seek resolutions to environmental issues by endeavoring to achieve the following goals:

A. Compliance: Comply fully and promptly with all applicable environmental laws, regulations, and Port policies.

B. Planning: Integrate environmental costs, risks, impacts, and public concerns into operating decisions and facility development planning processes.

C. Natural Resources: Minimize impacts and seek opportunities to enhance natural resources while carrying out Port projects.

D. Pollution Prevention: Minimize pollution and waste through source reduction, reuse, or recycling.

E. Management Commitment: Communicate this policy and its requirements and deliver the training, tools, and resources required to implement this policy.

F. Government Relations: Develop cooperative working relationships with agencies and promotes development of sound environmental legislation and regulation.

G. Community Relations: Provide community outreach and leadership on environmental issues and respond in a timely fashion to inquiries or expressions of concern regarding environmental issues related to Port and tenant activities.

H. Performance: Improve the Port's environmental performance through regular monitoring and evaluations.

I. Quality: Achieve superior environmental performance and work product.

J. Continuous Improvement: Continuously improves the effectiveness of the Port's environmental program.

2. Specific Compliance Commitments

A. The Commission commit to implementing the Port's Compliance Program by authorizing sufficient resources to the Compliance Program; by granting the Executive Director and Compliance Officer the authority to implement the Compliance Program; and by considering reports and policy recommendations from the Executive Director, the Compliance Officer, and the External Review.

B. The Executive Director shall commit to implementing the Port's Compliance Program by allocating sufficient resources to the Compliance Program; by granting the Compliance Officer the authority to implement the Compliance Program, by monitoring and by acting on reports and recommendations from the Compliance Officer, and the External Review, and by providing general supervision of the Compliance Officer.

C. The Compliance Officer shall commit to implementing the Port's Compliance Program as specified in more detail in the section below that sets forth the Officer's authority and job description.

D. Port Employees shall commit to implementing the Port's Compliance Program by following instructions from the Compliance Officer and by familiarizing themselves with the environmental requirements of permits and laws associated with their jobs by reading the permits and attending training sessions. Questions about whether a permit is needed or how a permit should be interpreted should be directed to the Compliance Officer.

E. Port Employees shall also commit to making the Port's compliance with environmental laws and permits a part of their jobs. All Port employees must sign an acknowledgment that they have read the policy. All Port employees are expected to report any observed non-compliance or suspected non-compliance to their supervisor and the Compliance Officer as soon as possible. All such reports shall be kept confidential to the extent permitted by law.

F. Employee evaluations will take into account an employee's positive contributions toward the Port's compliance with the requirements of environmental laws and permits. An intentional or negligent failure to comply with environmental laws or permits will be grounds for disciplinary action or dismissal to the extent allowed by existing collective bargaining agreements. An intentional failure to report non-compliance with environmental laws or permits will be grounds for disciplinary action or dismissal to the extent allowed by existing collective bargaining agreements. Employees are encouraged to suggest changes in the Port's practices that may improve the Port's compliance program to their supervisor and the Compliance Officer.

3. Definitions

A. Port Property and Facilities means all property owned, leased or otherwise controlled by the Port, whether or not occupied by tenants or other third parties, and submerged land used by the Port (e.g., slips and basins for berthing of ships and small craft).

B. Port Operations means all activity conducted by the Port, its employees, and its contractors, but generally not activity by the Port's tenants or other third parties who may be using Port facilities.

4. Environmental Reviews

A. Introduction

The Port's Environmental Compliance Officer will conduct an initial overall review of the Port's operations, properties and facilities to evaluate the Port's compliance with federal and state environmental laws, regulations, permits, and certificates. The Environmental Compliance Officer will also obtain the services of an outside consultant or agency representative to conduct an annual External Review and furnish a report to the Compliance Officer, the Executive Director and the Board of Commissioners.

B. Elements of Initial Review

1. Examination of existing conditions at Port properties and facilities for compliance with environmental laws, permits, and certificates.
2. Evaluation of existing and planned Port operations for adequacy of existing controls, emergency response plans and protocols to prevent future violations of environmental laws, permits, and certificates.
3. Report on findings, recommended actions, and recommendations for future study.

C. Elements of Annual External Reviews

1. Examination and evaluation of the adequacy and operation of existing environmental controls and protocols in achieving the compliance commitments of this Compliance Program.
2. Report on findings, recommended actions, and recommendations for future study.

5. Environmental Compliance Officer

A. Job Description of Environmental Compliance Officer

1. General. The Environmental Compliance Officer is a newly created position at the Port. Initially, the position may be filled by a consultant. When the time commitment necessary and responsibilities for the job are verified, the Officer may become a Port employee. This position is designed to designate the person who is responsible for environmental law compliance at the Port, and to give the Officer sufficient authority to allow the Officer to be effective.

a. The Environmental Compliance Officer is a manager with reasonable authority to:

1. Carry out provisions of this Compliance Plan

2. Recommend and implement environmental systems, controls, emergency response plans and procedures.
 3. Monitor Port operations and properties, and initiate responses to environmental problems identified.
 4. Respond to environmental emergencies with appropriate remedial action.
 5. Stop work on any Port project that is in violation of any environmental statute, rule, permit, or certificate.
 6. Report violations of any environmental statute, rule, permit, or certificate.
- b. The Environmental Compliance Officer will have open access to Port operations, plans, and projects in order to assess and monitor potential environmental effects, compliance with existing permits, and the necessity for additional permits.
 - c. The Environmental Compliance Officer will have sufficient management support, resources, and budget to undertake the necessary analysis, monitoring, training, and other functions of the position.
 - d. The Port Commission and Executive Director will support the Environmental Compliance Officer in the implementation of this Compliance Plan.
 - e. The Port's tenants or other third parties are not relieved of their own responsibilities for insuring their compliance with applicable environmental statutes, regulations, or permits because of the Environmental Compliance Officer or the Environmental Compliance Officer's actions. The Environmental Compliance Officer may be assigned other duties, and may be hired in conjunction with similar work for other Ports or other entities.

2. Specific Responsibilities of the Compliance Officer are to:

- a. Understand and administer the Port's compliance with existing state and federal permits and certificates on environmentally related matters, including the testing, reporting, and limitations on Port activities required by those permits and certificates.
- b. Understand and monitor compliance by the Port's tenants with state and federal permits and certificates on environmentally related matters.
- c. Identify any renewals or new permits and certificates on environmentally related matters required by existing or planned

operations; prepare applications and obtain those required permits and certificates.

- d. Develop and maintain the systems required because of the use or storage of hazardous materials in Port operations including labeling, use, storage, disposal, and record keeping and reporting.
- e. Monitor ongoing remediation and investigation of any existing spills, discharges, or releases of hazardous materials at the Port.
- f. Prepare and implement emergency response plans for responses to environmental emergencies such as spills, discharges, and releases of hazardous materials at the Port.
- g. Develop and implement plans intended to reduce emissions, avoid spills, discharges, and releases of hazardous materials at the Port. Develop and implement plans intended to reduce or eliminate the migration of hazardous materials onto Port property.
- h. Prepare an inventory of underground and above ground storage tanks, and monitor compliance with regulations regarding active and abandoned tanks.
- i. Prepare and file reports required from the Port to comply with state and federal environmental statutes, regulations, licenses, and permits.
- j. Monitor Port property and activities for spills, discharges and releases of hazardous materials and develop reporting programs to ensure that employees report such events to the Environmental Compliance Officer and other Port management.
- k. Receive and address reports relating to spills, discharges, and releases; conduct sampling and testing required by certificates and permits; conduct sampling and testing necessary to assess environmental conditions relating to Port operations.
- l. Train Port employees in procedures required by permits, certificates, license, regulations, and this Environmental Compliance Program.
- m. Maintain current records of the Port's compliance with this Program.
- n. Monitor and understand changes or new laws, regulations, and industry standards that affect the Port's environmental compliance.
- o. Report to the Port Director and the Port Commission on Port's environmental issues at the meetings of the Port Commission and as needed due to unexpected environmental problems.

- p. Report to the Port Director and the Port Commission on Port employee and tenant violations of environmental laws, regulations or permits.
- q. File all required reports with governmental agencies in the event of any violations of environmental laws, regulations or permits.
- r. Develop checklists and systems to implement the tasks listed above.
- s. Obtain the services of Independent Consultants of other agency representatives as needed to assist with the above tasks and conduct the External Reviews.

B. Preferred Qualifications

The Compliance Officer should have experience in project management, especially permitting, remediation, environmental management, and environmental compliance, knowledge of state and federal environmental laws and regulations, experience with state and federal regulatory agencies, and a sufficient educational background (preferably a B.S. in Environmental Science) to assume the above listed responsibilities.

6. Scope of Compliance Program

A. References to environmental laws are intended to include applicable and potentially applicable state and federal statutes and regulations include the following:

Commerce and Trade:

Federal Hazardous Substances Act, 15 USC 1261-1278

Toxic Substances Control Act, 15 USC 2601-2692

Conservation:

Protection of Migratory Game and Insectivorous Birds:

Migratory Bird Treaty Act, 16 USC 701-718

Migratory Bird Conservation Act, 16 USC 701-718

Marine Mammal Protection Act of 1972, 16 USC 1361-1421

Coastal Zone Management:

Coastal Zone Management Act of 1972, 16 USC 1451-1465

Coastal Zone Protection Act of 1996, 16 USC 1451-1465

Endangered Species Act of 1973, 16 USC 1531-1544

Coastal Wetlands Planning, Protection and Restoration Act, 16 USC 3951-3956

North American Wetlands Conservation Act, 16 USC 4401-4414

Labor:

Occupational Safety and Health Act, 28 USC 651-667

Navigation and Navigable Waters:

Water Pollution Prevention and Control:

Clean Water Act, 33 USC 1251-1387

Federal Water Pollution Control Act, 33 USC 1251-1387

Water Quality ORS Ch 468B

Ocean Dumping:

Marine Protection, Research, and Sanctuaries Act of 1972, 33 USC 1401-1445

Ocean Dumping Ban Act of 1988, 33 USC 1401-1445

Act to Prevent Pollution from Ships, 33 USC 1901-1912

Shore Protection Act of 1988, 33 USC 2601-2623

Oil Pollution Act of 1990, 33 USC 2701-2761

National Coastal Monitoring Act, 33 USC 2801-2805

The Public Health and Welfare:

National Environmental Policy Act of 1969, 42 USC 4321-4370

Environmental Quality Generally ORS Ch. 468

Noise Control:

Noise Control Act of 1972, 42 USC 4901-4918

Quiet Communities Act of 1978, 42 USC 4901-4918

Noise Control ORS Ch. 467

Solid Waste Disposal:

Solid Waste Disposal Act, 42 USC 6901-6992

Resource Conservation and Recovery Act, 42 USC 6901-6992

Solid Waste Management ORS Ch 459

Reuse and Recycling ORS Ch 459A

Clean Air Act, 42 USC 7401-7671

Air Quality ORS Ch 468A

Energy Conservation ORS Ch 469

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USC 9601-9675

Hazardous Waste and Hazardous Materials I ORS Ch 465

Hazardous Waste and Hazardous Materials II ORS Ch 466

Emergency Planning and Community Right-To-Know Act of 1986, 42 USC 11001-11050

Pollution Prevention Act of 1990, 42 USC 13101-13109

Explosives, Flammable Materials, Pressure Vessels, ORS Ch. 480

Shipping:

Carriage of Liquid Bulk Dangerous Cargoes:

Ports of Waterways Safety Act of 1972, 46 USC 3701-3719

Tanker Safety Act of 1978, 46 USC 3701-3719

Transportation:

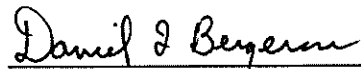
Hazardous Materials Transportation Authorization Act of 1994, 49 USC 5101-5127

Airport Noise, 49 USC 47501-47533

Hazardous Liquid Pipeline Safety, 49 USC 60101-60128

Dated this 17 day of January, 2006.

BOARD OF COMMISSIONERS FOR
PORT OF ASTORIA



Daniel J. Bergeron, President