

ORDINANCE No. 185708

Authorize Wholesale Sewer Services Agreement with Clean Water Services for conveyance and treatment of sewage (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Wholesale Sewer Service Agreement between the City of Portland (City) and Clean Water Services (CWS, then known as the Unified Sewerage Agency) was originally adopted on April 1, 1975, updated by Ordinance #172285 on May 20, 1998 and twice amended for clarification (collectively, the 1998 Agreement.)
2. The 1998 Agreement governs the overall relationship between the parties relating to the conveyance and treatment of sewage and pretreatment from areas of the City that drain by gravity to CWS' system and from within the Fanno Creek Basin area, which includes portions of both the City and CWS served by the City's Fanno Basin Pump Station.
3. Engineering studies have shown that the Fanno Basin Pump Station must be expanded and improved to meet capacity needs of the basin and to remedy persistent vacuum pressure surges that are damaging the associated pressure lines. Due to repairs on the pressure line, the station was inoperable, or operated on a very limited basis, between March 2008 and April 2012, and inoperable again in August 2012 due to another break in the pressure line.
4. Expansion of the Fanno Basin Pump Station includes construction of an additional adjacent pump station for increased capacity and installation of surge tanks and other improvements to deal with the damaging pressure surges. It is expected that the Fanno Basin Pump Station will need to continue to operate, although in a limited capacity, during the estimated three years of construction. A substantial revision of the 1998 Agreement is required in order to provide necessary operating and financial protocols until completion of the expansion project and to provide continued conveyance and treatment services of City sewage flows by CWS. The pretreatment responsibilities of the parties, previously included in the 1998 agreement, will now be addressed by a separate agreement.
5. As a result of the new agreement, the City will purchase temporary capacity provided by CWS for Fanno Basin discharges beginning July 1, 2008 in accordance with CWS ordinances for temporary discharges. In exchange, CWS has agreed to fix the City's costs of conveyance and treatment from the date of the agreement through June 30, 2013. The agreement also provides for a methodology for charges for sewage conveyance and treatment, similar to what was contained in the 1998 Agreement, but allows for more equitable splitting of flows between the City and CWS when the pump station is not operating or is operating on a limited basis.
6. The agreement also provides for the creation of a Citizens' Advisory Committee (CAC) for the pump station to engage neighbors, nearby neighborhood associations, recreational users of the Fanno Trail, and other stakeholders about construction impacts and issues regarding the operating and maintenance of the pump stations. Such issues include noise, odor, vibration, landscaping, public notification, emergency response, and complaint resolution.

7. In addition, the agreement establishes robust short-term and long-term emergency diversion procedures designed to ensure that future pump station or pressure line failures have a limited impact on the neighborhood and the environment.
8. The attached wholesale sewer service agreement between the City and CWS has been successfully negotiated between both jurisdictions' staff, including the City Attorney's Office, and will be executed in multiple counterparts as both parties will be approving the agreement concurrently.

NOW, THEREFORE, the Council directs:

- a. The Commissioner of Public Affairs is authorized to execute a wholesale sewer services agreement with Clean Water Services for the purpose described in Section 1, substantially similar in form to the agreement attached as Exhibit A.
- b. The Director of the Bureau of Environmental Services is authorized to execute amendments to the agreement.
- c. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Passed by the Council,
Dan Saltzman
Commissioner of Public Affairs

OCT 31 2012

Duane Peterson
October 15, 2012

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LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

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Agenda No.
ORDINANCE NO.
Title

185708

Authorize Wholesale Sewer Services Agreement with Clean Water Services (Ordinance).
for conveyance and treatment of sewage

INTRODUCED BY
Commissioner/Auditor:

Saltzman

COMMISSIONER APPROVAL

Mayor—Finance and Administration - Adams

Position 1/Utilities - Fritz

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety - Leonard

BUREAU APPROVAL

Bureau: Environmental Svcs

Bureau Head: Dean Marriott

Prepared by: Duane Peterson

Date Prepared: 10/15/12

Financial Impact & Public
Involvement Statement

Completed ☒ Amends Budget ☐

Portland Policy Document

If "Yes" requires City Policy paragraph stated
in document.

Yes ☐ No ☒

Council Meeting Date

10/24/2012

City Attorney Approval

CLERK USE: DATE FILED OCT 19 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By: *[Signature]*

Deputy

ACTION TAKEN:

OCT 24 2012 PASSED TO SECOND READING OCT 31 2012 9:30 A.M.

AGENDA

TIME CERTAIN ☐

Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT ☐

REGULAR ☒

Total amount of time needed: _____
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA

**COMMISSIONERS VOTED
AS FOLLOWS:**

		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input type="checkbox"/>	<input type="checkbox"/>