

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF:)	AMENDMENT NO. 1
)	
CITY OF PORTLAND AND CLEAN WATER SERVICES)	MUTUAL AGREEMENT AND ORDER NO. WQ/M-NWR-09-046

WHEREAS:

1. On March 20, 2009, the Department of Environmental Quality (DEQ) and the City of Portland and Clean Water Services (CWS) entered into Mutual Agreement and Order (MAO) No. WQ/M-NWR-09-046.

2. Paragraph 14 of the MAO states: "The terms of this MAO may be amended by the mutual agreement of the Department, CWS and the City.

NOW THEREFORE, it is stipulated and agreed that the compliance order of the MAO should be amended as follows:

3. Paragraph 9 is amended to read:

The Environmental Quality Commission shall issue a final order:

A. Requiring the City to comply with the following schedule and conditions:

(1) By August 1, 2013, complete construction of the Fanno Force Main Hydraulic Surge Tank Emergency Project.

(2) By August 1, 2014, complete design and bid a project to improve hydraulic capacity downstream of the pump station at SW Virginia Avenue and SW Taylors Ferry Road.

(3) By November 1, 2015, place into service the SW 86th Avenue Pump Station and appurtenances. By the same date, the following downstream system improvements will be placed into service:

(a) The SW Virginia Avenue and SW Taylors Ferry Road sewer hydraulic capacity improvement project.

(b) The SW Multnomah Blvd. Improvements: SW 22nd Ave. to SW 34th Ave. Project.

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2 (6) By no later than the 15th of the month following a month in which an overflow or
3 overflows occurred during the period in which the City diverts Fanno Basin wastewater to CWS:
4 Submit a wet weather Monitoring and Response Report that explains why the overflow occurred,
5 includes details of the overflow, including flow estimates and identification of the responsible party,
6 and describes the steps taken to respond to and mitigate the overflow under the Wet Weather
7 Monitoring and Response Plan.

8 (7) By no later than September 1, 2014, March 1, 2015, September 1, 2015 and March 1,
9 2016, submit to the Department status reports covering the previous six months and including:

- 10 a. Summary information regarding progress and completion of repairs and capital
- 11 projects.
- 12 b. Any changes to previously proposed schedules.
- 13 c. Summary information regarding sanitary sewer flow monitoring data, specifically date
- 14 related to storm events.
- 15 d. Date(s), duration and circumstances of any implementation of the Wet Weather
- 16 Monitoring and Response Plan.

17 CITY OF PORTLAND

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19 _____
Date

Signature

20 _____
Name (print)

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Title (print)

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23 CLEAN WATER SERVICES

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25 _____
Date

Signature

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Name (print)

Title (print)

DEPARTMENT OF ENVIRONMENTAL QUALITY and
ENVIRONMENTAL QUALITY COMMISSION

Date

Leah K. Feldon, Manager
Office of Compliance and Enforcement
on behalf of DEQ pursuant to OAR 340-012-0170
on behalf of the EQC pursuant to OAR 340-011-0505

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