

MT TABOR PARK RESERVOIRS COOPERATIVE AGREEMENT RESOLUTION

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Steve Wax		
✓ Mary Kinnick		
✓ Tom Koehler		
✓ Nadine Feidler		
✓ Brian Rohter		
✓ Laura Smith		
✓ Mirium Berhman		
✓ Eileen Brady		
✓ Rachel Dolkas		
✓ Mark Colman		
LEFT Crystal	PO BOX 8973 - 97207	

MT TABOR PARK RESERVOIRS COOPERATIVE AGREEMENT RESOLUTION

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

<del>MADRID ENAMER</del>		
✓ Paul Cienfuegos	5232 SE Madison St	
✓ Floy Jones		
✓ Tessa Roberts	97219	
✓ Charles Johnson		
✓ Steve Entuete SR.		

**Moore-Love, Karla**

---

**From:** floy jones <floy21@msn.com>  
**Sent:** Wednesday, July 15, 2015 1:44 PM  
**To:** Council Clerk – Testimony  
**Subject:** Agenda item 762 comments  
**Attachments:** Agenda item762, Reservoir Resolution comments.pdf

Attached are comments submitted for the record July 15, 2015 agenda item 762, Reservoir Resolution.

Friendly amendments to the Resolution are submitted separately at Council Session as are 2 pages from the City's Manual on Resolutions, Ordinances, and Reports documenting that Ordinances NOT Resolutions are legally binding.

**Council agenda item 762, Mt. Tabor Reservoir Resolution, July 15, 2015**  
Floy Jones on behalf of Friends of the Reservoirs

Friends of the Reservoirs has examined many Water Bureau Resolutions, Ordinances and Land Use decisions over the last 20 years. Commissioner Leonard justified the spending of \$500,000 on a CH2MHill constructed house at Powell (where a Water Bureau employee has been living rent free) by saying it was "locally mandated" through the Powell Butte LU process. Why not a Land Use mandate in this case?

Friend of the Reservoirs previously negotiated or coauthored the Reservoir Panel Resolution #36267 (submitted for the record under separate cover) after the Panel found no reason to "treat or cover" Portland's open reservoirs. While we didn't agree with some of the language included in the Resolution, the intent of the Resolution we coauthored was to assure that the Water Bureau cooperated with community stakeholders and did not unilaterally develop a compliance plan contrary to the interests of the community; the community intent was to assure that a plan would be developed that represented the community interest to retain the fully function open reservoirs as a part of our water system as is allowed under the Long Term2 Enhanced Surface Water rule. We repeatedly hear false statements made by city employees that the LT2 requires elimination of open reservoirs. It DOES NOT which is why utilities such as Rochester and NYC will be retaining their open reservoirs as a functional part of their water system.

That Resolution directed the Water Bureau to work with community stakeholders on reservoir compliance utilizing the City's adopted Principles of Good Public Involvement. Sound familiar? The Water Bureau defied the Panel Resolution, unilaterally backroom creating the most onerous, costly, and fast-tracked reservoir compliance plan imaginable, creating endless financial, livability and public health hardships on the community. As is the case with everything of importance associated with Water Bureau actions, we had to make a public records request to secure the Water Bureau's backroom fast-tracked reservoir compliance plan.

Another example of the use of a Land Use case to work against community interest is the Water Bureau's secretly securing Land Use approval in Clackamas County for a UV Radiation Plant and numerous other projects in the watershed immediately after representing to the public in the media that they would not be building at treatment plant, having secured a "treatment technique" variance.

In 2012 following Senator Schumers' success in getting the EPA to include the LT2 rule in its list of onerous regulations to be reviewed, revised or repealed, City Council Resolution 36904 (submitted for the record under separate cover) directed the Water Bureau to request a deferral of reservoir projects. The Water Bureau subsequently withheld information from Council regarding Rochesters' success in securing a ten-year deferral in order to get Council approval to proceed with demolition of the perfectly fine Kelly Butte tank and begin construction of a slightly larger tank (15 MG larger). It was only after Friends of the Reservoirs contacted Rochester learning of their plans that the Water Bureau failed to disclose was the Water Bureau required, albeit reluctantly, to submit a second request for a deferral.

Our April 2015 letter to Portland City Council outlines the reasons (revealed via an Oregon Health Authority public records request) why this deferral request failed. We have yet to receive a response from City Council despite consistent support from the community for avoiding degrading our open reservoir system.

The city's own Ordinance and Resolution Manual states emphatically that Ordinances NOT Resolutions are legally binding. Why did the Water Bureau propose a Resolution? Another case of fast-tracking a non-binding commitment?

Friends of the Reservoir supports LU conditions that require completing all of the restoration and maintenance projects outlined in the 2009 Historic Structures Report over the next four years. And we support a LU condition that specifically limits the number of days the reservoirs will remain less than 85% full. We are aware that the Water Bureau is using alternate methods to clean Powell Butte discharging that water not in Johnson creek but on park grounds. This is one method in conjunction with others that could aid in the cleaning of the reservoirs at Mt. Tabor.

If disconnection and demolition of the open reservoirs proceeds the community will continue to talk about the issues related to the degradation (demolition/decommissioning) of our grand open reservoir water system at City Council and around the city for at least the next 20 years. There are 10,000 devilish details associated with each of many bad chapters written by the Water Bureau over the last 20 years.

A few examples of the many occasions where the issue of the degradation of our upgraded open reservoir system will continue to be discussed include:

- Ratepayers are burdened with debt service on the \$23 million Slayden Corporation open reservoir upgrade contract, not to mention the associated Water Bureau salaries. Work completed under that and other consultant contracts was designed, according to a nine-year reservoir study report, to keep the reservoirs safely operating for another 50 years. Slayden's contract was closed out in 2011 and contrary to past Shaff statements Slayden Corp. will not be returning a dime of the \$23 million nor will any of the other corporations be returning money from their open reservoir upgrade work.
- Though the Powell Butte II tank is designed, built, cracked, and leaking CH2MHill's PB II tank design contract has once again been extended (until Oct. 2015), without being brought to Council.
- New and unique public health problems with covered storage are problematic. As has been discussed at wholesale customer manager meetings I've attended the Water Bureau is already spending money to address Nitrification, a problem that occurs in the absence of sunlight in covered storage in chloraminated water systems. Radon in the Columbia South Shore Well Field that will no longer be able to vent through the open reservoirs will now vent in schools, hospitals, businesses and homes every time water is used when the Well Field is used.

- During budget discussions, ratemaking, consultant & construction contract extensions, amendments, close-outs, etc.
- As NYC seeks either another extension of their current 2034 reservoir deferral or they seek a Safe Drinking Water Act allowed reservoir "treatment technique" variance ( though EPA has not honoring the Safe Drinking Water Act, variances are allowed). See NYC's legal team communication included in Land Use submittals. In 2007 the Oregon State legislature unanimously supported bringing Oregon variance law in line with Federal law supporting a reservoir and treatment plant variance. Subsequently City Attorney Terry Thatcher on behalf of the Water Bureau worked backroom with OHA to create an administrative rule that contradicts the intent of that legislation doing so without notice to any of the intensely involved interested stakeholders.
- In 2022 as Rochester NY maintains their functioning older 1876 open reservoirs set in city parks, having supported community interest and avoided wasting limited public resources on a problem that does not exist.

While our focus has been on protecting our water system assets, particularly the functionality of Portland's open reservoirs, as well as ratepayer pocketbooks, we offer friendly amendments to the Resolution (preferably passed as an Ordinance) Whereas language, amendments intended to make the Resolution more factually and in line with its intent. Friendly amendments submitted under separate cover.



July 15, 2015

item 762

Submitted by  
Floy Jones  
7/15/15

**RESOLUTION No.**

**37146**

Establish a cooperative agreement with the Mt. Tabor Neighborhood Association to ensure that clean water will be maintained in the Mt. Tabor Park Reservoirs at the historic levels that produce the Park's iconic views, and to prioritize and implement the maintenance, repair and preservation of the Reservoirs and authorize funding for work identified in the 2009 *Mount Tabor Reservoirs Historic Structures Report*. (Resolution)

WHEREAS, Mt. Tabor Park and the Mt. Tabor Reservoirs have been an important aspect of Portland's livability for over a century; and

WHEREAS, the Mt Tabor Reservoirs and, separately, Mt. Tabor Park itself were both listed in the National Register of Historic Places in 2004 and are now the Mt Tabor Park Reservoirs Historic District and Mt Tabor Park Historic District; and

WHEREAS, the U.S. Environmental Protections Agency (EPA) passed a new federal drinking water rule (LT2) in 2006 that requires water utilities that store treated water in open reservoirs to either cover the reservoir or treat the reservoir discharge; and

WHEREAS, Mount Tabor community members and many other community organizations<sup>1</sup> have consistently expressed firm opposition to covering, burying, or disconnecting the historic reservoirs at Mt. Tabor; and

WHEREAS, ~~the Portland City Council approved a Compliance Schedule with the EPA In March 2009~~ the Portland Water Bureau brought a Report to Council that included a strategy to pursue Congressional assistance while concurrently pursuing reservoir compliance<sup>2</sup> that ~~compliance plan is currently scheduled~~ to result in disconnection of the reservoirs from the drinking water distribution system by December 31, 2015; and

WHEREAS, the disconnection of the Mt. Tabor Reservoirs is just one component of an overall LT2 compliance strategy that includes building new storage at Powell Butte, Kelly Butte and new covered storage in place of the open reservoirs at Washington Park; and

WHEREAS, the Historic Landmarks Commission has called for the reservoirs' water levels to be maintained so as to consistently produce the sites' characteristic, iconic views, and for the reservoirs to be repaired, maintained and restored as historic landmarks; and

WHEREAS, the reservoirs at Mt. Tabor will remain an integral and historic part of Mt. Tabor Park; and

1 A long list of community organizations ( organizations are named in related Land Use documents) including public health, business, environmental, equity, neighborhood coalitions/associations from around the city, and others signed on to one or more Friends of the Reservoirs letters supporting retaining the open reservoirs as functional part of the water system. Some organizations wrote separate supportive letters to City Council and/or the Congressional Delegation

2 No Ordinance or Resolution was brought to Council. The Water Bureau's compliance plan had not been previously vetted by either community organizations or City Council. The Water Bureau's LT2 Report to Council included building a \$400 million chemical filtration plant in the Bull Run watershed. All community stakeholders rejected both the reservoir and treatment plant plans.

WHEREAS, the community is concerned about the impact to the treed character of the park by work done on Water Bureau pipes and appurtenances, and the Water Bureau is concerned about maintaining buffers between pipes and trees; and

WHEREAS, empty reservoirs would lessen the visual attractiveness of the park, negatively impact the historic integrity of the sites, detract from the overall appearance of the park and diminish the park experience for neighborhood residents and visitors alike; and

WHEREAS, the reservoirs will continue to be an asset of the City of Portland; and

WHEREAS, the reservoirs are part of a complex system of pipes, valves, other reservoirs and related equipment that continue to be part of the overall utility infrastructure necessary for the operation of the city's water distribution system; and

~~WHEREAS, the reservoir locations may be needed for additional storage in future generations; and~~

WHEREAS, the City of Portland has an obligation to maintain, repair and preserve its assets; and

WHEREAS, in 2008, the Water Bureau contracted with Cascade Design Professionals and historic architect, Robert Dortignacq, to develop the *Mount Tabor Reservoirs Historic Structures Report* in order to provide expert advice on the condition, maintenance, rehabilitation and preservation of the historic visual features within the Mount Tabor Park Reservoirs Historic District; and

WHEREAS, the summary findings of the report indicate that while the historic features in the district are in fair to good condition, are largely intact, and reflect their original construction, there are various projects that need to be completed in the near-, mid- and far-term timeframes to prevent and remedy deterioration of those structures; and

WHEREAS, the report forms the basis for discussion between the Water Bureau and the Mt. Tabor Neighborhood Association (MTNA) regarding the City's obligation to maintain, repair and preserve the reservoirs as an existing and future City asset; and

WHEREAS, the Mt. Tabor Park Master Plan and amendments, accepted in Council Resolution 36657 (Dec 2008) as "the most current and correct information regarding the status and directions regarding Mt Tabor Park", will also influence these discussions between the Water Bureau and the MTNA; and

WHEREAS, the Water Bureau and MTNA agree that a cooperative agreement to prioritize and implement the maintenance, repair and preservation of the reservoirs is in the best interests of the City, the public and future users of the Park and reservoirs; and

3 ~~The Water Bureau's LT2 reservoir burial plan results in 50 million gallons less storage than exists with the open reservoirs. Water demand has decreased since 1988, despite population increases. As rates have increased demand has declined further. It is contrary to community interest to leave open the possibility of demolition and burial of the Mt. Tabor reservoirs in the future.~~



WHEREAS, the MTNA is counting on the continued support of the City Council to ensure that this agreement is implemented.

NOW, THEREFORE, BE IT RESOLVED, that barring unforeseen circumstances, the City will ensure that three out of the four reservoir basins will be kept full (as close to 85% as possible) while the fourth is being drained, cleaned and refilled; and

BE IT FURTHER RESOLVED, the Water Bureau shall continue to work with the MTNA to explore alternative methods to maintain clean water at historic levels, and to maximize the number of days the reservoirs are full, in order to preserve the character of the reservoirs and the park in the most efficient and sustainable manner possible; and

BE IT FURTHER RESOLVED that the Water Bureau, and other City agencies as are necessary, including any City agency that may be responsible for managing the reservoirs in the future, are directed to work with the MTNA to prioritize maintenance, repair and preservation work identified in the 2009 *Mount Tabor Reservoirs Historic Structures Report* to be accomplished over a four-year period beginning in FY 2016-2017; and

BE IT FURTHER RESOLVED, the City Council shall allocate at least \$4 million over the next four years to the maintenance, repair and preservation work identified in the 2009 *Mount Tabor Reservoirs Historic Structures Report*; and

BE IT FURTHER RESOLVED, the City Council will consider in a future budget an additional \$1.5 million allocation to replace non-historic lighting with aesthetically appropriate lighting at Reservoirs 1 and 5; and

BE IT FURTHER RESOLVED, the Water Bureau and other City bureaus as are necessary, directed to collaborate with the MTNA to develop an interpretive program that tells the history of the Mt. Tabor reservoirs and the City's water system; and

BE IT FURTHER RESOLVED, the Water Bureau will confer and consult with the MTNA before planned work and after emergency events in the park which have potential impact on trees with the intent to minimize the visual impact on the treed character of the park; and

BE IT FURTHER RESOLVED, the Water Bureau and other City bureaus as appropriate will coordinate and collaborate with the MTNA on a joint Semi-annual Report to City Council documenting compliance with this Resolution, including a Final Summary Report to be submitted by December 31, 2020 to City Council regarding the implementation of the maintenance, repair and preservation work identified in the 2009 *Mount Tabor Reservoirs Historic Structures Report*; and

BE IT FURTHER RESOLVED, the financial obligations and other commitments approved by this resolution are binding City policy.

July 15, 2015

Agenda Item 762

Submitted by  
Floyd Jones  
7/15/15

37146

**CITY OF PORTLAND**

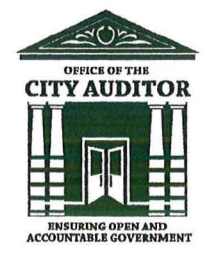
**FEBRUARY 2015**

**DRAFTING MANUAL  
ORDINANCES  
RESOLUTIONS  
REPORTS**

**KARLA MOORE-LOVE**  
Council Clerk  
x34086

**SUE PARSONS**  
Assistant Council Clerk  
x34085

Office of the City Auditor  
Council Clerk/Contracts Division  
Portland, Oregon



## 1. INTRODUCTION

This manual has been prepared by the Council/Contracts Division of the City Auditor's Office to help in the preparation of ordinances, resolutions and reports for submission to the City Council. It is based primarily on Charter and Code provisions, but also includes procedures based on City Hall custom and Council preferences. It is general in nature and does not attempt to cover all the exceptions, unusual circumstances and variations that occur. If you have any questions, please contact the Council Clerk at 503-823-4086.

Please note that the Council Agendas from January, 1997 to the present are available on the Internet at [portlandoregon.gov/auditor/councilclerk](http://portlandoregon.gov/auditor/councilclerk).

The City Code and Charter are on the Internet at [portlandoregon.gov/auditor/code](http://portlandoregon.gov/auditor/code).

## 2. PROCEDURES

### A. The Portland City Council

The Council is responsible for making administrative, legislative and quasi-judicial decisions under the City of Portland's commission form of government. The specific powers of the Council granted by the City Charter Section 2-110 through 2-127, as well as provisions regarding Council organization and procedures, are further delineated in the City Code, Chapter 3.02. See [portlandoregon.gov/auditor/code](http://portlandoregon.gov/auditor/code)

Council meetings are held on Wednesday at 9:30 am. If there is sufficient business, recessed meetings are held Wednesday and Thursday at 2:00 pm or 6:00 pm.

### B. Definitions

There are four types of Council documents:

1. **Ordinance:** A formal document by which the Council conducts its legislative, quasi-judicial and most administrative business. An ordinance carries the binding force of law. It is passed by the Council in accordance with rules of procedure set forth by the Charter. The number of affirmative votes required for passage varies from three to five, depending upon the type of ordinance. See Part III H., Emergency v. Non-Emergency Ordinances.

**NOTE:** ~~Any action to be taken by City Council that is intended to have the binding force of law must be in the form of an ordinance, NOT a resolution~~

**NOTE:** City Attorney approval is required for contracts, amendments to contracts, easements, franchises, Code changes, Charter amendments and Comprehensive Plan amendments.

**NOTE:** Code ordinances must be filed two weeks before the Council date. See Appendix F, Preparing Code Amendment Ordinances.

7-15-15

Mt Tabor Park LUR

Council members,

I would like to once again point to some ongoing issues with the credibility of what has been presented to date

- 1) PWB did not provide, nor did BDS compel the use of a legal plat map for the application
  - a. PPR parcels proposed for use by PWB are public property, and PWB will take them without any compensation process for this taking.
  - b. There was no legitimate or legal replat of the park to enable PWB to legitimately represent to BDS and the HLC / public that there are only two parcels as represented in the tax assessor map used in the LUR app.
  - c. Dissimilar bureaus cannot commingle capital assets by City Charter FIN 6.11. Real property is a capital asset.
  - d. This changed how the code was subsequently interpreted and then applied.

Both Washington and Mt Tabor are regional parks owned as public land by citizens. In the PWB taking of public land for revenue bureau purposes, the problem remains that all Portland citizens pay for and own the parks. While PWB customers as potential beneficiaries, are not all Portland residents, nor are all Portland residents PWB customers. This constitutes an illegal taking as it has been presented.

- 2) A type 3 land use request for a new use determination was paid for and accepted by BDS on Jan 7<sup>th</sup> 2015. Type 3 LURs by Portland's own code, are to be responded to within 51 days. As of this date no new use determination has been provided to the public. The outcome of this matter before Council today should have no bearing on how the code was required to be interpreted on the date the request was accepted.

Thank you,

Mark Bartlett

**Parsons, Susan**

---

**From:** Council Clerk – Testimony  
**To:** Commissioners-testimony; Shaff, David; deewhite1@mindspring.com  
**Cc:** Moore-Love, Karla  
**Subject:** FW: Agenda items 762 and 763 Mt Tabor and PWB resolution

Hello Dee,  
Yes, your testimony was received prior to the vote today and will be included in the record.

Commissioners,  
Please see the testimony below.

Susan Parsons  
Assistant Council Clerk  
City of Portland  
[susan.parsons@portlandoregon.gov](mailto:susan.parsons@portlandoregon.gov)  
503.823.4085

---

**From:** Dee White [mailto:deewhite1@mindspring.com]  
**Sent:** Wednesday, July 15, 2015 10:35 AM  
**To:** Council Clerk – Testimony  
**Subject:** Agenda items 762 and 763 Mt Tabor and PWB resolution

Carla, I am leaving town today and am racing around. Could you please let me know if this will be accepted? I thought the meeting started at 2:00.

Thank you,  
Dee White

July 15, 2015

I am opposed to the resolution that is being presented to City Council by the Portland Water Bureau (PWB) and the Mt Tabor Neighborhood Association (MTNA) to accommodate, illegally, the conditions posed by the Historic Landmark Commission (HLC) in order for the PWB to dismantle and decommission the historic drinking water open reservoirs at Mt Tabor.

I do not trust the City or the PWB to do the right thing because with regards to our open reservoirs and our Bull Run Water System, the City and the PWB have for two decades, betrayed the citizens of Portland's trust continuously, to the detriment of our health and financial well-being and to the financial gain for CH2MHILL.

The City and the PWB have bullied, bulldozed, insulted, and lied to the citizens of Portland for two decades. There is no health benefit for decommissioning the reservoirs. There is nothing NOT RIGHT with our functioning system and reservoirs.

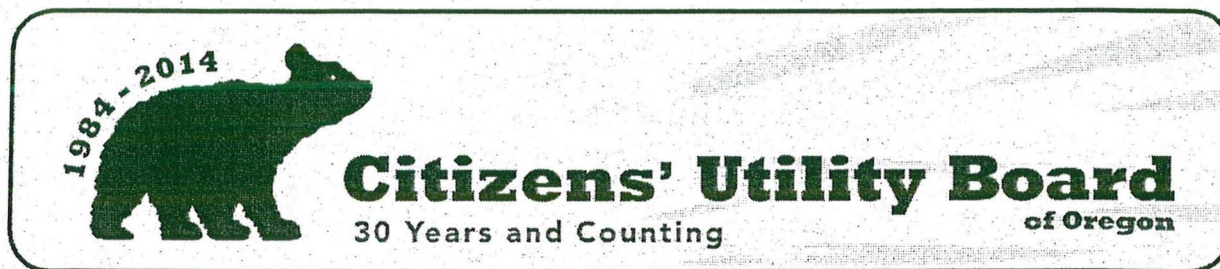
I request, for the umpteenth time, that Mayor Charlie Hales stops all build and destroy projects for our open air reservoirs and, with the help of Governor Brown, HONESTLY AND EARNESTLY pursue a waiver from the EPA LT2 rule from the Federal Government and the State of Oregon.

This is a travesty. The dismantling and eventual destruction of our iconic reservoirs is based on lies from our leaders, to benefit their cronies and ex-Water Bureau employees. Our City will suffer as a result of our leaders' misdeeds, lack of leadership and dishonesty. It needs to stop now.



The radon and nitrification issues cannot be ignored. These are VERY serious issues that will affect every single citizen of Portland who drinks and uses water from the closed tanks that are supposedly going to replace the open air reservoirs. Every single citizen of Portland needs to know about this and be given the opportunity to weigh in on this threat to their health and the health of their children. Posting a hearing in the Daily Journal of Commerce or having the press announce that our reservoirs HAVE to be covered is deceitful, dishonest and I would say, evil. The only thing our leaders seem to care about is holding onto their pensions, getting reelected and basking in their power.

Dee White  
3836 SE 49<sup>th</sup> Ave.  
Portland OR 97206



July 14, 2015

To: Commissioner Nick Fish  
From: Janice Thompson, Consumer Advocate for Portland Public Utilities  
Re: July 15, 2015 Council Agenda Item #762 – Mt. Tabor related resolution

CUB commends the Mt. Tabor Neighborhood Association (MTNA) and Portland Water Bureau (PWB) for their collaborative efforts in preparing the resolution that is before the City Council as agenda item #762. Their work represents a significant achievement.

However, I did want to let you know about an accuracy concern related to the provision that begins at the bottom of the resolution's first page and reads: *WHEREAS, the reservoirs are part of a complex system of pipes, valves, other reservoirs and related equipment that continue to be part of the overall utility infrastructure necessary for the operation of the city's water distribution system.*

The goal of this provision seems to be ensuring an understanding that the PWB systems are complex and that on Mt. Tabor there are many PWB assets in addition to the reservoirs. This goal is appropriate, but in CUB's view the proposed language is inaccurate since once the Mt. Tabor reservoirs are disconnected they will not be part of the PWB distribution system.

A comparison to PWB facilities in Washington Park is offered as background. The Washington Park project involves demolishing one reservoir and replacing it with an underground reservoir. The second reservoir is being disconnected and reconfigured, but will still be part of the water distribution system because it will serve as an overflow basin. The specifics can vary, but some type of overflow structure is a feature of modern era underground reservoirs. For example, there is an overflow detention basin adjacent to the Kelley Butte underground reservoir. Since there is no underground reservoir at Mt. Tabor, however, the disconnected reservoirs are not needed as overflow basins. This difference in the use of existing reservoirs is why the retained and reconfigured Washington Park reservoir will be considered part of the water distribution system while this same designation does not seem accurate for the disconnected Mt. Tabor reservoirs.

Indeed, the resolution acknowledges that it is only in future generations that additional, and presumably underground, water storage may be needed on Mt. Tabor. Even then it is the location of the current reservoirs and not the reservoirs themselves that would be used for storage and become part of the water distribution system.

CUB suggests the following replacement language: *WHEREAS, the reservoirs exist alongside a complex system of pipes, valves, other reservoirs and related equipment that are elements of the overall utility infrastructure necessary for the operation of the city's water distribution system.*

Thank you for consideration of this suggestion.

## Parsons, Susan

---

**From:** floy jones <floy21@msn.com>  
**Sent:** Tuesday, July 14, 2015 8:42 PM  
**To:** Council Clerk – Testimony  
**Subject:** Item 762 Tabor Reservoirs Resolution  
**Attachments:** Reservoir ordinance36237.pdf; IRPAcceptResExhibit.pdf; Resolution reservoir deferral 2012.pdf; Reservoirs Council2015.pdf; Consultant Contracts3jan11 11x17 LT2.pdf

Attached documents submitted for the record on Item 762, July 15, 2015 agenda , Resolution Mt. Tabor Reservoirs preservation

Additional information submitted separately

Submitted by Floy Jones, Friends of the Reservoirs

1., 2. *Independent* Reservoir Panel (IRP) Resolution 36267 and IRP Exhibits. This Resolution was negotiated (co authored) with the Friends of the Reservoirs. The intent was to avoid the Water Bureau unilaterally deciding on a compliance plan for the reservoirs should the mitigation option run afoul. The Water Bureau defied the Reservoir Panel Resolution. Backroom without community involvement the Water Bureau detailed the most onerous compliance plan, fast-tracking burial plans then without any community vetting blindsided city Council on March 25, 2009 by bringing a report to Council days before submitting the plan to the EPA. The report did also address

3. 2012. Reservoir Resolution 36904. This resolution brought in response to Senator Chuck Schumer's success in forcing the EPA to include review, revision of the onerous LT2 regulation as part of Obama's Executive Order to review and revision onerous regulations. The resolution directs the Water Bureau to submit a request to the Oregon Health Authority for a deferral of reservoir projects. Community stakeholders advocated for this approach such that efforts could be focused on revision of the regulation. An Oregon Health Authority public records request revealed the reasons the deferral request unlike Rochester, NY's request was not approved. The Portland Water Bureau and city leaders failed to take appropriate steps to adequately support their request. See attached April 2015 letter to City Council addressing what action is necessary to protect our water system assets.

4. April 2015 letter to City Council addressing steps necessary to avoid degradation of disconnection/ demolition of upgraded open reservoirs. Revelations from public records request of the Oregon Public Health Division.

5. 2010 Consultant contract chart outlining contracts including Joe Glicker, MWH Global 5 year contract to help craft the EPA LongTerm2 Enhanced Surface Water regulation including some of the contracts awarded resulting from the non science-based insertion of an open reservoir requirement in this Surface Water regulation

## RESOLUTION NO. 36237

Accept final report and recommendations of the Mt. Tabor Open Reservoirs Independent Review Panel and authorize interim enhanced security measures for City open finished drinking water reservoirs (Resolution)

WHEREAS, the Mt. Tabor Open Reservoirs Independent Review Panel has completed its review of options for addressing the security needs, pending regulatory requirements and necessary infrastructure investments for the Mt. Tabor open finished drinking water reservoirs; and

WHEREAS, the panel unanimously rejected the options of burying water storage without making park improvements, constructing treatment facilities at the reservoir outlets, replacing the bulk of the existing water storage at Powell Butte, and doing nothing; and

WHEREAS, the panel unanimously rejected the option of doing nothing because it felt some action is required to ensure water safety; and

WHEREAS, the panel unanimously recognized that the pending federal Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) affecting the structure and operations of open finished drinking water reservoirs has not been finalized and that there is no assurance of when it will be; and

WHEREAS, a majority of 8 panel members recommended that the Water Bureau, working with Portland Parks and Recreation, the Portland Police Bureau and members of the public develop a risk mitigation plan **that addresses** the requirements of the forthcoming Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) and is compatible with the character and uses of the park to be submitted for approval to appropriate state or federal regulating agency; and

WHEREAS, a minority of 5 panel members recommended that the City retire Reservoir 1 from use, place enclosed water storage beneath Reservoir 5 and Reservoir 6 North, restore the surface water features at Reservoir 5 as they currently exist, and restore the remaining surface water features consistent with the values and design guidelines established in the Mt. Tabor Master Plan and guiding principles; and

WHEREAS, the project to place temporary floating covers over the Washington Park open finished drinking water reservoirs has been placed on hold pending the completion of the Independent Review Panel process; and

WHEREAS, safe drinking water and a secure and reliable drinking water system are essential to the health, safety and economic vitality of Portland and the surrounding metropolitan region; and

WHEREAS, two-thirds of the City of Portland gets its drinking water directly from highly accessible open drinking water reservoirs located in public parks; and

WHEREAS, Portland's open drinking water reservoirs and surrounding structures hold significant aesthetic and historic value to park neighbors and visitors; and

WHEREAS, two separate security vulnerability assessments of the Portland water system indicate that Portland's open drinking water reservoirs are among the most vulnerable points in the water system to contamination both incidental and intentional.

NOW THEREFORE, BE IT RESOLVED, that the City Council accepts the report and recommendations of the Mt. Tabor Open Reservoirs Independent Review Panel; and

BE IT FURTHER RESOLVED, that the City Council directs the Water Bureau to terminate all current contracts for services related to the burial of the Mt. Tabor open reservoirs; and

BE IT FURTHER RESOLVED, that the City Council directs the Water Bureau to work with Portland Parks and Recreation, the Police Bureau and members of the public representing commercial and residential ratepayers, neighbors and stakeholders, to develop and submit to the appropriate state or federal regulator agency a risk mitigation proposal for the City's open finished drinking water reservoirs after the LT2ESWTR is promulgated in final form using a process consistent with the City's adopted Principles of Good Public Involvement; and

BE IT FURTHER RESOLVED, that should the risk mitigation plan submitted fail to gain the regulatory approval of the appropriate state or federal regulatory agency, the City Council, with full public participation and input, will evaluate and decide on appropriate alternative actions to meet the regulatory requirements for open finished drinking water reservoirs in the LT2ESWTR; and

BE IT FURTHER RESOLVED, that the City Council directs the Water Bureau to develop and submit to Council, as part of its 2005-06 capital improvement plan, a schedule for addressing priority deferred maintenance needs at the City's open reservoirs until the City achieves compliance with the final LT2ESWTR through either risk mitigation or alternate means; and

BE IT FURTHER RESOLVED, that the City Council directs the Water Bureau to cease installation of the temporary floating covers on the Washington Park open drinking water reservoirs until promulgation of the final LT2ESWTR and further direction from Council regarding how the City will comply with the regulatory requirements for the reservoirs at Washington Park; and

BE IT FURTHER RESOLVED, that the City Council directs the Water Bureau immediately to implement the phase 1 enhanced interim security measures and deferred maintenance for Portland's open finished drinking water reservoirs described in Exhibit "A" attached to this resolution; and



BE IT FURTHER RESOLVED, that the City Council directs the Water Bureau to follow all planning and design guidelines related to the reservoir sites and surrounding parks--including those described in the Mt. Tabor Park Master Plan, the Public Advisory Committee Guiding Principles, and the requirements of the listing of the open reservoirs on the National Register of Historic Places-- utilizing meaningful public process consistent with the City's adopted Principles of Good Public Involvement, in future actions related to the open reservoirs; and

BE IT FURTHER RESOLVED, that the City Council directs the Water Bureau to use the 0.5% in FY 2004-05 rate savings associated with the phase 1 enhanced interim security measures to reduce FY 2005-06 Water rates.

Adopted by the Council, July 28, 2004

Commissioner Dan Saltzman  
Edward Campbell  
July 22, 2004

**GARY BLACKMER**  
Auditor of the City of Portland  
By /s/ Susan Parsons

Deputy

BACKING SHEET INFORMATION

AGENDA NO. 876-2004

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 36237

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
FRANCESCONI	X	
LEONARD	X	
SALTZMAN	X	
STEN	X	
KATZ	X	

## **Exhibit A**

### **Proposed Interim Enhanced Security and Infrastructure Investments for Open Reservoirs**

#### **Phase 1: FY 2004-05.**

Phase 1 operations and maintenance investments:

- 5 additional contract security staff for onsite patrol of reservoir sites
- 1 additional bureau security staff to provide lead coverage

Operations and maintenance costs: approximately \$392,000 to be funded from 0.7% of 1.2% in authorized FY 2004-05 rates for reservoir replacement.

Phase 1 security and deferred maintenance capital infrastructure investments:

#### **Mt. Tabor**

- Video camera and improvements for remote monitoring,
- Design work for security upgrades to alarms,
- Design work for remote controls on isolation valves,
- Upgrades to Reservoir 5 gatehouse to make available as an office facility for security staff and for onsite security monitoring,
- Sensors to help alert security when critical areas have been breached,
- Pressure reducing valve (PRV) allowing emergency flow into distribution system if Reservoir 6 needs to be bypassed,
- Vegetation control to establish clear line of sight around reservoirs perimeter,
- Signs at trails and on fences encouraging visitors to use paths away from reservoirs,
- Tennis court net to block errant tennis balls from entering Reservoir 6, and
- Emergency portable lighting

#### **Washington Park**

- Microwave perimeter detection system to help alert security when section of critical area has been breached,
- Gate improvements and vehicle access controls at entry points to track entry and exit activities,
- Completion of remote controls installation on isolation valves,
- Sensors to help alert security when critical areas have been breached,
- Additional cameras and communications and improvements for remote monitoring and on-site recording, and
- Improvements to secure buildings

Phase 1 includes sidewalk repairs at both reservoir sites to provide a safer walking surface.

Security and deferred maintenance capital infrastructure costs: approximately \$6.2 million to be funded from reprioritization of current five-year Water Bureau Capital Improvement Plan (no rate impact).

#### **Preliminary Phase 2 Beginning in FY 2005-06**

The Water Bureau proposes a second phase of enhanced security measures and infrastructure investments to be developed and discussed as part of the FY 2005-06 budget process for implementation starting next year. Phase 2 measures would include completion of the installation of remote control isolation valves at Mt. Tabor, additional water quality monitoring instrumentation at the open reservoirs, as well as an environmental technician and instrument technician for ongoing calibration, maintenance and monitoring of these instruments.

Based on an evaluation of the effectiveness of the additional security patrols included in Phase 1, Phase 2 could also include proposals to adjust the number of both contract and Water Bureau staff available to provide open reservoir security.

**FY 04-05 Estimated Capital Improvement Costs for Proposed Phase 1 Interim Security and Deferred Maintenance Measures at Open Reservoirs**

<b>Item</b>	<b>Function</b>	<b>Estimated Cost*</b>
<b>Security Improvements</b>		
Building Security & Camera Improvements at Washington Park	Improves communication, remote viewing and recording of visitation activities, secures buildings	\$ 360,000
Communications and video improvements at Tabor	Improves camera communications for monitoring	\$ 105,000
Begin design of Tabor Security Improvements	Start design work for conduits, alarms, power for security upgrades	\$ 150,000
Modify Reservoir 5 Gatehouse interior	Make site available for onsite security monitoring and provides facilities for staff	\$ 180,000
Install sensors on ornamental fences at reservoirs	Notifies security when and where reservoirs have been breached	\$ 175,000
Install signs at trails and on ornamental fences	Encourages visitors to take other paths away from reservoirs	\$ 54,000
Install perimeter detection system at section of Wash. Park outer fence	Notifies security when critical areas have been breached	\$ 47,000
Install 2 ornamental pipe gates @ Madison Trail at Wash Park	Blocks area where vehicles can drive into Washington Park reservoir	\$ 17,000
Upgrade security gates at Reservoir 3	Improves vehicle control--allows security to track entry and exit	\$ 106,000
Vegetation control	Removes nuisance plants and establishes clear line of sight	\$ 20,000
Provide emergency portable lighting	Provides security with lighting during night or inclement conditions. Improves security response	\$ 20,000
Tennis court net	Blocks errant tennis balls from the courts entering Reservoir 6	\$ 36,000
<b>Subtotal</b>		<b>\$ 1,270,000</b>
<b>Deferred Maintenance</b>		
Pressure reducing valve (PRV) at Tabor	Allows services to be switched to Tabor 411 in an emergency if Reservoir 6 needs to be bypassed	\$ 3,172,000
Install electric controls on valves at Wash. Park (including conduits, telemetry, and power)	Allows remote control of isolation valves-- faster emergency response	\$ 1,400,000
Sidewalk repairs at reservoir sites	Provides safer walking surface	\$ 225,000
Replace sliding gate at Reservoir 4	Replaces failing gate	\$ 104,000
<b>Subtotal</b>		<b>\$ 4,901,000</b>
<b>Total</b>		<b>\$ 6,171,000</b>

\* All phase 1 projects to be funded from within the current five-year Capital Improvement Plan with no additional rate impact.

**FY 05-06 Estimated Capital Improvement Costs for Preliminary Phase 2 Interim Security and Deferred Maintenance Measures at Open Reservoirs**

<b>Item</b>	<b>Function</b>	<b>Cost</b>
<b>Security Improvements</b>		
Building Security and Camera Improvements at Mt. Tabor	Improves remote viewing and recording of visitation activities, secures buildings	\$ 843,000
Provide spot lighting	Provides illumination of dark areas on and around reservoir to improve security response and increase safety for people walking around the reservoirs at night	\$ 54,000
Install new sliding gates at Tabor (1 @ Lincoln, 1 @ Res 5 - replace existing pipe gates); Costs include card keys and ornamental finish. Replace chain at Res 1 with Pipe gate.	Replaces existing manual entry gates with more secure automatic gates. Provides better vehicle control and allows security to track entry and exit activities. Speeds up response time. Replace weak chain with pipe gate.	\$ 225,000
Install WQ Monitors (Baseline)	Improves bureaus existing water quality monitoring and establishes baselines to track potential contaminants against.	\$ 891,000
<b>Subtotal</b>		<b>\$ 2,013,000</b>
<b>Deferred Maintenance</b>		
Install valves and electric controls on valves at Tabor (including conduits, telemetry, and power); Site preparation and restoration.	Allows remote control of isolation valves, speeding up emergency response time, increases Bureau's ability to remote bypass reservoirs and the Tabor site in an emergency	\$ 2,420,000
<b>Subtotal</b>		<b>\$ 2,420,000</b>
<b>Total</b>		<b>\$ 4,433,000</b>

Phase 2 projects will be finalized and brought to Council for consideration as part of the FY 2005-06 budget process.



**SUBSTITUTE**  
**3 6 9 0 4**

**RESOLUTION No.**

Request an adjustment to the City's compliance schedule for the uncovered finished drinking water reservoir requirements of the federal Long Term 2 Enhanced Surface Water Treatment Rule. (Resolution)

WHEREAS, the federal Long Term 2 Enhanced Surface Water Treatment Rule (LT2) requires that uncovered finished drinking water reservoirs be covered or that treatment facilities be installed at the outlets to treat for *Giardia*, *Cryptosporidium* and viruses to protect public health; and

WHEREAS, the Environmental Protection Agency (EPA) and the Oregon Health Authority (OHA) have said that there is no variance available for the uncovered reservoir requirements of LT2 and that the City of Portland must comply with the rule; and

WHEREAS, the EPA stated in a February 11, 2009 letter to the Portland Water Bureau (PWB) regarding the bureau's reservoir compliance schedule, that "...EPA cannot approve a schedule that provides for any unreasonable delays. EPA can only approve a schedule under which Portland begins taking immediate steps toward compliance with the open reservoir components of LT2. The schedule needs to show that you will work steadily and consistently toward compliance."; and

WHEREAS, the City of Portland received approval of a compliance schedule for the reservoir component of the rule from the EPA on March 27, 2009; and

WHEREAS, on August 19, 2011, the EPA issued a letter to Senator Charles Schumer of New York declaring that the EPA would be reviewing the LT2 rule expeditiously and that alternative compliance options for the uncovered reservoir requirements of the rule would be considered; and

WHEREAS, a letter dated December 9, 2011 from the OHA indicated, "...there may be specific articulable facts that warrant schedule compliance schedule adjustments...the primacy agencies can evaluate these system-specific issues when evaluating a request to adjust a compliance schedule. If a schedule adjustment is appropriate, the public water system should have robust interim measures in place to ensure public health protection and those measures should remain in effect until that system comes into compliance with the rule."; and

WHEREAS, the PWB has identified key projects that, when combined with those required under LT2, create potential added risks to the water supply if not completed prior to the reservoir projects. Completing construction of these projects will ensure necessary operational flexibility, reduce the potential supply risks with having the reservoirs out of service for extended periods of time, and still reflect Portland's commitment to "...work steadily and consistently toward compliance." as required by the EPA and the OHA; and

WHEREAS, circumstances have changed since Portland's current compliance schedule was submitted to the EPA for approval and a schedule adjustment would address the risks identified above by enabling proper sequencing of capital projects, providing greater ongoing reliability of supply and moderating rate increases needed to pay for infrastructure improvements; and

WHEREAS, Portland has existing robust interim measures in place to ensure public health protection; and

WHEREAS, Portland and other systems should receive the same opportunity as New York City to benefit from the EPA's review of the LT2 rule and any alternative compliance options that become available; and

NOW, THEREFORE, BE IT RESOLVED that the Portland City Council directs the Portland Water Bureau to submit a formal request to the Oregon Health Authority to extend Portland's uncovered reservoir compliance schedule for LT2 that reflects a December 31, 2017 start date and a June 30, 2026 completion date for all projects; and

BE IT FURTHER RESOLVED that the Portland Water Bureau shall propose a June 30, 2021 completion date for Kelly Butte Reservoir (from December 31, 2014), a June 30, 2024 completion date for the Mt. Tabor Project (from December 31, 2015) and a June 30, 2026 completion date for the Washington Park Project (from December 31, 2020).

Adopted by the Council: FEB 01 2012

Commissioner Randy Leonard  
Prepared by: Ty Kovatch  
Date Prepared: January 23, 2012

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By

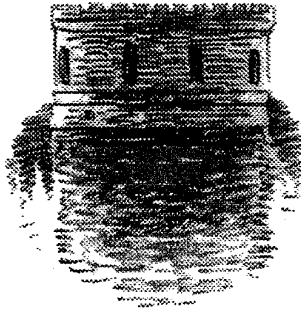
  
Deputy

Request an adjustment to the City's compliance schedule for the uncovered finished drinking water reservoir requirements of the federal Long Term 2 Enhanced Surface Water Treatment Rule (Resolution)

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Leonard</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard <i>Handwritten signature</i></p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: Water Bureau Head: David G. Shaff</p> <p>Prepared by: Ty Kovatch Date Prepared: January 30, 2012</p> <p>Financial Impact &amp; Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date <b>02.01.12</b></p> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan</p>	<p>CLERK USE: DATE FILED <u>FEB 01 2012</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p> <p><b>ACTION TAKEN:</b></p>
---	--

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR X</b></p> <p><b>Total amount of time needed: 75 minutes</b> (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	



# FRIENDS *of the* RESERVOIRS

*Citizens joining to protect Portland's historic reservoirs and water system*

3534 S.E. Main Street, Portland, OR 97214      [www.friendsofreservoirs.org](http://www.friendsofreservoirs.org)

[www.lists.pdx.edu/mttabor](http://www.lists.pdx.edu/mttabor)

April 19, 2015

Sent by e-mail 4/19/2015

Mayor Hales and Commissioners

1221 S.W. 4<sup>th</sup> Ave.

Portland, OR 972014-1926

Dear Mayor Hales and Commissioners Fish, Fritz, Novick and Saltzman,

While the Portland Water Bureau has written many bad chapters over the last several decades related to their pursuit of highly controversial, costly and unnecessary reservoir and treatment plant engineering projects, there remains an opportunity for City Council to write a much better end chapter – **an opportunity to support community interests over corporate interests**. City Council can immediately put on hold the current Mt. Tabor reservoir disconnection project and the Washington Park reservoir demolition project.

As you know, in light of Senator Chuck Schumer's success with forcing the EPA to include LT2 review and revision as part of EPA's compliance with Obama's Executive Order 13563 (requiring agencies to review, revise and repeal onerous regulations), EPA has committed to complete their LT2 review and revision by the end of 2016. We offer a multi-pronged approach such that the community can see the result of EPA's LT2 review and revision before any unnecessary "cutting and plugging" of pipes takes place

at Mt. Tabor and before City Council takes any Land Use steps to support demolition of the historic and fully functional open reservoirs at Washington Park.

The first prong of this new approach would be to work with the Oregon Health Authority (OHA) to approve a "temporary" disconnection of all of the Mt. Tabor reservoirs, thus meeting the Water Bureau's self-imposed December 2015 Tabor compliance deadline, and avoiding the unsupported and degrading "cutting and plugging" of pipes throughout Mt. Tabor park. The OHA has already approved (5 years ago) a "temporary" disconnection of a Tabor reservoir, allowing the Water Bureau to keep Tabor's Reservoir 6 offline since September 2010 . A similar "temporary" disconnection of all of the reservoirs at Mt. Tabor would not only avoid all of the "cutting and plugging" of pipes throughout the park but would also provide opportunity for Oregon's Congressional delegation to join forces with Senator Schumer and others to reinstate the "risk mitigation" reservoir compliance option included in the draft EPA LT2 rule but inexplicably removed from the "onerous" final rule. Senator Merkley has advised community stakeholders many times that he would join forces with Senator Schumer and others, if Portland City Council secured a deferral or other such alternative.

Concurrently, Portland would collaborate with the Oregon Health Authority to secure a deferral of the Water Bureau's self-imposed time line of compliance with LT2 reservoir requirements. As confirmed by the Oregonian, our new Governor has asked the Oregon Health Authority to review the community request for a deferral, but as we know, there will be no further supportive action without the active support of the Portland City Council.

A Friends of the Reservoirs public records request of OHA's documents and communications related to Commissioner Novick's 2013 reservoir deferral request revealed that:

1. David Leland confirmed in an internal email that there is no limit to the number of times a request for deferral can be made.



2. The Portland Water Bureau failed to provide necessary supportive documents to back up Commissioner Novick's deferral request.
3. The Portland Water Bureau used a surrogate to send the message to OHA that they wanted to proceed with build projects. Dave Leland stated, "... now we know what the Water Bureau wants." (This messenger is the same person Mayor Katz publicly chastised at the 2004 Reservoir Panel Council meeting when that person admitted to anonymously contacting the Urban League member at the end of the 3 months of panel work.)
4. There was no proactive collaboration between the City of Portland and OHA, as was the case between the Rochester water department and their health authority when Rochester successfully secured a 10-year deferral of their low-cost compliance plan for their 1876 open reservoirs, which are also set in city parks. Portland failed to engage in any follow-up advocacy or lobbying to secure a deferral such as Rochester's. A relevant aside to this point is that even if the EPA fails to revise the onerous unsupported requirements, Rochester plans on retaining their historic open reservoirs as functional open reservoirs spending but \$22 million to add UV bulbs, which makes clear that lower costs options exist if the utility works in service of community interests.

We request that the Portland City Council direct the Portland Water Bureau to prepare a deferral request that will succeed. The City must then advocate for success and collaborate with OHA, engaging the support of our Governor such that the decision is not made by low level OHA bureaucrats. OHA internal communications revealed that then Director Goldberg was supportive of finding alternatives to enforcing the fast-track compliance schedule, but Dave Leland, who led the decision-making process was not. With a deferral the Congressional delegation can then join forces with others to ensure that the revised EPA LT2 rule reinstates the "risk mitigation" option and that *Cryptosporidium* sampling distinguishes the majority harmless species from the few harmful species.

With regard to the demolition of the Washington Park reservoirs, the current process has not fulfilled the Demolition Land Use requirement "...*that there is an opportunity for the community to fully consider alternatives to demolition.*" The community has never been afforded a meaningful opportunity to fully consider the multiple alternatives to demolition of the Washington Park reservoirs, a project that is scheduled to last for four years. Further, Council Resolution No. 36237 requires that stakeholders be brought together utilizing the *City's adopted Principles of Good Public Involvement in any actions related to the open reservoirs*. The Water Bureau has explicitly defied this Council ordinance. At the March 30, 2015 Historic Landmark Commission (HLC) meeting the PWB lead engineer on this project refused to respond to a member's question as to why the unneeded storage wasn't being built elsewhere. As explained by the Water Bureau to the HLC, the current project will result in four years of zero water storage at Washington Park. This HLC member expressed that clearly, there is no reason to demolish these significant historic assets.

LT2 compliance can be achieved in alternate ways. A new *Independent Reservoir Panel* should be convened, one that does not exclude stakeholders such as Friends of the Reservoirs, to fully consider the many alternatives to demolition. Fully preserving the well functioning and irreplaceable reservoirs at Washington Park preserves Portland's heritage, beautifies the city, enhances civic identity, and supports economic vitality by recognizing and maintaining the significant recent investments made at the reservoirs and by avoiding the waste of the \$80 million associated with demolition and construction.

We implore the City Council to support and take immediate action on our request to put these two massive projects on hold and pursue these recommendations so that there will be a better ending to this decades long struggle between our City administrators and the citizens and ratepayers of Portland. We suggest meeting to discuss further and please contact us with any questions.

Sincerely,

Floy Jones on behalf of  
Friends of the Reservoirs

# EPA LT2, Bull Run Water Treatment Plants, and Costly, Unnecessary, Buried Storage Tanks

The result is corporate benefit over Portland's community interest, and it's no accident.

Many corporations were involved, but here's the outline of Portland's role:

Ex Portland Water Bureau executive Joe Glicker seems to be the chief architect of the corporate vision for Portland's Bull Run system.

He has been influencing Portland Water Bureau policy, and been on corporate retainer, almost constantly for 30 years.

His employment history:

Portland Water Bureau (PWB)	1980-1994	(Engineer, manager, whose job title changed over the years.)
Montgomery Watson Harza Global (MWH)	1995-2006	regional vice president
CH2M Hill	2006-present	regional vice president

**Upon leaving the Portland Water Bureau, aided by a Portland Water Bureau-dominated selection committee, Joe Glicker immediately secured lucrative Portland Water Bureau consultant contracts for his new employer the global corporation, MWH. Through this string of overlapping and interrelated consultant contracts, Glicker, who was influential in negotiating the EPA LT2, has been able to set the corporate-benefiting course for the future of our Bull Run open reservoir system. Unnecessary additional Bull Run treatment plants and buried tanks are projects that will degrade our system, create new and unique public health risks, create massive debt, and more than double our water bills, all while providing no measurable public health benefit. None of this has been possible without the support of City Council. It is highly possible that, as a result of these unnecessary projects the system will become more unaffordable, and with the budget overloaded with debt, the persistent corporate dream of partial, or full privatization beginning with an "Intergovernmental Agency" will become a reality, ending Portland's sole public ownership of our water supply.**

Bull Run treatment plant and buried tank CONSULTANT CONTRACT history: Source: Oregon Public Record requests 2002- present. **Study contracts 1995 to 2005** were awarded without transparency or any public process 1989--1993 Montgomery, Watson Bull Run Water Treatment Study (Joe Glicker was not yet employed by MWH)

1995 [redacted] 2004 (9-year contract) Joe Glicker, MWH **Powell Butte Master Plan** contract outlines plans for multiple buried tanks, treatment plant.

1995 [redacted] 2003 (8-year contract) Joe Glicker, MWH **Open Reservoir Study** contract (Amended and extended 8 times)

1997 [redacted] 2000 (end date unknown) J. Glicker, MWH/ CH2M Hill **Infrastructure Master plan** contract - Build UV Radiation plant first, then Membrane Filtration plant, plus bury multiple tanks

1997 [redacted] 2003 (5-year contract) Joe Glicker, MWH (secret) **Federal Regulation contract (LT2) - negotiate EPA "public health" regulations. (Rhodes Trussell, a 32-year MWH CEO served on EPA's Science Advisory. Many now think LT2 based on flawed science.**

1999 [redacted] (end date unknown) J. Glicker, MWH **Regional Transmission and Storage Strategy** - (Corporate vision for Portland water to create an "Intergovernmental agency" change Bull Run ownership, add treatment plants, bury multiple tanks, and build a regional "blendcenter" to mix Columbia River, and Willamette River water with Bull Run water).

2001 [redacted] 2005 (4-year contract) J. Glicker, MWH **Bull Run Treatment Panel** -18-month 2001 panel, controlled process; produced report. Panel ran for 18 months, contract four years. Panel concluded treatment not likely to add measurable public health benefit

2003 [redacted] 2004 J. Glicker, MWH **Tabor Reservoir Burial** contract- Terminated in 2004. After Reservoir Panel (Independent Review Panel) did not support reservoir burial. Supported enhanced open reservoir security, and reservoir maintenance. Since then, \$45 million spent for reservoir upgrades.

2004-----? CH2M Hill Professional Services- Flexible Contract- Water Treatment- Provide summaries of potential health effects for various treatment options, assist in collecting and organizing tech information to be made available to the public on website, design web pages, specialized inspection services related to water treatment, such as inspection of chemical tank interiors and hazardous-area ventilation systems.

Consultant Joe Glicker moved from Montgomery, Watson, Harza Global (MWH) to CH2M Hill in 2006; consultant contracts followed him to CH2M Hill.

2007 [redacted] 2010 CH2M Hill LT2 related **UV Radiation Plant** pre-design work *hidden* under "**Water Main**" Flexible Service contract. Providing unfair insider advantage for larger UV design contract.

2009 [redacted] 2012 CH2M Hill LT2 **Powell Butte II Buried Tank Design** (J. Glicker handled Powell Butte 2003 land use with requirement that any tank built must be started by 2013.)

2009 [redacted] (end date unknown) CH2M Hill LT2 Bull Run **source water "Variance Track"** contract (Conflict of interest - CH2M Hill working on both "build" track and alternative "variance" track.)

March 2010 [redacted] Oct., 2013 (3.5 year contract) MWH LT2 **Kelly Butte buried storage tank** --as Mt Tabor reservoir replacement.

May 2010 [redacted] Dec. 31, 2014 (4.5 year contract) CH2M Hill LT2 **Bull Run Watershed UV Radiation Treatment Plant Design**

2010 [redacted] 2013 CH2M Hill Flexible Service contract project list **undisclosed**; includes \$\$ for public relations

For background details on cozy consultant contract history see: <http://www.friendsofreservoirs.org/background.html>

Other major capital projects not noted here have flowed to the same consultant/corporation. The community has not been allowed to determine what goes into the PWB's Capital Program;

In almost every case above, Public Involvement, if any at all, took place only *after* corporate contracts were awarded.

Dec, 2010