



# FRIENDS *of the* RESERVOIRS

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

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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