



# 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)

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March 2, 2015  
Sent by e-mail 3/3/15

Governor Brown  
State Capital Building  
900 Court Street NE  
Salem, OR 97301

Dear Governor Kate Brown,

Welcome to your new position as Oregon's 38th Governor. We applaud your efforts to improve government transparency, reform public records laws, and address conflicts of interest. [Conflicts of interest](#), [revolving-door consultants](#), cronyism, and stonewalling release of public records are problems that have long led to a lack of public trust in the Portland Water Bureau. We write as we are at the precipice: at stake is the imminent dismantling and demolition of Portland's historic open reservoirs to "save" the public from a public health threat (infection from Cryptosporidium) that does not exist in Portland's water.

As head of the Oregon Health Authority (OHA) you have the power to intervene on behalf of the citizens of Portland directing OHA administrators to approve a [City of Portland deferral](#) of the Mt. Tabor disconnection and Washington Park demolition projects. Taking such action will provide opportunity for members of Oregon's Congressional delegation to join forces with New York, New Jersey and others to lobby EPA to revise the unsupported "treat or cover" requirement of the onerous Long-Term2 Enhanced Surface Water (LT2) regulation. Senator Merkley and Congressman Blumenauer both have asked OHA to support a deferral. Thanks to New York's Senator Schumer EPA included LT2 as part of **President Obama's Executive Order 13563** ([Link here](#)) to review, revise, and repeal onerous regulations. EPA has committed to completing its LT2 review and revision by the end of 2016, but the Portland Water Bureau's negotiated 2009 compliance plan has the Mt. Tabor reservoirs disconnected by December 2015 with work on the costly demolition of the Washington Park reservoirs proceeding ahead of schedule.

The community's preferred course of action is for you, Governor Brown, to direct the Oregon Health Authority to adjust compliance deadlines in line with those of Rochester, NY as proposed by the City of Portland or better yet in line with New York's DEP's deferral until 2034. Alternatively, a new way to approach the problem would be to direct the Oregon Health Authority to approve a "temporary" disconnection of the Mt. Tabor reservoirs. In this manner, Portland could stop serving drinking water from the Tabor reservoirs by December 2015, the current negotiated deadline, but avoid the aggressive digging, cutting and plugging of pipes before we are able to review EPA's revision of the LT2 regulation. As we have seen at Mt. Tabor's Reservoir 6, the Oregon Health Authority has allowed a "temporary" disconnection to be employed, without cutting and plugging of pipes, to go on for 5 years, since September 2010. This approach would provide opportunity for Oregon's Congressional delegation to actively work on revision of the regulation's reservoir requirements.

In 2012 a broad coalition of community stakeholders wrote to Governor Kitzhaber asking for his help (letter attached). Governor Kitzhaber failed to respond. Had he intervened Portland

ratepayers could have saved over \$160 million short-term and hundreds of millions more long-term. A secured delay could afford ratepayers savings well beyond the \$70 million pricetag associated with the Tabor disconnect and Washington Park demoliton.

The city of Portland has made significant investments in functional open reservoir upgrades closing out a \$23 million contract in late 2011. One of the tasks assigned a consultant studying the open reservoirs over a 9-year period was to outline [projects](#) necessary to keep the open reservoirs safely operating for another 50 years. The overwhelming majority of these projects were completed over the last 11 years under 4 contracts totaling \$40 million, financed by 25-year revenue bonds. Is it judicious to first pay to upgrade the reservoirs only then to pay to disconnect, demolish and replace them?

EPA never gathered any national data on reservoirs, covered or uncovered, to support the LT2 rule. Data collected at Portland's open reservoirs as part of the scientific #3021 study by the Water Research Foundation (WRF, formerly the American Water Association Research Foundation) demonstrates that Portland's system has zero detections of *Cryptosporidium* in our open-air reservoirs. (See [City of Portland](#) and [Water Research Foundation](#) attachments.) The WRF #3021 study concluded that all participating utilities already meet the goal of the rule based on statistically significant sampling. There is zero evidence of water-borne disease derived from the Bull Run system in the community it serves.

As we advised Governor Kitzhaber Rochester, New York has two historic open reservoirs set in city parks and as noted in Portland's last deferral application Rochester secured a deferral of reservoir projects until 2022. In his letter to the EPA , the Mayor of Rochester stated, "people rightly demand that public funds be judiciously spent" arguing that spending money to "treat or cover" open reservoirs was not a good use of public funds, given the lack of measurable public health benefit. Rochester has no plans to build underground tanks or cover their historic open reservoirs even if the EPA fails to revise the onerous reservoir requirement. Instead, Rochester would install UV bulbs, spending less than 10% of what Portland is spending, less than what Portland recently spent on open reservoir upgrades. The City of New York has secured a deferral extended to 2034 and would very likely seek further delay if EPA fails to revise the onerous reservoir requirement. New York's DEP submitted substantial and [detailed comments](#) responsive to Obama's Executive Order 13563, including a section on the need to reform the LT2 rule specific to open reservoirs (pp.8-10). NYC supports, as we do, reinstatement of a "risk mitigation" option included in the 2003 draft rule, but inexplicably removed from the regulation promulgated in 2006.

Portland's Bull Run water system delivers excellent and safe drinking water to residents of Portland and many other communities and has done so for over 100 years. See [letter](#) to Commissioner Randy Leonard from [infectious disease expert Thomas T. Ward, M.D.](#) Also, read the scientific [report](#) by Scott Fernandez.

We appeal to you as the highest authority in the state of Oregon. We trust that you will take action to restore trust in government by bringing rationality and sound science to a public health mandate and stopping the waste of precious public resources. We stand prepared to help you with this effort in any way possible. Thank you so much for your attention to this critical matter.

Sincerely,

Floy Jones on behalf of the Friends of the Reservoirs

Attachments (2)