



# FRIENDS *of the* RESERVOIRS

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

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LU 14-249689 DM (PC# 14-139549) **Demolition Review for Washington Park Reservoirs #3 and #4 and the Weir Building**  
**Comments submitted via e-mail by Floy Jones on behalf of Friends of the Reservoirs**

**The Friends of the Reservoirs strongly opposes the proposal to demolish Reservoir 3 and Reservoir 4 and the Weir buildings at Washington Park. This plan does not meet criteria and otherwise creates new and unique cancer-causing public health risks.**

Demolition is not required by the onerous EPA LT2 regulation nor is it necessary for any other reason. Low cost alternate compliance has already been financed by ratepayers who will continue to pay not only for installation of the grillwork and liner installed in 2003 as preparation for installation for reservoir covers as well as for the purchased covers. Reservoir covers meet the EPA LT2 requirements. Ratepayer are also financing the Washington Park reservoir upgrades completed between in 2003 and 2010, costs that will increase over time as they are debt financed. A secondary LT2 compliance option, one that would preserve the open reservoirs but has never been fully considered is also available, "treatment at the outlet". Unlike demolition employing either of these options would likely meet LU criteria for historic resources.

**The Portland Water Bureau has not met the requirements for compliance with Chapters 33.445 and 33.846**

The Portland Water Bureau has not demonstrated that they considered the historic value of Portland's open reservoir resources when making the backroom and unsupported decision to demolish the Washington Park open reservoirs, a decision made by Water Bureau engineers in 2008. Also, the community was never afforded opportunity to fully consider the alternatives to demolition. There is no need to demolish the Washington Park reservoirs 3 and 4 or the Weir building when other less detrimental and lower-cost EPA compliant alternatives exist yet have not been fully considered.

The Portland Water Bureau and their cozy revolving-door consultants have been trying for decades to force "fun" reservoir burial projects as described in 2013 by Water Bureau engineer Stan Vanderberg at a wholesale customer water managers meeting. In 2004 Water Bureau Administrator Mort Anoushirivani when asked at a public infrastructure meeting why the Water Bureau was spending so much money on revolving-door consultant studys while deferred maintenance (as referenced by a 2004 City Auditor report) was being avoided, responded by saying "designing and building is glamorous and maintenance is boring." When trying to force unsupported reservoir demolition and covering projects between 2001 and 2004, PWB PR staff including Tim Hall repeatedly told the public that the reservoirs were not historic resources. It was not the Water Bureau that worked to place the reservoirs on the National Register of Historic Places in 2004 but several members of the Friends of the Reservoirs, a Water Bureau watchdog organization with members representing both sides of the river that formed in response to 2001 line-item budget decisions to cover Washington Park reservoirs and demolish the Mt. Tabor reservoirs.

At a budget presentation earlier this month the Portland Water Bureau failed to include the historic open reservoirs as assets, let alone as the significant assets they have been and remain.

The Portland Water Bureau was the only utility in the entire nation that was secretly seated at

the table serving on the EPA LT2 Federal Advisory Committee. They brought with them a revolving-door consultant, Joe Glicker, a former PWB engineer, whose associated global engineering firms have profited from the onerous one-size-fits-all regulation that by all accounts will provide no measurable public health benefit to systems like Portland's Bull Run open reservoir water system. A list of some of the contracts awarded Glicker's associated corporations was provided the HLC in the Mt. Tabor Disconnect LU case. It was the Water Bureau in isolation and/or in backroom consultation with consultants who set the fast-track schedule for compliance. There is no deadline in the LT2 rule for reservoir compliance.

### **DEMOLITION DOES NOT MEET GOALS**

**GOAL 1:** This goal can be met by installing "covers" or "treating at the outlet or by a Oregon Health Authority deferral, an EPA waiver or a variance which is allowed by the Safe Drinking Water Act for "treatment techniques" such as the "treat or cover" EPA LT2 requirement- See additional comments below.

**GOAL 2:** The land around the reservoirs was opened up to the public in 2006 during daylight hours after extensive upgrades were completed including upgrading and reopening the grand entry staircase. Friends of the Reservoirs participated in the subsequent celebration which took place on the day Randy Leonard announced that David Shaff would be permanently appointed as Water Bureau director. The value to the community will be significantly diminished not improved by demolition of the open reservoirs.

**GOAL 3:** The PWB specifically avoided opportunity for the public to fully consider options to avoid demolition. It was public opposition to the lack of public process in 2001 that led to the 2004 "Independent Reservoir Panel" which after opportunity to consider all of the option with much of the significant information provided the panel coming from Friends of the Reservoir failed to support the Water Bureau's proposed demolition of the Tabor reservoirs and covering Washington Park reservoirs.

Additionally, the WB failed to notify stakeholders of meetings associated with this Washington Park reservoir demolition case, including conferences with the Historic Landmark Commission. In order to make significant participation including research difficult they brought this demolition LU case forward over the Christmas holiday overlapping the Mt. Tabor LU process. See information below.

**GOAL 6:** The promenade around the reservoirs was opened up following costly upgrades in 2006 including the upgrade construction of a grand entry staircase, new wrought iron fencing, etc.. The significant value of the historic open reservoirs by far supercedes the minimal restrictions.

**GOAL 9: CITIZEN INVOLVEMENT – PUBLIC INVOLVEMENT AVOIDED; COUNCIL ORDINANCE REQUIRING PUBLIC INVOLVEMENT DEFIED** There has been no citizen involvement in the decision-making process as required by the Independent Reservoir Review Panel **ordinance # 36237** (attached for the record). A meaningful public process would have thoughtfully and publicly considered all EPA compliance options with all community stakeholders seated at the table. All stakeholders would have equal access to all pertinent information without having to deal with the Water Bureau's stonewalling public records requests or having to go to other utilities for factual information as has been the case many times for decades. The Portland Water Bureau made all significant land use decisions backroom in **defiance of the reservoir City Council ordinance # 36267** which required bringing community stakeholders together to determine what action to take if the LT2 "risk mitigation" option could not be met. Friends of the Reservoirs was present when this ordinance was negotiated with Commissioner Saltzman in 2004. Mayor Potter was very supportive of, insistent on inclusion of all community stakeholders in ANY future decisions/actions impacting the open reservoirs.

The relevant sections of the ordinance include but are not limited to: "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 .....utilizing meaningful public process consistent with the City's adopted Principles of Good Public Involvement, in future actions related to the open reservoirs. Inexplicably the EPA removed the "risk mitigation" option that was included in the draft 2003 regulation from the onerous and scientifically unsupported final LT2 rule released in 2006. Community stakeholders (including Friends of the Reservoirs) should have been brought together prior to the Portland Water Bureau's

development of any reservoir compliance plan.

Friend of the Reservoirs devoted many tens of thousands of volunteer hours over the last 12 plus years in service of protecting the significant and well-functioning resources that are Portland's historic open reservoirs. We have worked with a broad-base of community stakeholders including many neighborhood associations, neighborhood coalitions, public health, businesses and business coalitions, environmental and social justice organizations -all of whom have written to City Council and/or the Congressional delegation in support of alternatives to the current reservoir plan. Over 30 community organizations have opposed the Water Bureau's burial and covering plans since 2002. At least 22 of these organizations have written to City Council, the Congressional delegation and/or testified in support of alternatives since 2010.

40 members of the public attended the Water Bureau's first public meeting (2014) related to the Washington Park demolition plans. No information was presented on any of the viable options that would avoid demolition. Overwhelmingly, everyone in attendance at this meeting save one opposed the Water Bureau's demolition plans. By design the Water Bureau has avoided providing opportunity for the community to fully consider alternatives to demolition. Just as in 2002 the Water Bureau wants to limit ratepayer discussion to what happens after the degradation of significant water system and community assets.

**APPROVAL CRITERIA.** Proposals to demolish a historic resource will be approved if the review body finds that one of the following approval criteria is met:

1. Criteria: Denial of a demolition permit would effectively deprive the owner of all reasonable economic use of the site. This is not the case here.

**RESPONSE:** The Portland Water Bureau would be able to continue to use both of the open reservoirs if needed, Reservoirs 3 and 4, as part of the drinking water system and be in compliance with federal regulations if they install a reservoir cover at very low cost. Prior to construction of the Powell Butte II tank the city had an excess of in town storage at Tabor and Washington Park as reported by the PWB to the Oregon Health Authority and the EPA, 50 million gallons of excessive storage, thus the Water Bureau has not been utilizing all of the storage at Washington Park (or at Tabor) though not being clear with the public about this fact.

In 2002/03 the Water Bureau absent any public process or regulatory requirement installed grillwork for floating reservoir covers at the Washington Park reservoirs. The Water Bureau also installed a white liner on the upper Washington Park reservoir, which was intended to last 25 years as represented by an onsite PWB engineer at the time. In a February 19, 2003 powerpoint to City Council referring to the "Washington Park Solution" of covers the Water Bureau said that this "eliminated regulatory modification" and that the "historic structures are not affected" , "trees remain in place", and "roads remain open." The cover material (Hypalon) intended to attach to the installed grillwork was purchased by the Water Bureau but never installed as the 2004 Reservoir Panel did not support the Water Bureau. When the 2004 *Independent Reservoir Panel* did not support "treating or covering" Portland's open reservoirs (the PWB's arguments failed to hold water) and City Council ordered the Water Bureau to terminate covering the Washington Park reservoirs, the Water Bureau attempted to sell the hypalon cover on E-Bay where a Water Bureau employee attempted to purchase the cover at a price well below its value. Commissioner Saltzman stopped the sale but the final disposition of the cover has remained hidden. The grillwork remained in place at the Washington Park Reservoirs 3 and 4. The estimated cost of replacement of the floating covers would be somewhere in the vicinity of \$1 million compared to demolition and replacement costs that could reach \$100 million. Installation of these covers would meet the regulatory requirements

While covering the reservoirs was absolutely not supported years ago for many reasons, including the fact that the option of a "risk mitigation" option was included in the draft 2003 regulation, it is still not ideal. This option meets regulatory requirements and would provide opportunity for the Congressional delegation to work in support of revising the poorly crafted LT2 rule such that "risk mitigation" is again an option. In that the compliance deadline for Washington Park is over 5 years away, the covers might never need be installed if the "risk mitigation" option is restored as has been requested by New York's water department and others. Oregon delegation members have indicated that

they would join forces with Senator Schumer and others to support rule revision if demolition/disconnection projects were placed on hold.

*or*

Alternatively, "treatment at the outlet" compliance option has never been fully considered by the community. In 2004 the PWB made no argument to City Council that "treatment at the outlet" would be costly or otherwise difficult to install. Their February 19 power point to City Council (Council hearing) included "treatment at the outlet" as a viable option. Since then the costs of UV "treatment at the outlet" have dramatically declined. Rochester New York has two historic open reservoirs set in city parks. Rochester initially planned on building underground storage after learning of the EPA LT2 rule but in response to strong community opposition they investigated installing UV radiation bulbs and found that costs had dramatically dropped. Responsive to Senator Chuck Schumer's success in including revision of the EPA LT2 regulation as part of Obama's order to revise onerous regulations Rochester sought and secured a 10-year deferral of reservoir projects until 2022. Rochester is concurrently working in support of revising the EPA rule to avoid wasting money on "treatment at the outlet" a project they too believe will provide no measurable public health benefit. The Portland Water Bureau under the crony leadership of David Shaff has said that they have only done a "back of the napkin" look at treatment at the outlet since the promulgation of the EPA regulation in 2006 (documents supplied by the PWB confirm the lack of a comprehensive, independent examination of this option), thus this option has never been fully considered by the community.

*And*

Friends of the Reservoirs has requested that our new Governor who is the head of the Oregon Health Authority (OHA) direct that bureau to approve a deferral of projects.

If the Portland Water Bureau worked in support of, rather than against community interests, a deferral of projects minimally in line with Rochester's deferral could be approved by OHA. Previously the Water Bureau failed to submit adequate supportive documentation to back up a deferral request, used a surrogate to send a message that they wanted to pursue burial projects, and the City failed to lobby OHA to support the deferral request.

The community has never had opportunity to comprehensively examine any claims the Water Bureau might make with regard to landslide risk. After a public presentation on Mt. Tabor geology in 2012 I spoke with PSU geologist Scott Wells regarding the plans for the Washington Park reservoirs. He advised that as long as there was no digging at Washington Park there should be no serious threat of landslides.

At the end of the 2004 *Independent Reservoir Panel* process the Water Bureau knew that they had failed to convince the Panel majority (a panel that excluded every single NA in the city and every single neighborhood coalition) to support their plans. In the final week of the long-running panel process an anonymous phone call was made by a known Water Bureau shill to the Urban League panel member suggesting that the reservoirs were an earthquake threat. Friends of the Reservoir spent hundreds of hours that next week researching Water Bureau consultant documents, PSU geology maps, etc.. Water Bureau documents, geological records and other information showed that a serious earthquake was expected to cause only minor leaking at the reservoirs. The Water Bureau's backup source at the Columbia South Shore Well Field would likely be lost or severely damaged due to liquefaction.

System wide leaking including the Washington Park reservoirs is limited as has been repeatedly reported by the PWB to their budget committee including when I was a member of that committee. The Washington Park reservoirs have not been leaking anywhere close to the leaking at the newly constructed Powell Butte II tank, which was leaking as a result of the massive number of cracks, 3200 cracks as reported by KOIN 6 tv in 2014. KOIN's report came after their hard-fought public records requests subsequent to backroom industry discussion of the serious problem with the new tank. The Powell Butte II costly underground tank project, with the cozy consultant contract running at least 45% over budget, was leaking enough to fill an Olympic size pool every day. The Water Bureau wants to limit media attention to this problem.

2. Criteria :Demolition of the resource has been evaluated against and, on balance, has been found supportive of the goals and policies of the Comprehensive Plan, and any relevant area plans. Criteria has not been met.

**RESPONSE:**

The goals of the Comprehensive Plan are not supported by this plan- see additional comments above.

Economic and Sustainability and public health goals are not met with this demolition plan.

Significant investments have been made in upgrades at the Washington Park reservoirs between 2003 and 2010. The significant costs associated with these consultant and construction contracts will be born by ratepayer over a 25 year period with those costs increasing over time. Many of the upgrades were designed to keep the reservoirs safely operating for an 50 additional years. The majority middle class ratepayers cannot afford any further rate increases on top of rate increases that have been staggeringly high since 2004. The Water Bureau plans another 7% increase in water rates this May. The open reservoirs avoid new and unique public health risks associated with burying Portland's open reservoirs, for example cancer-causing Nitrification, a problem EPA has long scientifically documented with buried storage. EPA acknowledged in their Coliform Rule papers that they failed to address the Nitrification problem when promulgating the LT2 regulation. Radon, from Portland's secondary lower quality source, the Columbia South Shore Well Field, which presently vents through the open reservoirs will not be able to vent adequately with the elimination of open reservoirs. Radon entering homes via water will permeate homes every time water is used for any purpose.

The historic character of these resources cannot be replaced. The water system, the park, the surrounding neighborhoods and the City will be harmed.

On June 21, 2006 Historian, Park Board Member, the former chair of the Tabor "What goes on Top" committee, Chet Orloff ,wrote to Portland City Council praising them for reconsidering their earlier decisions on the open reservoirs. He additionally suggested "greater historical interpretation of the reservoirs with some permanent, on-site exhibit boards mounted adjacent to them, presenting information and images about the history of the reservoirs , the story of our great water system.. to " more thoroughly inform citizens and deepen everyone's pride in, these great assets."The Water Bureau ignored Chet Orloff's suggestions not wanting to promote the historic resources as the significant assets to our water system and city that they have been for over 115 years.

**DENY THE PERMIT**

The Historic Landmark Commission should deny this application as it does not meet the criteria for approval.

**MITIGATION:** Approval of any alteration to the open reservoirs, including the unconsidered options of installation of the floating covers to the grillwork or installation of UV radiation bulbs, should include a mitigation plan that requires completion within the next 3 years of the short-term maintenance projects outlined in the **2010 Robert Dortignacq Washington Park Historic Structures Report** submitted for the record via separate electronic communication. All restoration and maintenance projects recommended in this Historic Structures Report should be mandated by the Historic Landmark Commission to be completed over a reasonable timeframe to support preservation.