Portland Utility Board
November 5, 2019, 3:30 pm
1900 SW Fourth Avenue, 1900 Building, 2500C
Meeting #74

Attendees:

PUB Members: Ana Brophy, ex-officio
Brian Laurent, ex-officio
Dory Robinson, co-chair
Heidi Bullock, co-chair
Kaliska Day (arrived ~3:37)
Karen Y. Spencer (by phone)
Karen Williams (arrived ~3:35)
Mia Sabanovic
Micah Meskel
Robert Martineau
Sara Petrocine, ex-officio

Absent:
Ted Labbe*
Gabriela Saldaña-López

*Notice of absence provided prior to meeting

Staff:
Amy Archer-Masters, Portland Utility Board Analyst, City Budget Office
Asena Lawrence, Senior Policy Advisor, Commissioner Fish’s Office
Bonita Oswald, Senior Communications Specialist, Portland Water Bureau
Cecelia Huynh, Director of Finance and Support Services, Portland Water Bureau
Cristina Nieves, Senior Policy Advisor, Commissioner Fritz’s Office
David Beller, Financial Analyst, City Budget Office
David Peters, Program Manager, Portland Water Bureau
Dawn Uchiyama, Deputy Director, Bureau of Environmental Services
Eliza Lindsay, Portland Utility Board Coordinator, City Budget Office
Gabriel Solmer, Deputy Director, Portland Water Bureau
Jon Holland, Program Manager, Brown and Caldwell
Jeff Winner, Capital Improvement Program Planning Supervisor, Portland Water Bureau
Jonas Biery, Business Services Manager, Bureau of Environmental Services
Yung Ouyang, Senior Financial Analyst, City Budget Office

Public:
In total there were very approximately 10-12 members of the public in attendance. Those who signed in by name include:

Amanda Rolen
Carol Cushman, League of Women Voters
Brent Leathers
Dee White
Kevin Hanway
Linda Leathers
Pat Meyer

Synopsis, Action Items, Decisions

In these notes the acronym, PUB, stands for the Portland Utility Board; BES for the Bureau of Environmental Services, and PWB for the Portland Water Bureau.

The PUB had a brief discussion of a potential game plan for this year’s budget season – focus on a few high priority program offers in-depth rather than a shallower review of all program offers. There was general agreement to further explore this approach.

**ACTION ITEM** In reviewing the summary list of program offers PUB requested additional information.
This included: (a) whether the program offer was connected to a strategic plan or other plan, i.e., if it advances a broader goal; (b) if the program offer is a one-time ask or wrapping-up (so ask goes away) or just starting; and (c) listing of associated performance measures.

**ACTION ITEM** Request for background context of summary list of program offers from PWB like that provided by BES.

The bulk of the meeting was devoted to the Bull Run Filtration projects and the draft Resolution slated to go to City Council the following Wednesday, November 13th. There was agreement to respond to the Resolution. The PUB’s response was developed by walking through the Resolution, straw polling on various proposed comments, value statements, and recommendations, in order to generate a final motion for vote. Of note was the fact that while the PUB could reach agreement on various recommendations regarding expectations and values for the project going forward; general agreement on a design-build recommendation could not be reached despite much thoughtful discussion.

**VOTE** to draft a letter to Council in response to the Resolution that would include comments based on acceptance of the straw polls with majority yeses from the Resolution walk-through. (See below notes for the STRAW POLL details.) Those in favor of the motion included: Dory Robinson, Heidi Bullock, Kaliska Day, Karen Y Spencer, Karen Williams, Mia Sabanovic, and Micah Meskel. Abstaining: Robert Martineau.

Heidi and Karen W. volunteered to work with PUB staff to craft the final letter to Council.

I. **Call to Order**

The co-chair called the meeting to order at approximately 3:30 p.m.

II. **Disclosure of Communications**

Mia had a short conversation with PWB staff regarding the filtration project in order to better understand the history.
Rob had communication with Paul Willis an affected neighbor of the Carpenter Site. Rob asked if Paul wanted to share his comments as public comment. Paul said yes, that was fine. Since this all happened today, Rob has emailed Paul’s written comments to PUB staff for distribution.

Micah had several conversations with PPR staff regarding Title XI protections, BPS regarding the climate emergency declaration, and BDS regarding the tree code. Micah also shared that he has moved out of the PWB service area, though his work still overlaps.

III. Public Comment

The co-chair invited public comment, noting a limit of 3 minutes per person and a total of 15 minutes of public comment during the meeting. She also explained that prior to any vote there would be an opportunity for public comment.

Verbal comments covered a variety of concerns about the impacts of the filtration project including impacts to rate payers, concerns about loss of wholesale customers, land use related issues and changes to the rural landscape, safety issues related to traffic and chemicals, issues of lead in water, general accountability issues, and issues with the original notification process. Those commenting include: Brent Leathers, Linda Leathers, Amanda Rolen, Pat Meyer (Dee White read Pat Meyer’s testimony on her behalf), and Dee White.

Staff circulated written comment that had been submitted for the meeting. Written comment connected to the meeting is included in Addendum A.

IV. Report back from PUB staff conversation with City Attorney

PUB staff reported back from conversations with the City Attorney. The City Attorney is impressed by the PUB and noted that the PUB is an extremely conscientious City advisory body in respect to things like conflict of interest and deliberation. The City Attorney shared that the PUB can use all kinds of interactive meeting formats such as break-out sessions. What is required is advance notice to the public regarding meeting format. PUB staff shared that this could increase the opportunities for community engagement at PUB meetings.

The City Attorney also shared that best practice for meeting minutes is for them to be summary. If more detail is desired, the City Attorney suggests using an audio recording for meeting minutes. The ease of using audio versus the accessibility issues it raises were discussed. PUB staff suggested that if an audio recording was used for the meeting minutes then transcription and the budget for it should be available in order to ensure accessibility. PUB staff also shared that, even though it takes work, they recommend continuing with written summary meeting minutes. These written summary notes provide an easily understood record of key items and decisions from the meeting. If PUB wants more detail than both summary written notes and the audio could be used.

PUB staff noted that other items related to public meetings were discussed with the City Attorney. In the interest of time these can be covered as they come up or at a future meeting.

V. Prior Meeting Minutes

The draft meeting minutes from September 19, 2019, October 1, 2019, and October 17, 2019 circulated ahead of time were reviewed.

The minutes with revisions were accepted.
VI. Budget Season Preview

Materials discussed can be found here.

The co-chairs reported back on their budget season planning meeting with bureau staff. The co-chairs and bureau staff developed a proposed game plan for the budget season: Select a few high priority program offers to dig into more deeply, rather than attempt to cover all program offers shallowly. The hope is that this will allow the PUB to effectively give more impactful budget feedback. It should also help the bureaus in determining what information to provide PUB and in efficiently using their time to do so. To start the process the co-chairs asked the bureau staff to provide a high-level summary list of program offers that highlights important changes, hot topics, and potentially large equity impacts in order to help the PUB prioritize program offers to focus on. This list is meant to be a summary. Additional information about any program offer can be found in the multi-page program offer documents.

There were questions about how the City Budget Office (CBO) connects with this work and can CBO present information differently. It was noted that Citizen’s Utility Board’s (CUB’s) take is of value as well. The PUB will still get the overall budget information including FTE details etc., and the feeling was that focusing on this as in the past was perhaps not the most effective and efficient use of time and energy. A PUB member cautioned against using FTE by itself as a performance metric; rather than seeing it as a direct extension of a program offer needing the FTE.

There was general agreement to further explore this approach to the budget.

**ACTION ITEM** In reviewing the summary list of program offers PUB requested additional information. This included: (a) whether the program offer was connected to a strategic plan or other plan, i.e., if it advances a broader goal; (b) if the program offer is a one-time ask or wrapping-up (so ask goes away) or just starting; and (c) listing of associated performance measures.

**ACTION ITEM** Request for background context of summary list of program offers from PWB like that provided by BES.

VII. Bull Run Filtration Projects – Quick Updates

PUB staff provided updates on things that happened since the last meeting. Council approved the purchase of the property on Carpenter Lane. The draft Resolution has been updated since the one shared via email last Friday and the new version was passed out. It was noted that the option recommended in the Resolution is a hybrid version between the three options previously shared with Council and PUB. The major difference between the recommended option and the full option is in the first column around capacity needs; the current recommendation is for 145 million gallons per day (mgd), rather than 160 mgd. The pipe numbers have also gone back and forth. In the current Resolution the recommendation is back to two in and two out.

PUB staff suggested using color coded cards for voting or straw polling on complex issues. Green is yes, Red is no, and Orange is I am undecided and need more information to make a decision.

The group reviewed the individual answers to the pre-meeting prep questions, noting where there was agreement and disagreement.

A series of **STRAW POLLS** of voting PUB members was conducted:

- Comment on the Resolution – All Yeses.
• Comments to include expectations and values for the project going forward – All Yeses.
• Polls on whether to give a design-build recommendation and/or comment on the Resolution’s recommended option and if so what to say had the least agreement.
  o Everything from recommending minimal to full implementation to going back to the foundational decision of whether to build filtration or something else came up.
  o The group was straw polled twice on whether they wanted to include a design-build recommendation in their comment on the Resolution. The first time there were 2 Nos and lots of questions. The second time the poll was evenly split.
  o The PUB also tried polling on individual components, e.g., 145 mgd or 160 mgd. This took time and considerable discussion of technical details and was inconclusive, so the PUB stopped polling individual components to focus on other aspects of the Resolution.
• The PUB was also asked to poll on what was more important to comment on, i.e., if they only had time to comment on either what to design-build or the expectations and values going forward which would it be. This poll did not happen instead a discussion ensued about the difficulties and struggles in commenting on what to build.

VIII. Break

IX. Continued deliberation and vote on response to Resolution

After the break the PUB reconvened with the goal of (a) walking through the draft Resolution and providing responses to various value statements and recommendations in the Resolution and then (b) discussing any desired general statements from PUB and potential inclusion of individual PUB member statements.

The version of the Resolution the PUB discussed and responded to can be found here.

NOTE: The draft Resolution is a quickly evolving document. The version provided on the Friday before the meeting, was updated by the time of the meeting Tuesday. The version the PUB discussed at their meeting was later updated for the City Council meeting the following Wednesday.

NOTE: One PUB member had to leave for some minutes during the walk-through and missed some of the straw polls. However, based on the majority margin, the results weren’t affected.

Discussion of individual clauses of the draft Resolution

Clause: “WHEREAS, City Council and the Water Bureau strongly consider costs and benefits of investments to increase system resilience;”

Some PUB members shared that the cost benefit analysis that fed into the original decision was based on partial data. PUB discussed how the current cost benefit analysis is unclear, the need for cost benefit analysis throughout the project, and the need to communicate context and background assumptions.

STRAW POLLS of present voting members:
  • Recommend cost benefit analyses throughout the project – All Yeses.
  • Include background assumptions and context with each cost benefit analysis so all audiences can understand what contributed to bureau decisions – All Yeses.
Clause: “WHEREAS, the Project must be implemented in a manner that is sensitive to community and environmental impacts;”

PUB discussed the lack of specificity in this clause. It was felt that more specificity was needed in order to understand how it will be accomplished. Suggestions of specifics included action to protect animal and plant life, attention to both short and long-term impacts, mitigating visual and noise intrusion, evaluating impacts on property values, and ensuring effective community involvement and consideration.

It was discussed that to do so requires a significant time investment and robust community engagement with neighbors beyond the site advisory group and with the broader community. Some suggestions of expanded community engagement included: communications with watershed councils, an ombudsperson for neighbor complaints throughout the process, and low-income and renters focus groups.

The possibility of a community benefits agreement was also discussed. Ideas for the agreement included: use of facility space for community meetings; mitigation of potential impacts to wells in the area; use of renewable energy and energy efficiency at the facility; employment and job training opportunities; improvements to transportation infrastructure, particularly infrastructure impacted by construction; attention to minimizing night light pollution; interactive educational opportunities at the facility; and a buffer around the facility to limit visual and environmental impacts. It was noted that the community benefits agreement should be based on what the community wants, i.e., the community may not be interested in all the things PUB has mentioned.

**STRAW POLL** of present voting members:
- Include a general statement about community and environmental impacts and the need for robust community engagement as well as the specific suggestions – All Yeses.

Clause: “WHEREAS, the Recommended Option includes…” [ a list of components follows in the Resolution]

Just as prior to the break, the PUB could not come to agreement on whether to give a design-build recommendation and/or comment on the Resolution’s recommended option and if so what to say. Some members felt obligated to comment; others did not. Some did not agree with the constraints placed on the decision and felt the foundational decisions, including what to build, should be reconsidered. Discussing and making a recommendation on the individual components of the filtration plant vis-à-vis the project values was also considered. It was noted that this was a lot to do in a little time given the technical complexities and the lack of consensus among the group. There was significant discussion about the fact that little time and information had been given, making the task extremely difficult and that it felt unfair.

**STRAW POLLS** of present voting members:
- Include in recommendation that there was insufficient information and time for the PUB to make a recommendation – 6 greens, there was majority support for this to proceed.
- Include that PUB does not agree with the constraints of the decision – 3 Yeses, 3 Nos, 1 undecided – There was no majority for this to proceed.
- Include that there was not unanimity that the decision needed to be made within the given constraints and that some members felt the foundational decisions should be revisited – All Yeses.
Clause: “WHEREAS, the Recommended Option will best advance the Water Bureau’s ongoing efforts to provide a more resilient system;”

There was a discussion of reliability versus resilience and whether reliability was a better term. It was noted that overall system resiliency is different than individually resilient components. Some PUB members also expressed concern about the term ‘best’ in this clause and the next.

The discussion did not lead to a proposed comment on this or the next clause.

Clause: “BE IT FURTHER RESOLVED, City Council directs the Water Bureau to continue working with the Site Advisory Group to reduce Project impacts on the local community;”

There was general agreement that PUB should be added to this clause.

**STRAW POLL** of present voting members:

- Request adding PUB to this clause – All Yeses.

Clause: “BE IT FURTHER RESOLVED, City Council directs the Water Bureau to provide annual updates to Council as the Project is implemented.”

There was discussion that (a) PUB should be added to this clause; (b) that communications should be more frequent than annually; and (c) that this should be not just information sharing but also engagement with the PUB in its role as an advisory body; i.e., seeking advice and input from PUB.

**STRAW POLL** of present voting members:

- Request (a), (b), and (c) changes to this clause – All Yeses.

**Additional comments**

There was general concern that the costs be monitored and controlled. There was concern that acceptance of this project not be taken as an open checkbook or acceptance of the highest estimated cost.

**STRAW POLL** of present voting members:

- Recommend costs be monitored and controlled – 7 yeses, there was majority support for this to proceed.

There was also concern that the filtration project might push out other worthwhile projects and there was a desire for balance. PWB staff mentioned that trying to do the filtration project while not pushing out other worthwhile projects might conflict with the Mayor’s budget guidance.

**STRAW POLL** of present voting members:

- Recommend attention be paid to balancing the filtration projects with other worthwhile projects – 7 yeses, there was majority support for this to proceed.

The idea of including individual PUB member statements in the response letter was briefly discussed. It was decided that individual statements and general statements were no longer necessary as the core issues folks wished to communicate at this time had been covered in the walk-through.
**Vote**

**Motion**

Karen Williams made a motion to accept the straw polls with majority yeses from the Resolution walk-through as the basis of the PUB’s letter City Council in response to the Resolution. The motion was seconded by Heidi.

The majority yes items from the straw polls include:

- Recommend cost benefit analyses throughout the project – All Yeses.
- Include background assumptions and context with each cost benefit analysis so all audiences can understand what contributed to bureau decisions – All Yeses.
- Include a general statement about community and environmental impacts and the need for robust community engagement as well as the specific suggestions – All Yeses.
- Include in recommendation that there was insufficient information and time for the PUB to make a recommendation – 6 greens, there was majority support for this to proceed.
- Include that there was not unanimity that the decision needed to be made within the given constraints and that some members felt the foundational decisions should be revisited – All Yeses.
- Request adding PUB to the clause that talks about working to reduce impacts to local community – All Yeses.
- Request PUB be added to the clause talking about annual reports, that communications with PUB be more frequent than annually, and this should be not just information sharing but also engagement; seeking advice and input from PUB – All Yeses.
- Recommend costs be monitored and controlled – 7 yeses, there was majority support for this to proceed.
- Recommend attention be paid to balancing the filtration projects with other worthwhile projects – 7 yeses, there was majority support for this to proceed.

**Public Comment**

The floor was opened for public comment. Those commenting included Carol Cushman who commended the board on their process and recommended a yes vote and Brent Leathers who also commended the board for their work. Brent urged the board to emphasize the cost to rate payers, explained that many people had withdrawn from the PWB Site Advisory Group, and added that a sound system might help some folks hear the work of the board better.

**VOTE**

Those in favor of the motion included: Dory Robinson, Heidi Bullock, Kaliska Day, Karen Y Spencer, Karen Williams, Mia Sabanovic, and Micah Meskel.

Abstaining: Robert Martineau

**Wrap Up**

Heidi and Karen W. volunteered to work with PUB staff to finalize the letter.
Due to the intensity of the meeting and the limited time the wrap-up was very short and did not include next steps or future meeting topics.

The meeting adjourned at approximately 6:36 p.m.
Addendum A: Written public comment shared at or prior to the meeting.

Written comment shared at the meeting:

- Written comment from Citizens for Rural Peaceful Living to accompany verbal testimony from Brent Leathers and Linda Leathers.
- Written comment in support of Pat Meyer’s verbal testimony (read by Dee White on Pat’s behalf). Note: Pagination as received.
- Written comment in support of Dee White’s verbal testimony.
- Written comment from Len and Gloria Otto 11-5-19, emailed to PUB staff to submit to PUB.
- Written comment from Kori Tooke, emailed to PUB staff to submit to PUB.
- Written comment from Lorie McFarlane, emailed to PUB staff to submit to PUB.
- Written comment from Paul Willis shared with PUB member, Rob Martineau, to share with entire board.

Written comment shared prior to the meeting:

- Written comment from Colleen Johnson, circulated via email prior to the November 5th, 2019 meeting and which was desired to become part of the meeting record.

Note: Individual comments are separated by a blank page.
Possible Questions for the Public Utility Board to Ask of the Water Bureau

The following is a list of questions that may be helpful to the Public Utility Board in their efforts to understand and evaluate the proposed Water Bureau “Bull Run Filtration” facility.

1. Is the Bull Run Filtration (“BRF”) project moving ahead regardless of cost?
   a. At what number does the cost dictate a return to the decision process and criteria?
   b. When the City Council approved the $350 to $500 million budget range on December 12, 2018, what was the most likely cost? Stated another way, which number should be used to compare the current cost estimates?
   c. Some would claim that the midpoint in that range ($425 million) is the “most likely outcome” and most reasonable to compare to; what would you respond to that?

2. Is it true that for almost 20 years, federally-mandated Cryptosporidium treatment has been the focus of the Water Bureau and many Council-appointed committees and citizens groups (which have included folks like Serena Cruz and Bud Clark)?
   a. Has there been a recent shift in emphasis from Cryptosporidium treatment to turbidity and a variety of potential disasters (forest fire, earthquake, global warming, volcanic eruption)?
   b. Why the change in emphasis/direction?
   c. If turbidity, natural disasters, and global warming are key factors to improving the water system, isn’t that an argument for a slower, more involved process that incorporates the public and key decision-makers in the evaluation of these concerns?
   d. Following on the heels of the cost overruns of the recent “big pipe” project, would the Portland constituency be more satisfied with cautious decision-making?
   e. If decision-makers allow “disasters” to influence their thinking, which “disaster” is more likely, an earthquake or a too-expensive public project?

3. When the decision for filtration over UV treatment was made, the cost estimates were $350 to $500 million for filtration, $105 million for UV, is that correct?
   a. Would it be correct to assume that the UV system at Headworks (previously designed and paid for by the PWB), would experience a similar percentage cost increase?
   b. Given that UV at headworks does not pose the same need for 5+ miles of new water conduits, does the UV system that PWB paid for make more sense?
   c. What would PWB staff estimate the revised cost for UV implementation?
   d. Is Clackamas County where the Headworks facility is located? Are “water treatment facilities an outrightly-allowed use in that zone?
   e. Was one of the PWB’s primary four key pass/fail criteria in considering/rejecting facility sites proximity to the existing water conduits (with the criteria set at 1 mile)?
   f. How many miles of new water conduits will be installed as part of the current Water Bureau proposal?
4. Is the cost increase to residential ratepayers from the revised BRF costs $10.91/month starting in 2027/28?
   a. Does this projection presume “best case” scenarios regarding facility construction costs, unforeseen costs, and withdrawal of wholesale customers?
   b. What are the residential rate increases assuming some “worst case”, or at least, “less-than-ideal” scenarios?
   c. Has PWB reached out to its wholesale customers to ensure that they will partner in the investment recapture of the Bull Run Facility?
   d. Which wholesale customers have confirmed that they will be with the Portland Water Bureau after 2027?
   e. What if the monthly rate increase to Portland ratepayers if most of the wholesale customers develop their own drinking water sources?

5. Is it true that the investment at Carpenter Lane is predicated upon a conditional use, not a use outrightly allowed by Multnomah County land use law?
   a. Does the Water Bureau consider the Conditional Use process at Multnomah County to be a risk?
   b. How does the risk of Conditional Use approval at Multnomah County compare with the possible risk of the same facility at Powell Butte?
   c. Part of the land use criteria the PWB must meet is that the proposed use “is consistent with the character of the area”. How will the Water Bureau demonstrate that the Bull Run Facility is consistent with the criteria for rural residences and farmland?

Respectfully submitted,

Brent & Linda Leathers, Carpenter Lane residents

November 5, 2019
Thank you for the opportunity to speak today. I want to start by saying my comments are not meant to be offensive or presumptive, but simply direct. The 3-minute time limit, and lack of dialogue with the PUB members necessitates very direct statements.

I read the minutes from one of the prior meetings, and noted a comment that the PUB members should be cautious in considering information from a self-interested group such as our own, this Citizens for Peaceful Rural Living. That is fair and judicious. However, I would like to say that a handful of us have invested a considerable amount of our time reading the Water Bureau’s historical documentation, and have gone to many public meetings, and generally gotten educated about the issues at hand. Some of the testimony you hear from us could well be your most effective counterbalance testimony.

It seems to me that one of the difficult tasks your Board is faced with includes the necessity to look over the shoulder of the City Bureaus and ask yourself if they are providing objective information. That is a difficult task, given that the Bureau is the technical expert, and has spent thousands of hours and tens of millions of dollars to craft their current perspectives.

In your role of evaluating a Bureau’s proposed expenditures, you are faced with the task of evaluating the Bureau’s “thinking”. You are attempting to determine if the City’s money is being spent wisely.

From our observations at meetings and interactions with the Water Bureau and City Council, we see clear indications of “groupthink”. As you know, groupthink is a common phenomenon that occurs when a group gets hyper-focused. One of the symptoms is an unwillingness to consider alternatives. Have you observed any such indicators? We believe that we have, and hope that you have noticed as well.

Here are some examples to consider:

1. In order to evaluate the impacts to ratepayers, you’ve been presented with a monthly ratepayer increase of a bit under $11.00 month. Is this calculation based upon absolute “best-case” outcomes for construction costs, no litigation, county approval of a conditional use, no loss of wholesale customers? What would a “worst-case” or even “middle-of-the-road-case” look like in monthly increases to ratepayers? Why do we not look at that kind of data?

2. When asked about loss of wholesale customers, which represent approximately a third of the water use and thus a third of the distribution of the capital expenditure recapture, the Water Bureau has stated they have no indication of any wholesale customer that will leave the system, except Tualatin Valley, which is largely gone already. I sit before you today, and attest that I personally have had conversations with decision-makers in other jurisdictions who plan to develop their own groundwater systems and not renew their contracts with PWB when the Bull Run Facility costs are added to the cost of water. In short, surveying their wholesale customers and providing that information to key decision-making groups like yourselves should be part of responsible evaluation. You should have before you positive affirmations that your current wholesale base will remain largely intact, to reduce the financial impacts to the ratepayers you represent.

3. The City Council approved a budget of $350 to $500 million on December 12, 2018. Less than ten months later, that number was revised upward to $850 million. The Water Bureau admitted this number may be 50% higher, or $1.275 billion. There has been passionate debate with at least one City Commissioner if use of the term “triple” is appropriate. Let’s
walk through the math: When a range is expressed as an estimate, the most likely outcomes are at the center of that range. In this case, it is $425 million. The $850 million ironically represents double that number, and the additional 50% is precisely triple that “middle of the range” number. Why are we debating the use of terms, especially when they are accurate? Is it because they have political and media consequences? To take the math further, let’s use the $500 million as our base, and compare it to the upper limit. It still results in a cost that is 255% above the originally-approved budget.

4. All of the expenditures, some of which is already spent, and more when the design contract is approved in a few weeks, is predicated upon a Conditional Use in Multnomah County. One of the primary conditions is that the proposed use, “...is consistent with the character of the area”. Is a 40-acre industrial complex consistent with rural farming and residences?

5. To build upon that previous point, Powell Butte was rejected from consideration because, “...Powell Butte land use reviews in the past have been appealed to LUBA by the neighborhood associations and other public members...” and, “These risks could significantly delay site approval, permitting, and facility construction for years. Therefore, Powell Butte did not pass the schedule criterion.” (from a Technical Memo dated 9-11-18, Section 5.5). The Bull Run Treatment Citizens Panel, empowered and charged with the task of selecting a site, spent about 2 years making their recommendations to the Council, and they selected Powell Butte. This decision by that commissioned panel was later countermanded over concern about land use, and here we are in a similar position, as this decision will be appealed, if it is even approved by Multnomah County. Again, I ask, why is the land use issue not being specifically mentioned as a “risk”? Doesn’t the Water Bureau’s past decision-making on Powell Butte demonstrate that they recognize the risk?

6. Portland purchased a design for a UV system to treat for Cryptosporidium. The cost estimate was one-third to one-fifth that of the original filtration plant estimates. Certainly, the cost for UV will have gone up. However, there won’t be 5+ miles of new water conduits to construct, and the other risks are lower and/or non-existent. Does UV implementation provide a solution to the immediate problem, which is Cryptosporidium treatment, while the larger issues are considered more thoroughly by the community and decision-makers outside the Water Bureau and City Council?

7. We heard and it is documented in the PUB’s meeting minutes that Commissioner Fritz feels the UV investment is “money down the drain”. Yet the Water Bureau is investing similar amounts in the Lusted Hill facility to provide treatment to mitigate lead levels. The Water Bureau states that this Lusted Hill investment will be discarded in the event that the Bull Run Facility is constructed. How is this rationale different? Wouldn’t the debt service on the billion dollar filtration plant pay the bulk of this investment in technology that Seattle and San Francisco use to kill Cryptosporidium?

We hope that these points, and other points the PUB has considered, compel the PUB to recommend a cautionary statement to the City Council. It is not too late to revisit the complex decision criteria to ensure that this Bull Run Facility, and the inherent high cost, are what the Council and its Portland constituency want to choose.

Respectfully submitted,

Brent & Linda Leathers, Carpenter Lane residents
To:
Bonita Oswald, Portland Water Bureau
Amanda Fritz, Portland City Commissioner

Subject:
Suspension of Site Advisory Group Participation

Dear Ms. Oswald and Commissioner Fritz,

On October 3rd and 10th, Portland Water Bureau (PWB) held “Site Advisory Group” (SAG) meetings at Sandy High School. These were the first in a series of meetings planned by PWB to attempt to develop a "good neighbor agreement" with landowners impacted by the proposed water filtration plant near Carpenter Lane. PWB requested direct participation from those of us who own property that abuts the proposed site for the facility, and the meetings were also open to broader public participation.

Given what transpired at these first two meetings, many of the SAG participants believe these meetings are not appropriate at this time and participation is not in our best interest. We do not endorse construction of the water filtration plant. We believe conversion of agricultural and residential land to commercial/industrial is inconsistent with the character of our community. Moreover, there is insufficient empirical support for the project. When challenged about this issue, Commissioner Fritz acknowledged that the Bull Run reservoir does not have a Cryptosporidium problem, and indicated the filtration plant was necessary for other purposes (i.e. turbidity), which we found alarming. PWB has failed to be transparent with the public about the true purpose for the filtration plant, and PWB has not provided relevant data to support the need for the plant.

Our community was not given a genuine opportunity for open dialog during initial project planning and site selection. All major decisions including, the type of facility (filtration or ultraviolet light), site selection, and pipeline locations occurred without consulting our community. PWB’s communications with us have been formulaic and disingenuous through the use of mailed fliers after critical decisions have already been made. Some of us have received eminent domain notices or easement access notices with no prior communication. Moreover, we have been treated poorly during initial phases of the site assessment, and PWB staff and contractors have negligently damaged private property.

We understand that PWB needs to complete a rigorous land use change process with Multnomah County, as well as environmental impact assessments, and City Council still needs to approve a budget increase to $850,000,000 – $1,200,000,000 before you have a viable project. If the project does proceed, we may choose to organize ourselves and propose specific mitigation measures to PWB, but we will not participate in a PWB-led “good neighbor agreement” or SAG process.

Sincerely,

Residents of Carpenter Lane, Cottrell Road, Bluff Road, and Dodge Park Blvd.
Nov. 5, 2019

Dee White Testimony
PUB meeting

Please note: I gave this as a communication to the Mayor and Councilors Fritz, Fish, Eudaly and Hardesty on October 23, 2019.

977 Request of Dee White to address Council regarding the failure of the Water Bureau to deliver safe drinking water to its customers (Communication)

My name is Dee White.

Even after the Flint lead crisis in 2014 and even after Newark, New Jersey’s recent lead crisis, PWB is still allowing a potent neurotoxin to leach into our drinking water while they slow-walk a risky fix that’s three years away.

It is well known that even at low levels, lead is a potent, irreversible neurotoxin that’s especially damaging to expectant mothers and children’s developing brains. Groundbreaking research at OHSU found a link between lead exposure and ADHD.

Why does this matter here?

The Portland Water Bureau is the only utility in the country granted permission 22 years ago by their regulator, the Oregon Health Authority, to NOT FOLLOW the EPA’s Lead and Copper Rule otherwise known as the LCR. Instead, the water bureau crafted their own regulation and called it the LHRP. OHA gave it their blessing and it still stands today. This outdated, Portland-only regulation focuses on mitigating lead paint in lieu of properly treating corrosive water and maintaining our pipes.
Moreover, after decades of this unproven regulation, there is no data, no findings, nothing to show that the Portland Water Bureau has minimized lead exposure in our homes, schools, parks, and businesses. NOTHING. If the Portland Water Bureau had been following the federal law like the cities on this chart, Portland’s lead levels would be significantly lower.

So on this chart, Portland and Gresham are in the middle, the two tall ones. Gresham is a water bureau customer. Seattle got to work decades ago, Newark is handing out free water filters and replacing damaged pipes. Our water officials simply chat up the water at the same time they blame customers if they find lead at their taps.

You claim transparency, and yet no one knows about your Portland-only regulation that’s broken and that continues to endanger public health.

The public also remains in the dark about buying an $800,000 “job shack” on today’s agenda for the massive Filtration plant being sold to us for crypto but now, apparently, it’s for wildfires. Project costs just went up an obscene 142% because of the water bureau’s gross lack of transparency.

How can we trust you are delivering safe, affordable life-sustaining drinking water when omissions and an opaque process is standard operating procedure? In other words, what else have we been misled about?
Lead in water - regulated at consumer taps: 90th percentile results  Source - 2019 Annual WQ Reports/state drinking water database
November 4, 2019

Greetings Commissioner Fritz, Director Stuhr, and Project Chief Engineer Dave Peters,

While we are not neighbors of the proposed filtration facility off Carpenter Lane, we are the owners of a piece of property through which the Portland Water Bureau (PWB) holds an easement, and which may well be used for a pipeline(s) to the filtration facility. And, we do not have a problem with the proposed filtration facility or the pipeline(s) per se, unlike many of our neighbors. We value clean water, and understand the need for the facility. Plus, we bought the property adjacent to our home with eyes wide open regarding the existing easement.

We do have a concern with the proposed pipeline. Dave, please feel free to correct any factual misinformation inherent in the following:

Our home, and many homes, are located downhill from the proposed line. The water table on our property is approximately 14' below the surface (just below the bottom of a six or seven foot diameter pipeline), all the materials are depositional, e.g. soggy silt, wet clay, and loose gravel, and everything below those surface layers also is sedimentary. The quickest the proposed pipeline(s) could be shut down – in ideal conditions – is approximately 15 minutes. That would happen at the small facility located on S.E. Lusted Rd. west of the intersection with S.E. Hudson Rd.

It is our understanding that the pipeline likely will be steel, will have a wall thickness of approximately ¼", will be welded at every joint, and will be built to withstand earth movements ("sway") of +/- 2' (two feet).

Allow us to play the "what if" game for a moment. Let's assume that initially there is a single 6' pipeline running to the filtration plant. Given a projected duration of 5 to 7 minutes of shaking, what if the earth movement during a Cascadia earthquake event is twice that +/- 2'? It even is likely that the earth movement in this area during a Cascadia earthquake event could be three times the estimate of +/- 2', given the long duration and the fact that the pipeline is going to be sitting on what amounts to liquid. Those materials under the pipeline – sitting on the water table – are going to be the consistency of sloppy Jello, and that pipeline(s), built for sway of +/- 2', is going to rupture. Depending on the size of the rupture, a few gallons might spill, or million gallons of water might spew out before shutdown (in ideal conditions) could occur. That water will inundate our home and our neighbors' homes. Conditions almost certainly will be far from ideal. All those drills and training of your staff will have been for naught. In a short time we are going to be flooded, and quite likely drowned.

There are no "do overs" as far as this pipeline is concerned. It must withstand the incredible forces building up offshore in that subduction zone. It is in the PWB's best interest to get this right the first time, not just for the sake of the people living in this area, but for all PWB customers. In other words, approximately one million lives are depending on this pipeline. There are no do overs. None.

We are asking you to reassess your assumptions about the strength and flexibility of this proposed pipeline. We are asking you to find a way to keep all of us safe should that what if scenario of +/- 6' sway comes to pass. You are intelligent enough to know that any actions PWB takes after the fact are going to be too late for any victims of a PWB caused flood. We don't want to be those victims.
Sincerely,

*Len & Gloria Otto*

37160 SE Lusted Rd

Boring, OR 97009
I have lived in Boring most of my life. We do not need a water treatment plant for Portland to ruin out quite beautiful area. We in the area have wells, we don't want issues with out wells and our property value going down. Do to a water treatment plant that is for Portland. It does nothing positive for our area. This belongs in Portland where it will serve Portland. Without it destroying our community adding more traffic (the roads out here already are pot holed and never taken care of. Several are narrow roads, so now you want to drive big trucks doing more damage to roads), problems with wells, chemicals and ect. Put it in Portland.

Not happy this is trying to ruin our peaceful area.

Home owner in Boring, Kori Tooke
Hi Amy,

Unfortunately, I will not be able to attend Tuesday's 11/5/19 PUB meeting due to a conflict. I had hoped to attend to share these.

Can you please provide a copy/link of

1.) **Today's news,**
yet another in a string of articles this year which include Portland Water Bureau's negligence in using improper water treatment and management which has under-protected customers from lead exposure.
Excerpt (underline, my emphasis):
"Nearly 30 million people in the U.S. were supplied drinking water that had excessively high levels of lead, from Portland, Oregon to Providence, Rhode Island between 2015 and 2018"

2.) **OCT 2019 Congressional testimony**
Timely and yet another wakeup call for us, and for PUB oversight purposes (attached).
Excerpt (underline, my emphasis):
"... U.S. EPA and other entities must no longer engage in public deception—the new [Lead and Copper] rule must be taken seriously, and its provisions must be enforced. As an aside, I was pleased to see that the U.S. EPA was much more aggressive in protecting consumers in Newark, NJ in 2019, than they were in prior high profile water crises in Flint, Michigan (2014-2016), Washington, D.C. (2001-2004), or cities like Portland, Oregon where the LCR has been broken for decades."

And finally, more disappointment: In an article just the other week (mirroring the April 2, 2019 presentation to PUB), LHRP manager Scott Bradway defends so-called "holistic approach" i.e.a euphemism for the LHRP, the "alternate compliance strategy" to water lead reduction. While neighboring regional water providers have been "minimizing" lead at customer taps, this approach only partially "reduced" lead, by allowing higher lead concentration in drinking water as a trade off for funding lead paint program partnerships.
Feel free to let me know if you have questions.
thank you, Amy.
Lorie
Testimony of Marc Andrew Edwards

to the House Committee on Science, Space & Technology. October 15, 2019

“ADDRESSING THE LEAD CRISIS THROUGH INNOVATION & TECHNOLOGY”

Over the last 15 years I have testified to Congress on lead in drinking water crises in Washington D.C. twice (2004, 2010), the Flint water crisis twice (2016), and I am optimistic that today’s hearing related to Newark’s water lead problems will help bring an end to our ongoing national nightmare.

Approaches to protecting consumers from problems with lead in drinking water vary worldwide. Some countries such as Australia provide simple recommendations on flushing to avoid high lead and tell consumers that water lead exposure is not a significant public health concern. Other governments take at least some level of responsibility for protecting consumers.

By comparison, our implementation of the U.S. Environmental Protection Agency (EPA) Lead and Copper Rule (LCR) has been a national disaster. It starts with official assertions that “no safe level of lead exposure has been identified,” with warnings of brain damage and other horrific health consequences, and ends by providing public assurance that drinking water is meeting a legally defined lead standard when it often does not. When consumers occasionally discover that the federal LCR and public trust have been broken, they consider the consequences to their families and communities, and are understandably outraged.

Our 21st century lead in drinking water crises are not primarily about elevated lead in water—they are caused by government agencies first implying that any level of lead exposure is dangerous, and then willfully hiding significant problems with elevated lead in water from the public. These 21st Century water crises are caused by bureaucrats and scientists, who have twisted the Golden Rule, into willful deceptions that ultimately go over like a leaded water balloon.

We have now severely damaged public confidence in the safety of our drinking water systems. Too many of our poorest and most vulnerable citizens, feel compelled to spend too much of their precious financial resources, on purchase of bottled water and filters to protect themselves and their families. Because trust has been repeatedly and justifiably lost, the perception that such deception will likely happen again, and does, has caused uneasiness and outright fear that their own cities and towns may be next. Our nation’s failure to upgrade antiquated water infrastructure and uphold federal law, has effectively ended trust in potable water, as we once knew it.

The following steps could help restore justifiable trust in U.S. potable water supplies and bring an end to future water crises:

1) The culture associated with implementation and enforcement of the U.S. EPA Lead and Copper rule is a national scandal that tolerated and even encouraged data manipulation, outright cheating, and unconscionable scientific misconduct at government agencies. Whatever the provisions of the new LCR may be, the U.S. EPA and other entities must no longer engage in public deception—the new rule must be taken seriously, and its provisions must be enforced. As an aside, I was pleased to see that the U.S. EPA, was
much more aggressive in protecting consumers in Newark, NJ in 2019, than they were in prior high profile water crises in Flint, Michigan (2014-2016), Washington, D.C. (2001-2004), or cities like Portland, Oregon where the LCR has been broken for decades.

2) Official language that there is “no safe level of lead exposure” should be reconsidered. We routinely identify consensus standards of human exposure for other contaminants, below which health risks are relatively low and should not cause major concern. We should identify such standards for lead. The “no safe level” language, can actually impede replacement of leaded water infrastructure and increase dependency on bottled water and filters, because even modern plumbing systems can contribute trace amounts of lead to drinking water.1,2

3) We must identify where millions of lead service line pipes are located. Consumers must be made fully aware of whether they are living with this serious environmental hazard, or whether they can have relative peace of mind because they are not. Ultimately, these lead service line pipes and other plumbing with high-lead content must be replaced.

4) Until lead pipes and leaded plumbing are replaced, strategies are needed to help consumers cope with elevated lead in water. These strategies include use of flushing, water filters whose performance is certified, and bottled water. The EPA and HUD have recently funded significant new research projects to investigate filter performance and improve the effectiveness of these strategies.3,4

References


Rob

We met for the first time at the last PWB meeting at Sandy and then again at the last PUD meeting...we talked after both meetings.

Anyway, I am unable to attend today, but would offer the following for your consideration...

1. Mayor Wheeler. At a recent past Council meeting, Mayor Wheeler expressed his concern about the escalating cost of the PWB's proposed filtration plant and its potential effect on Portland’s bond rating. The Mayor has every right to be concerned and concerned especially from a fiduciary Standpoint.

2. Escalating Costs. PWB started the project cost with a low figure of $350M and now estimates a potential high of $1,275M. PWB continues to caution that the $1.275B figure is still only an estimates and will be more refined during the design phase of the project, and that the refinement could push the $1.275B figure up or down. And we all know that the push is usually UP. It appears that the PWB got their foot in the Council Chamber door with a low ball figure.

3. Time to Revisit Health Mitigation Treatment Technologies….Crypto Mitigation using UV vs. Mitigation of every foreseeable and unforeseeable undesirable effect on Bull Run water using Ozone/Sand filtration.
   a. Cost should be a major decision. However, from the last PUD meeting, I gather from Commissioner Fritz’s comments that the PWB has a mission to provide a Ozone/Sand Filtration Plant and they will do that at essentially any cost.
   b. Commissioner Fritz’s position needs to be challenged. There must be a point [dollar cost] at which a UV system that the PWB has already paid for the study and design of, would be the prudent way to go. Commissioner Fritz seems to indicate there is no such point.
   c. Commissioner Fritz now touts the potential availability of a Federal loan. To the layperson this sound as if the loan will pay for the filtration project in full. But as you know it is only up to about $500M, leaving at current estimates $700M w/o a loan. And loans are expensive, no matter what the interest rate...someone has to pay that interest.
   d. The rate payer increases appear to have been based on “best case” scenarios and should be based on “worse case”. There continue to be talk of subsidy for lower incomers. Well and good, but this increases the rate to a rate payer...what is that cost?

4. Time to Revisit the Project Site Location.
   a. A major criteria for selecting the Carpenter Site was cost. The estimated cost has so drastically changed, with even a potential of going higher, that from a fiduciary standpoint, I would think it would be incumbent on the PWB and especially the City Council to reevaluate all the potential project sites previously considered.
   b. Piping and Pumping.
      i. One of the major factors in the increase in costs was the piping required for the Carpenter plant. The other sites considered do not have such major piping requirements.
      ii. Over and Over we hear that water pumping will not be required at Carpenter. It is most likely that Carpenter will have some degree
of pumping now or later depending on the water demands and possibly do to seasonal influences and reservoir levels. This cannot be ruled out.

c. Argument against reconsideration just don’t hold water....

  i. There is a deadline that EPA and Oregon Health have set and if it is not met Oregon Health will take over the job. We know the last thing Oregon Health wants to do is to manage a multi-Billion Dollar construction job. If PWB can show they are diligently pursuing the work and show a new schedule of completion, I would think it would be incumbent on Oregon Health to let them proceed.

d. Land Use Approval Risk. I don’t know why people are not talking about this more. If Multnomah Cty rejects PWB’s request for Conditional Use Approval the Carpenter site is dead. And I know that even if Multnomah Cty approves the Conditional Use, the local Citizens are going to take this to LUBA and then if necessary to the Appeals Court. So there is definitely risk here and what a better time to minimize this risk or eliminate it by going back and reevaluating the other project sites considered.

5. Reevaluation. Now is the time to reevaluate the Treatment Technologies and Project Selection before any multimillion dollar design contracts and construction contracts are let and there is a “change order or shut down” fee that has to be paid if the project is changed or cancelled.

6. [As a side note, $800K House on Carpenter. I believe I heard that PWB purchased the home because they could run piping a shorter distance to Dodge Park Blvd. Also that they could bore under the house and preserve it to either sell it in the future or use it for the plant. Well boring costs 10-20 time the cost of trenching which could exceed the value of the house $800K was for land and house]. Also I have heard side talk that it would be good to make a road thru the property from Dodge Park to the project for access. This road would like require the demolition of the house. Are we hearing the full story on the house?]

Rob my intent here was just to give you something to think about. I do appreciate you giving me your email and this opportunity to talk to you.

I wish you well for the meeting.

Paul Willis

Carpenter Resident
October 17, 2019

Portland Utility Board:

I write this as a concerned and frankly outraged resident of Portland and a former member of the Portland Utility Board.

When water treatment projects were first brought to the PUB in 2017, the two primary options under discussion were between UV disinfection and filtration. The UV disinfection process was estimated to cost around $100m. The filtration process was estimated to cost between $350-500m (not the $500m baseline that is listed in the most recent PWB presentation).

The most recent estimate for the filtration plant is now $850m to $1.2b. There’s bureaucratic language as to why this increase happened, but one reason seems to be that pipelines were not included in the original estimate. It’s hard to understand how the Bureau most familiar with water pipes could leave them out of the project cost estimate. While there were clearly unknowns about site and elevation, etc., given the expertise in the Bureau it seems as though there could have been a more accurate estimate. The project has gone from a minimum (estimated) cost of $350m to $850m, a 142% increase in two years. It’s not unreasonable to think that a higher and more accurate cost estimate could have changed the conversation at PUB about the relative costs and benefits of the two options and resulted in a different recommendation.

One has to wonder how a 142% increase in the cost of the project, and the resulting impacts on water rates, is possible. Should Portlanders expect another doubling of the project cost as the Bureau moves into the design and construction phase? And will the Bureau use the higher estimate of $1.2b for the next baseline? Residents of Portland could be forgiven for thinking this is the result of incompetence or deliberate misinformation. In either case, it is certainly not a transparent process.

The Portland Utility Board was given the charge to be a citizen oversight committee. Given the impacts on future water rates, I hope the members will ask the hard questions and not simply be apologists for the Bureau or the City.

Colleen Johnson
NW Portland