

## **The Oregonian**

# **Portland considering revised policy to ban new fossil fuel terminals**

*By Everton Bailey Jr.  
November 20, 2019*

Portland officials are considering reapproving a ban on creating or expanding large fossil fuel terminals in the city.

Such a rule was initially passed in 2016, but a ruling by the Oregon Land Use Board of Appeals and a subsequent decision by the Oregon Court of Appeals have put it back before the Portland City Council.

Limiting new terminal development would negatively impact job growth and tax revenue but would also lower the possible financial risks from major accidents associated with fossil fuel infrastructure, according to city officials. Fuel now stored at terminals in Northwest Portland could cause serious public safety and environmental hazards in the event of a major earthquake, they predict.

Mayor Ted Wheeler said allowing new or expanded fossil fuel terminals could increase the risks to the surrounding industrial district, the Willamette River and the entire city.

“By allowing more terminals, we undermine our local and global efforts to transition off fossil fuels that cause climate change,” he said.

About 100 spectators packed the council chambers for a discussion of reinstating the ban Wednesday, the majority of them wearing red to symbolize the planet on red alert over climate change. Seventeen people provided testimony, including Multnomah County Commissioner Susheela Jayapal, all urging the city to move forward with the ordinance as well as take other measures to address the transportation and storage of fossil fuels in the city.

Jayapal represents parts of North and Northeast Portland. Members of the crowd waved red and white streamers when they agreed with comments made.

The city will continue to accept written public testimony on the ordinance until Dec. 2 and scheduled to vote on it Dec. 18.

The city amended its zoning code in December 2016 to ban expansion at existing fuel terminals and limit new terminals to no more than two million gallons of storage.

City officials at the time said the goals included lowering carbon emissions. They imposed the ban on the heels of the city rejecting a proposed propane export terminal by Canadian energy company Pembina Pipeline Corp.

The Portland Business Alliance, the Western States Petroleum Association and a trade union group opposed the ban and appealed it to the state land use board. The board reversed the city’s decision, ruling it was unconstitutional because it restricted interstate commerce, a power reserved to the federal government.

The city then appealed to the Oregon Court of Appeals, which found the city’s ordinance was constitutional. The limit of two million gallons’ storage applied equally to in-state and out-of-state businesses, it ruled.

The Oregon Supreme Court declined to consider an appeal from the business group.

A minor element of the appeals court's decision, undermining one rationale for the ban on new and expanded terminals. So the rule is back before the council, with plans for a vote in December.

City officials said the code changes wouldn't apply to gas stations or fossil fuel storage facilities for airports, rail yards, marine terminals and other entities. The ban would target fuel storage for export to other states or nations.

The city has about a dozen fossil fuel terminals, all along the Willamette River in Northwest Portland. The operators include Chevron, BP West Coast and Zenith. Collectively, they have more than 388 million gallon of existing storage capacity, according to state records.

They handle over 90 percent of the fossil fuels that serve and are sold in the state, said Tom Armstrong, a bureau of planning and sustainability supervising planner.

Armstrong said terminals can replace their existing storage capacity. For example, consolidating several smaller storage tanks to one larger container built to current seismic codes could be a possibility.

He also said the ordinance would allow existing terminals to replace or reconfigure their existing storage capacity to store non-fossil fuels. But they would need to give advance notice the neighborhood, explain what they're doing and why.

Mike Myers, director of the Portland Bureau of Emergency Management, said his bureau plans to propose another ordinance to the council in 2020 to require seismic upgrade requirements for storage tanks at the city's existing fuel terminals.

Ella Shriner, a 17-year-old member of the Portland Youth Climate Council, said if seeing extreme weather events and children protesting and calling for action aren't among what can move politicians to act, she didn't know what to say.

Shriner said she remembers testifying at 13 at a Portland City Council meeting in 2015 in favor of a resolution that led to the fossil fuel terminal ordinance, singing "the times they are a changin'" and presenting the council at the time with "climate champion awards." She noted that she and thousands of her peers are gearing up to be the next generation of voters.

"The time really are a changing and we're watching to see if all of you are willing to take the risks that this time demands," she said.

## **Portland State to get \$50,000 from city for 2018 streetcar derailling**

*By Everton Bailey Jr.  
November 20, 2019*

Portland State University will receive about \$50,000 from the city of Portland after a streetcar derailed downtown and damaged concrete and brickwork at the campus' urban plaza last fall.

The area along Southwest Montgomery Street near Southwest Fifth Avenue has been the site of two derailments, including one last month, according to Kathryn Levine, a Portland Streetcar division manager. She told the Portland City Council on Wednesday that the cause of the October derailment is still under investigation, but the Nov. 2018 incident was likely caused by debris such as leaves causing the rear wheels to go off the tracks.

“The actions that were taken in response obviously did not prevent the events that occurred just recently,” Levine said. She did not elaborate on what was done between the first and second derailment.

City commissioners approved paying Portland State University \$49,580 to settle the school’s property damage claim against the city.

The streetcar derailed around 4 p.m. on Nov. 10, 2018 at the plaza’s entrance, according to a general liability claim form sent to the city by PSU’s assistant director of property and risk management. It damaged trench drain covers and left other concrete, brick and substructure damages. No one was injured.

PSU submitted the claim in January. Mayor Ted Wheeler said the university initially demanded nearly \$60,000 before agreeing to the settlement.

## **Portland agrees to pay \$350,000 settlement linked to lawsuit over earthquake warning signs**

*By Everton Bailey Jr.  
November 20, 2019*

Portland has agreed to pay \$350,000 in attorneys’ fees related to a now-repealed policy that required warning signs on brittle brick buildings saying they are seismically unsafe.

The Portland City Council voted 4-0 Wednesday to pay the fees for a nonprofit coalition of brick building owners who sued the city over the signage requirement. They argued that being required to post placards on their front doors violated their First and 14th Amendment Rights because they were forced to promote the city’s message and were denied opportunities to appeal. Commissioner Nick Fish didn’t attend the meeting.

The owners were represented by attorneys John DiLorenzo Jr., Aaron Stuckey and Chris Swift from Portland-based law firm Davis Wright Tremaine.

The council voted in October to end the warning sign rule. That reversal was spurred by a federal judge siding with the plaintiffs and ordering the policy be put on hold to prevent possible constitutional rights violations.

The city policy was originally approved in October 2018 and also required building owners to notify prospective rental tenants if the structure was made of unreinforced masonry.

The policy affected more than 1,600 buildings in the city that were deemed likely to partially or fully collapse in a big earthquake. The buildings on average are 90 years old.

Other opponents of the warning sign policy said requiring high-cost seismic upgrades could foster gentrification.

Before voting to approve the settlement, Mayor Ted Wheeler said he supported the warning sign rule because he thought the public should have more information on which buildings they live in or visit may be vulnerable in the event of a major quake.

“When the earthquake does strike in the city of Portland, I wonder if people will have a different perspective about this,” he said. “I want the record to reflect that I supported giving the public the information that I believe they have a right to know for their own safety, their family and their friends.”

# President of Portland's police union fields questions from community as contract negotiations near

*By Maxine Bernstein  
November 20, 2019*

The president of Portland's police union said the city's officers "just want the same rights" as every other public employee, though he acknowledged they should be held to a higher standard because they carry guns, can restrict individual liberties and use deadly force.

Officer Daryl Turner on Tuesday night addressed a room of about 30 people and fielded questions for about an hour on a wide range of subjects including police discipline, bureau staffing shortages and training.

Turner was invited to speak by the Portland Committee on Community Engaged Policing as the Portland Police Association prepares to start negotiations with the city in January for a new three-year contract. The union represents about 850 rank-and-file officers, sergeants, detectives and forensic criminalists.

Turner defended the city's settlement with former Sgt. Gregg Lewis, who earlier this year was reinstated with back pay after his initial firing on Feb. 2, 2018 for inflammatory and racial remarks he made during roll call, under the condition that he retire and never wear a city police uniform again.

"That officer didn't warrant termination based on the discipline guide, plain and simple," Turner said.

The Police Bureau's discipline guide set the maximum punishment for inflammatory, derogatory language at a three-week suspension without pay.

Lakayana Drury, co-chair of the community committee, asked if the union president could understand how Lewis' reinstatement and the city's payout to him of about \$100,000 in back wages foster community distrust and a sense that the union protects wrongdoing by cops.

"Obviously," Turner replied, adding, "maybe we need a new discipline guide."

The bureau's discipline guide, which establishes levels of discipline for various offenses, was an outcome of the city's settlement agreement with the U.S. Department of Justice. The city agreed to reform police policies, training and oversight after a 2012 Justice Department investigation found police engaged in a practice of using excessive force against people with mental illness.

Turner said the biggest challenge for the Police Bureau is filling the estimated 110 to 115 officer vacancies, with another 100 veteran officers eligible to retire next August. The bureau has an authorized strength of 1,001 officers.

Officers aren't able to do the proactive community policing that the public wants when they're struggling to respond to emergency calls for service due to limited staffing, he said. He said it takes police about 8 minutes to respond to calls, a response time that has steadily increased. He blamed the city's "political dynamics," a "tough" working environment for police in the city, as well as a competitive job market for the bureau's difficulty in filling the jobs.

Elliott Young, a committee member, questioned why officers should continue to accept contract work, or so-called secondary jobs for private businesses, when police overtime is high and the bureau is struggling to fill patrol shifts.

“That seems like it should not be allowed at times of short staffing,” Young said.

Turner argued that an officer posted outside a business, such as Fred Meyer or Apple, can also provide coverage for public safety problems in and around the store, saving patrol officers from responding to those businesses.

“It does serve a community function also and the business pays the Police Bureau back,” Turner said.

A recent city audit found the bureau spent \$15.7 million in overtime costs in 2018, with officers working nearly 250,000 extra hours, slightly down from 2017 but higher than prior years. The audit also identified risks with officers’ secondary employment, including officer fatigue and little tracking of overtime resulting from the contract jobs.

Community members said they don’t trust police to investigate themselves and want changes in the next union contract that would allow independent review of officers’ use of deadly force. They also said they want more officers to live in the city they serve.

“Can’t afford it,” quipped Turner, who said he lives about a mile and a half outside the city line.

James Ofsink of Portland Resistance noted that police are paid more than the average median income of people who live in the city, which is about \$57,000 a year.

While Turner said police are trained to de-escalate or disengage from a tense encounter before using force, Ofsink said that’s not how it appeared police acted when they arrived at a Southeast Portland homeless shelter in April 2018 with guns drawn and shouted commands at John Elifritz, who had burst into the occupied shelter with a knife and was shot and killed by officers.

Police had cornered Elifritz inside the shelter. Officers said Elifritz didn’t follow commands to drop the knife and was shot and killed when he came toward officers, according to grand jury transcripts and police reports. Elifritz’s family filed a federal wrongful death suit against the city, which is pending.

Mike Schumann of Portland Copwatch said the reason community members are pushing for meaningful changes to the police contract is because officers haven’t been disciplined for using excessive force.

The community wants to make sure that whoever is in charge of the police department, it isn’t “you,” Schumann told Turner, referring to the powerful union.

Joanna Brenner, a local resident who attended the meeting, said she believes the city needs to ensure that the next contract with the police union allows independent investigations of police use of deadly force.

Turner said he feels there’s already sufficient levels of review of police actions, citing the Police Review Board, the Citizen Review Committee and the Independent Police Review.

A representative from the city’s Independent Police Review, the intake center for complaints against officers, sits on a Police Review Board that evaluates police investigations of officer use of force, but Independent Police Review investigators don’t conduct separate investigations of deadly police shootings. Police internal affairs investigates whether police acted within bureau policy, while the city’s homicide detectives conduct criminal investigations in police use of deadly force.

“We recognize we are held to a higher standard but that doesn’t mean we can give up our rights,” Turner said.

Turner didn't disclose what the union will be seeking in its next contract. The city and the union usually each begin negotiations with a "list of wants," he said.

The union contract is up for renewal in June. In the last contract, the city increased officers' salaries 9 percent over three years in exchange for removing the controversial "48-hour" rule from the Portland Police Association contract. The rule had allowed officers who used deadly force to wait at least two days before making a statement to internal affairs investigators.

Officers are now encouraged to speak with investigators less than 48 hours after a shooting or death in custody as part of the immediate internal affairs administrative review. The internal review is walled off from any criminal investigation of the use of force.

Turner said he'll consider the community's concerns, but added that he didn't want to give city residents "false hope" either.

"The city doesn't get everything it wants, nor do we," Turner said.

## **The Portland Mercury**

### **On Shaky Ground**

*By Blair Stenvick  
November 21, 2019*

#### **Portland's At Risk For a Major Oil Spill. Can Fossil Fuel Companies Be Held Accountable?**

It's not if, but when. For decades, Portland politicians, scientists, and activists have known our region—which spans the Cascadia Subduction Zone—has been long overdue for a massively destructive earthquake. Often, those clued into the looming quake will pause when speaking about the damage that will come if it occurs, then reflexively correct themselves: When the earthquake hits.

As in: When the earthquake hits, thousands of seismically unsound buildings will collapse. Portland's drinking water supply will be cut off. Most of the city's bridges will crumble into the Willamette River. There might not be any way to safely dispose of human waste.

And: When the earthquake hits, Portland could be the site of the largest oil spill in the history of the world.

That threat is thanks to the Critical Energy Infrastructure Hub (CEI Hub), a six-mile strip of land in Northwest Portland—bordered by Northwest St Helens Road and the Willamette River—that is home to at least 10 fuel storage terminals owned by companies like Chevron, BP, and Kinder Morgan. With a combined storage capacity of 360 million gallons, the hub is home to 90 percent of Oregon's fuel supply. This congregation of heavy tanks is located on a liquefaction zone, an area of soil prone to liquify, sink, and expand after an earthquake. When the quake hits, the hub's heavy fuel tanks could easily come unmoored, spilling their contents into the Willamette and possibly setting Forest Park ablaze.

"You get to a point where the soil that was stiff enough to support all these fuel tanks... turns into a soup," says Arash Khosravifar, an engineering professor at Portland State University (PSU).

It's the job of Mike Myers, director of the Portland Bureau of Emergency Management (PBEM), to consider worst-case scenarios for natural disasters and other emergencies in Portland, then

form response plans fit for those situations. But when asked what an emergency response to an oil spill at the CEI Hub might look like, Myers is at a loss.

“I don’t know that I could paint a visual picture for you,” Myers says. “It’s like a Pandora’s box.”

The City of Portland and Multnomah County are currently working on a plan to assess the full risk the CEI Hub poses to the region, and to determine how to hold the private companies who own the hub’s facilities accountable should the worst come to pass. If local leaders are able to pull it off, it could become a model for municipal governments fighting the fossil fuel industry. It would also answer a question that’s on the minds of many Portlanders, voiced by Khosravifar:

“Now that we know about the risk,” he says, “what are we going to do about it?”

### **“THEY ACCEPTED THIS RISK”**

Ever since the Port of Portland was created by the Oregon Legislature in 1891, the confluence of the Columbia and Willamette rivers has been an important nexus for oil companies that ship their products internationally. Because of its geography, Portland became an obvious location for companies to build oil storage facilities, though they weren’t always concentrated in a single area.

In 1911, then-Portland Fire Chief David Campbell died in a fire that resulted when a fuel tank exploded at an oil distributing plant at Southeast Water and Salmon. Reeling from disaster, officials decided large oil tanks would no longer be allowed inside Portland city limits.

But no such rule existed in Linnton, then a small community located just northwest of Portland. Linnton soon became the new storage center for Portland’s oil, and when Portland annexed the town in 1915, the city relaxed its oil storage standards to keep the Linnton tanks in place and allow for expansion. Today, the vast majority of Oregon’s fuel supply—including crude oil, natural gas, diesel, jet fuel, and the chemicals used to cut and treat the fuel—sits in CEI Hub tanks. Beyond housing Oregon’s fuel supply, the CEI Hub also serves as a loading and treatment area for companies shipping their products to other markets.

Residents of Linnton, now a Portland neighborhood, have tried over the years to reduce the risks of the CEI Hub and reclaim their waterfront for more community-oriented uses.

Shawn Looney, a member of the Linnton Neighborhood Association, points to a development plan drafted by residents in 2000, which proposed building recreation areas, shops, and condos between Northwest St. Helens Road and the Willamette. Speaking during a recent Multnomah County board meeting, Looney said the city concluded that the plan was “too risky” because of the oil tanks.

“When the city sided with industry,” Looney said “they accepted this risk for those of us living in Linnton.”

But while the risks were understood decades ago, it took outside pressure for local leaders to take serious action. City and county leaders have long been focused on preparing the city’s bridges, pipe systems, and old brick buildings for an eventual earthquake, but it took community concerns over one particular facility in the CEI Hub to prompt action focused on the area.

In February of this year, Oregon Public Broadcasting reported that Zenith Energy, an international oil shipping company that operates in the CEI Hub, was quietly expanding its footprint. Although the city had passed an ordinance in 2016 that banned new fossil fuel infrastructure in Portland, Zenith’s expansion was allowed to continue thanks to a loophole: It had acquired a facility from Arc Logistics, whose expansion plan had been approved before the

2016 policy passed. However, the city did recently deny Zenith a permit to build underground pipes for transporting biodiesel and chemicals.

The news about Zenith's activity—and the fact that the company transports a high volume of crude oil through Portland by train—was a wake-up call for many Portlanders. Zenith has since been the subject of several protests and community forums, and banning the company from operating in Portland was one of the key demands of the local youth organizers of October's international climate strike.

For Multnomah County Commissioner Sharon Meieran, the “confluence of outrage” over Zenith, along with increasing public knowledge of an earthquake risk, led to perfect timing for a novel policy: requiring fuel companies pay upfront for the damage their facilities will eventually cause during an earthquake.

“I've had so many people come up to me at town halls and tell me, 'I've been an activist for a really long time. This is the first time the government is doing something about this issue that gives me hope,’” Meieran, whose district includes the CEI Hub, tells the Mercury. “That’s incredibly powerful.”

### **“RESPONSIBLE FOR THE DAMAGE”**

To date, the largest oil spill in the history of the world took place in 2010, when the BP-owned oil rig Deepwater Horizon exploded in the Gulf of Mexico, dumping 210 million gallons of crude oil into the Atlantic Ocean. With a capacity to hold 360 million gallons of fuel, a CEI Hub spill has the potential to exceed the BP disaster.

It’s difficult for experts to quantify the immediate damage such a spill would cause to the Willamette and Columbia rivers, nearby Forest Park, and the communities downstream from Portland. Harder still is assessing the long-term damage such a catastrophe would inflict on the area’s ecosystem and how long it could take to clean up. Oil from the Deepwater Horizon spill is still in the Gulf of Mexico—and will be for the foreseeable future.

But there is one thing environmental advocates know: If a Portland-area earthquake were to occur tomorrow, the private companies that own facilities in the CEI Hub would not be held responsible for the full cost of the damage.

“These risks are very, very large, so it is hard to insure them, particularly when you know you’re sitting in a place with serious earthquake risks,” says Dan Serres, director of the Columbia Riverkeeper, a nonprofit that works to protect and restore the Columbia River. “They haven’t been forced to internalize it. There’s no law that says ‘If you’re going to create these risks, you’re going to have to deal with it.’”

John Talberth is the president of the Center for Sustainable Economy, an Oregon-based environmental policy think tank. After studying the aftermath of numerous oil spills in North America, he and his colleague Daphne Wysham came up with a new policy idea to help municipal governments dealing with fossil fuel facilities.

“Most of the time—especially with accident spills—the costs of anything that can go wrong with fossil fuel infrastructure... are passed on to taxpayers,” says Talberth. “None of those risks are being paid for by the fossil fuel industry.”

In 2016, Talberth and Wysham authored a report that proposed a solution: imposing mandatory “risk bonds” against companies that own and operate fossil fuel infrastructure. Doing so would mandate that fuel companies prepay for the full estimated clean-up costs that, in the event of a massive spill, would otherwise be passed on to taxpayers. The money would sit in a third-party

fund until needed, at which point the local government would be able to access it. The process of risk bonding would begin with a cost evaluation, which would then be written into city or county code. It would almost certainly face pushback from the fuel industry.

Talberth and Wysham's plan caught the attention of Meieran—who, after seeing how concerned her constituents were about Zenith and the CEI Hub, was already looking for a solution that could be enacted at the local level.

“Given that the risks do exist, the companies responsible for them need to be responsible for the damage that can be caused by their own dangerous product,” says Meieran.

But before Multnomah County can demand the companies to pay up, it needs to know how much to ask for. In late October, the Multnomah County Board of Commissioners passed a resolution signaling its intent to conduct a full risk assessment of the CEI Hub—a comprehensive study to determine the full environmental and economic liability it poses for the area—and commit \$50,000 to the effort. The City of Portland decided to support the county's efforts, pledging an additional \$50,000. City and county leaders say the risk assessment is the first step to holding companies at the CEI Hub accountable, whether that's eventually done through risk bonding or another policy route.

“This is about disaster resilience and environmental concerns,” says Portland City Commissioner Jo Ann Hardesty, who oversees PBEM and backs the risk assessment plan. “What we know right now is that we do not have an appropriate plan. We need to ensure when a near-certain disaster occurs, those currently profiting off the operation of these businesses are in a position to pay for the response.”

The scope and methodology of the risk assessment, and the organization responsible for conducting it, have yet to be determined. But Meieran says it should start in the first half of 2020.

For John Wasiutynski, director for the Multnomah County Office of Sustainability, risk assessment and risk bonding are a start. But he says that even if they are put into effect, they won't necessarily solve the larger problems posed by fossil fuel infrastructure.

“It's really hard to imagine how you make fossil fuels completely safe,” he says. “They're such a part of our daily lives that we've become numb to that fact that there's a lot of risk associated with this infrastructure and with fuel.”

Wasiutynski says the county hopes the cost of risk bonding would be prohibitive enough to prompt companies to seismically upgrade their tanks and other infrastructure, so as to lower the overall risk mitigation costs.

While county and city leaders are focused on reducing the cost of a seemingly unavoidable disaster, environmental advocates hope that risk bonding will prompt companies to leave the CEI Hub altogether and relocate to less earthquake-prone areas.

“I hope it leads to a more swift transition [for the CEI Hub],” says Micah Meskel of Portland Audubon, an environmental protection group that has studied the CEI Hub for decades.

### **“NOT EASY STUFF”**

It's unlikely oil companies will pay up, upgrade their facilities, or leave without a fight. When Portland City Council passed its anti-fossil fuel infrastructure policy in 2016, it faced opposition from the Portland Business Alliance (PBA), which argued the policy would reduce local jobs and restrict or drive up the cost of fuel for Portland businesses. The Western States Petroleum

Association (WSPA) also challenged the policy in a lawsuit against Portland that finally concluded—in the city’s favor—last year.

“I think that gives us a pretty good sense of where they'll head,” says Columbia Riverkeeper's Serres. “The WSPA has been out there pushing back on progressive policies for a long time, and unfortunately, the Portland Business Alliance has been right there alongside them.”

A spokesperson for the PBA told the Mercury that the organization has not yet taken a position on risk bonding. The WSPA did not respond to a request for comment.

“I would be concerned about a lawsuit,” says Meieran. “I would be concerned about how they could attempt to frame the narrative. But that's all the more reason to move forward.”

When Myers took the job of PBEM director earlier this year, he knew the CEI Hub would be one of his main focus areas, which he credits to the “huge community momentum” around Zenith and the CEI Hub.

Like Meieran and other local leaders, Myers knows that finding and executing a solution for the problems posed by the CEI Hub will be an uphill battle. But, he says, “I have to do something.”

“It's not easy stuff,” he adds. “If it was easy, it would've been done already.”

## **The Skanner**

### **I-84 Bridge to Connect Neighbors**

*November 20, 2019*

#### **Project gets kickoff with naming ceremony**

Neighborhood advocates, community members, and officials with the Portland Bureau of Transportation, joined U.S. Rep. Earl Blumenauer and Portland Commissioner Chloe Eudaly this month to break ground on the future Blumenauer Bicycle and Pedestrian Bridge over I-84 at Northeast Seventh Avenue.

The new bridge will be 475-feet long and 24-feet wide, spanning over seven lanes of I-84 traffic, two active railroad lines and Sullivan’s Gulch.

Originally called “Sullivan’s Crossing” during its design and development, the bridge was named the Congressman Earl Blumenauer Bicycle and Pedestrian Bridge by Transportation Commissioner Eudaly in May to honor the Congressman’s steadfast, decades-long advocacy for cycling and pedestrian issues in Portland and across the country.

The new bridge will also be seismically resilient and serve as a backup route for emergency vehicles over I-84 in the event of an earthquake. In addition, the project includes two new public plazas and landings on the north and south sides of the bridge

## OPB

# Portland City Council Poses Questions To Water Bureau In Run Up To Water Filtration Plant Vote

*By Rebecca Ellis  
November 20, 2019*

Commissioners on Portland's City Council have lingering questions ahead of next week's vote on a design contract for a controversial proposed water filtration plant.

Wednesday's City Hall meeting gave commissioners a chance to get answers from Water Bureau staff on a project where estimated costs have swelled from \$500 million to over \$850 million.

Commissioner Amanda Fritz, who oversees the Water Bureau, started the session by apologizing for the initial estimates, which failed to take into account the cost of pipes to carry water through the treatment plant.

"I want to say right up front that the Water Bureau should have been more clear about what the cost estimate for the filtration plan included," said Fritz. "That was a major mistake, and I apologize."

The Bull Run watershed, the water supply for nearly 1 million Oregonians, has tested positive for small amounts of cryptosporidium since 2017. The parasite carries risks for people with weak immune systems and is rigorously regulated by the EPA.

The Water Bureau has presented the water filtration plant, which is now estimated to cost around \$820 million, as the best path forward to ridding the water supply of the potentially dangerous parasite and complying with EPA requirements.

But both Commissioner Jo Ann Hardesty and Mayor Ted Wheeler appeared eager Wednesday to understand whether the nearly billion dollar plant is the best way to rid the water supply of the parasite or whether a cheaper option might do the job.

Hardesty said she'd spent the last two days talking with Water Bureau staff, and remained hesitant to move forward when other viable, cheaper options for eliminating cryptosporidium were available. Other cities like San Francisco and New York keep their water supply free from the parasite with a ultraviolet light treatment plant, which is less expensive to construct than a filtration facility.

"We are at a place where we're anticipating spending over a billion dollars for a water filtration process and my question is, knowing what we know today, are any of the other options something we should consider?" she said.

Water Bureau Director Mike Stuhr continued to make his case for a filtration plant, noting that there were other dangers the water supply faced aside from cryptosporidium, such as sediment sliding into the water basin and tainting the drinking water during a major earthquake or wildfire.

"A UV plant does nothing for any one of those," he said. "The right thing for our community, for people with compromised immune systems and so on, is to build a filtration plant that can deal with all of these risks."

Mayor Ted Wheeler also brought up potential alternatives to the filtration plant, pressing Stuhr on whether he still thought the system was the best method for getting rid of cryptosporidium given that the system's cost has escalated by 300%.

Wheeler also entertained the idea of a no-vote, asking Water Bureau staff what would happen if the council decided to opt for a system that would only deal with the parasite.

Gabriel Solmer, the deputy director, told the mayor that declining to pursue a filtration plant would force a difficult conversation with the Oregon Health Authority. The city had previously promised it would build a filtration facility within the decade.

“I don’t want to leave anyone with the misunderstanding that that would be an easy task or just a rewriting of the agreement,” said Solmer.

The commission is scheduled to vote on the design contract for the plant next Wednesday.

## **Portland City Council Moves Toward Readopting Fossil Fuel Restrictions**

*By Cassandra Profita  
November 20, 2019*

The Portland City Council moved a step closer Wednesday to reapproving its 2016 ordinance banning the expansion of fossil fuel infrastructure.

The council voted unanimously to approve one of the several draft amendments it’s considering to fix problems in the original ordinance that were identified by the Oregon Land Use Board of Appeals.

The original ordinance was challenged by industry groups, and the state land board overturned the rule.

The Oregon Court of Appeals went on to reverse many of the land board’s findings, but upheld part of its decision. The city council now has the option of amending the rule to comply with all state land-use laws.

One key amendment adds information about the future of fossil fuel use, which is projected to remain at its current level nationwide. However, city staff noted that local, regional and statewide policies are aiming to reduce it through programs such as the low-carbon fuel standard.

Mayor Ted Wheeler and other city leaders voiced their ongoing commitment to reducing fossil fuel consumption and its contribution to climate change.

“Fossil fuels are a dual threat to our community,” Wheeler said. “They’re a primary component of carbon emissions that threaten our planet, and they’re a safety threat to our community. As we work to reduce our dependence on fossil fuels, the first step we need to take is to ensure the situation doesn’t get any worse. Continuing to allow more fossil fuel terminals increases the risk to the surrounding industrial district, the Willamette River and indeed our entire city.”

The city’s amended rule restricts the addition of new fossil fuel infrastructure as well as the expansion of existing facilities.

The Portland City Council took public testimony on the draft amendments but has yet to vote on final adoption.