

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Water)	FINAL ORDER APPROVING A
Management and Conservation Plan for)	WATER MANAGEMENT AND
Port of Portland, Multnomah County)	CONSERVATION PLAN

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department. An approved water management and conservation plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Findings of Fact

1. The Port of Portland submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on August 28, 2019. The Department on August 28, 2019 also received the required statutory fee for review of the plan. The plan was required by a condition set forth under the Port's previously approved plan (Sp. Or. Vol. 77, Pgs. 198-200 issued on February 10, 2009).
2. The Department published notice of receipt of the plan on September 3, 2019, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the Port on November 21, 2019. In response, the Port submitted a revised plan on April 9, 2020.
4. The Department reviewed the revised plan and finds that it contains all of the elements required under OAR 690-086-0125 and OAR 690-086-0130.
5. The projections of future water needs in the plan demonstrate a need for an additional 26.29 cfs of water available under Permit S-51547 and 22.64 cfs under Permit G-13093 to help meet overall projected 20-year demands. These projections are reasonable and consistent with the Port's land use plan.
6. The system is fully metered and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is unknown.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

7. The plan includes 5-year benchmarks for continuation of development of non-potable water sources and actively seek opportunities to provide industrial users with non-potable water; continue to use the Ports website to post information on water conservation measures encouraged and practiced by the Port and post signage and displays that promote water conservation; routinely check, calibrate and maintain Port meters; offer technical assistance to industrial non-potable water customers to help reduce their water consumption; and maintain landscape water conservation measures.
8. The plan includes 5-year benchmarks for evaluation, development, and implementation of programs:
 - a. Annual Water Audit
 - i. The Port will continue to identify opportunities to configure future distribution system expansions in a manner that will allow for water audits of industrial uses to be conducted.
 - ii. Beginning in 2021, the Port will begin conducting annual water audits on its existing non-potable water sub-systems, which currently consists of two sub-systems.
 - b. Leak Detection Program
 - i. Within two years, the Port will provide an initial analysis estimating the water loss of its two currently active non-potable water sub-systems, and if water loss exceeds 10 percent, the Port will identify potential factors for the loss and selected remedial actions. If those selected actions do not result in the reduction of water loss to 10 percent or less within five years of approval of this WMCP, the Port will take additional leak detection and repair measures as required under OAR 690-086-0150(4)(e)(B).
 - c. Other Conservation Measures
 - i. Within five years, the Port will revise specifications for both maintenance and new construction projects to maximize water efficiency, such as installing low-flow fixtures at PDX.
9. The revised plan identifies the Willamette River, Columbia River and ground water as the sources of the Port's water rights and accurately and completely describes the Willamette River and Columbia River within the affected reach has been 303(d) listed by the Oregon Department of Environmental Quality. The Port's groundwater sources are not in a designated critical groundwater area.
10. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of three stages of alert with concurrent curtailment actions.
11. The diversion of water under Permit S-51547 will be increased and diversion of water under Permit G-13093 will be initiated during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:

- a. The revised plan meets OAR 690-086-0130(7)(a) as evidenced by the 5-year benchmarks described in Findings of Fact #7 and #8, the revised plan includes a schedule for continuation and/or implementation of conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources;
- b. The revised plan meets OAR 690-086-0130(7)(b) by establishing that increased use from the non-potable sources and conservation are the most feasible and appropriate water supply alternative available to the supplier; and
- c. The revised plan meets OAR 690-086-0130(7)(c) by containing documentation that the Port is complying with the required mitigation.

Conclusion of Law

The Water Management and Conservation Plan submitted by the Port of Portland is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The Port of Portland Water Management and Conservation Plan is approved and shall remain in effect until **July 10, 2030**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation(s):

2. The limitation of the diversion of water under Permit S-51547 established by the extension of time approved on June 14, 2005 is removed and, subject to other limitations or conditions of the permit, the Port of Portland is authorized to divert up to 33.53 cfs (*out of the total permitted 72.80 cfs*) under Permit S-51547.
3. The limitation of the diversion of water under Permit G-13093 established by the extension of time approved on June 14, 2005 is removed and, subject to other limitations or conditions of the permit, the Port of Portland is authorized to divert up to 22.64 cfs (*out of the total permitted 23.53 cfs*) under Permit G-13093.
4. Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under Permit G-51547 and Permit G-13093 during review of the Port's next plan update.
 - a. Annual water audit (Finding of Fact 8(a))
 - b. Leak detection (Finding of Fact 8(b))

Plan Update Schedule:

5. The Port of Portland shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within **10 years** and no later than **January 10, 2030**.

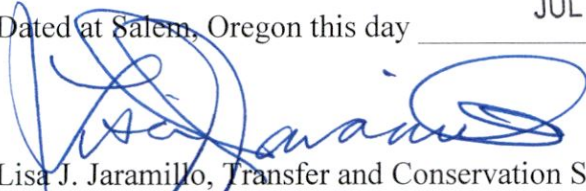
Progress Report Schedule:

6. The Port of Portland shall submit a progress report containing the information required under OAR 690-086-0120(4) by **July 10, 2025**.

Other Requirements for Plan Submittal:

7. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the Port of Portland from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this day JUL 15 2020



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources

Mailing date: JUL 16 2020

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.