

WHY DO YOU BELIEVE THE CITY BUREAU'S DECISION/DETERMINATION IS INVALID, UNAUTHORIZED, OR OTHERWISE IMPROPER

The evidence presented at the Hearing will demonstrate that the City of Portland is drawing the wrong conclusion from purely circumstantial evidence, and that the City of Portland has not met its burden of proof. The City observed a correlation between a small slit cut at the top of a screen at a dumping station and failures at the Rivergate Pump Station, and concluded without a proper investigation that the slit must be the source of the pump station failures.

The City did not identify any inappropriate discharge through the point of compliance on the property or identify any inappropriate debris at the manhole immediately off the property. In fact, on April 12, 2017, a city inspector email states: "While I was onsite at Honey Bucket yesterday the sampling manhole and the sewer manhole adjacent to your property looked clear of large debris." (See PDX\_000455). This is consistent with the Northwest Cascade process which would not allow such large debris to pass through its system. See August 11, 2017 Parkinson Letter to Katie Helton, attached at Tab A.

The City has no evidence of clothing, rags, tape, bandanas, or similar large items in the septic tank at the Northwest Cascade facility, leaving the septic tank, at the point of compliance, or leaving the property. The City mischaracterizes the material found in the septic tank—there was only small debris—and wrongly speculates that even that material could make it through the submerged outlet baffle. The witness testimony of the operators of the Northwest Cascade facility will demonstrate that the type of large debris found at the pump station could not have come from Northwest Cascade's operations.

The evidence will also show that that the minor system modifications—the slit at the top of the screen and the change to the intake line to the septic tank—could not lead to the release of the type of large debris that clogged the Rivergate Pump Station pumps.

Regarding the slit in the screen, there is nothing in the plans and specifications for the dump box that requires a screen without a slit to push through large fecal matter. The design of the screen is not included in the plans and specifications. Furthermore, the testimony will show that the slit was at the top end of the screen—not where the gravity fed discharge from the pumper truck comes out—and that only fecal materials pushed to the top of the screen by the operator passed through the slit. The discharge is always done in the presence of an operator, and the operators will testify that they never pushed any large debris through the slit.

Regarding the modification to the intake line to the septic tank (there were no changes to the effluent line), the evidence will show that the change was made to stop air interfering with the flow meter. This change had no impact on effluent from the tank. Furthermore, the City has presented no evidence of any discharge from the effluent line of the septic tank.

As an alternative theory, the City argues that the honey bucket washing operation could be the source of the large debris. However, the evidence will show that the separate washing operation for the honey buckets only washes the OUTSIDE of the honey buckets—not the holding tanks—so it cannot be a source of such materials. Furthermore, the honey bucket washing operation had been occurring on site for two years prior to the events in question without issue.

In sum, the evidence will show that the City jumped to the wrong conclusion about why the initiation of Northwest Cascade's discharge of honey bucket wastewater correlated with clogging issues at the Rivergate Pump Station. What did change on April 5, 2017—the first day that NWC discharged the hauled domestic wastewater into the system—is that the amount of flow in the system increased dramatically. The evidence will show that this discharge causes a surge that is capable of mobilizing materials dumped down manholes off of the property, and causing pump issues like those experienced at the Rivergate Pump Station.

The City acknowledges that homeless people and others may have deposited large debris down manholes, and that the issue stopped after warning signs were placed on manholes. The City mischaracterizes Northwest Cascade's position that all of this debris was deposited by homeless people between April 5 and 14<sup>th</sup>. While such material could have been dumped down manholes at this time—as acknowledged by the City—this material could have been dormant in manholes and was mobilized by the increased discharge volume starting on April 5, 2017. The issues did stop when the city added “report spills” signage to the manholes to deter dumping, and when Northwest Cascade's new discharge stream had flushed out whatever large debris had accumulated prior to April 5, 2017.