

From: [Wendy Adams](#)
To: [NGUYEN Van * DEQ](#)
Subject: official request for DEQ action
Date: Friday, May 15, 2026 10:45:13 AM

Dear Environmental Justice Coordinator Nguyen and Members of the EJ Council,

I am writing to formally request a state-level Environmental Justice (EJ) review and equity investigation regarding the land use, zoning, and environmental permitting environment surrounding the Phoenix Corner multi-family housing development (located on Grove Road, Phoenix, Oregon; Tax Lot 381W10507). In consideration that my experience in this area was limited and with the limited knowledge that I attempted in prior notification, please accept this final request for serious consideration and immediate intervention.

1. Identification of the Protected EJ Demographic

The future and current residents of Phoenix Corner represent a distinct, highly vulnerable population heavily protected under Oregon House Bill 4077 and Senate Bill 420. This 88-unit multi-family affordable housing complex was specifically built to serve individuals and families who earn under (60%) of the area median income, with a profound focus on individuals suffering from long-term displacement caused by the Almeda Drive Fire. This community faces systemic socioeconomic, environmental, and public health vulnerabilities.

2. Core Environmental and Equity Concerns

Under ORS 182.535-550, state agencies must ensure that EJ communities do not face disparate impacts or disproportionate environmental burdens. We believe the local zoning environment and impending industrial permit approvals directly threaten this mandate in the following ways:

- **Proximity to Heavy Industrial Logistics:** The housing complex is situated immediately adjacent to a major Petro Travel Center and already heavy commercial trucking corridors, exposing fire-recovery victims to heightened levels of diesel particulate matter.
- **Impending Commercial Fueling Risks:** Plans for a commercial truck fueling station directly across the street from this high-density residential zone pose acute air quality, toxins, and localized safety risks.
- **Disparate Public Health Impact:** Placing a highly vulnerable, low-income, disaster-recovered community in immediate proximity to dense fossil-fuel infrastructure constitutes a classic disparate impact, forcing a historically marginalized population to bear the brunt of commercial pollution.

3. Action Requested from the DEQ and EJ Council

As the state's leading advocates for environmental equity, we urgently request that your offices:

1. Intervene in the Permitting Review: Initiate an immediate equity audit on any pending Oregon DEQ air quality, storm-water, or underground storage tank (UST) permits associated with the proposed fueling station and commercial projects surrounding Grove Road, to include impacts to Payne Creek and the Wetlands located on Meadow View Drive.
2. Enforce Cleaner Air Oregon Frameworks: Mandate the highest possible level of toxic air contaminant scrutiny and public participation for this specific census tract, reflecting the community's vulnerability.
3. Coordinate with Local Planning Officials: Actively advise the City of Phoenix Planning Commission on their obligation to respect state-level environmental justice guidelines when reviewing local development and traffic impacts.
4. Consider declining this application: Adding a new project of the magnitude would push the aggregate burden beyond a safe threshold, placing a highly unequal share of environmental hazards on an already vulnerable population causes a disproportionate impact on quality of life.

Please note that the Planning Staff and Planning Commission members did not positively respond when this issue was raised by a fellow Planning Commissioner on May 11, 2026, and while a formal request was sent to keep the record open on May 12, (a copy of this sent to your office), no response has been yet received in acknowledgement. The next meeting is scheduled for June 8, 2026.

Thank you for your prompt attention to this matter and for defending the civil rights of Oregon's wildfire survivors. I look forward to your response detailing how the state plans to protect the residents of Phoenix Corner.

Sincerely,

Wendy Adams, Planning Commissioner, Phoenix Oregon

Verbal Testimony — 3 Minutes

*Approximately 385 words.

Thank you for the opportunity to speak. My name is Robert Brenner. I'm a retired technologist calling from Austin, Texas. I wanted to acknowledge up front that I'm not an Oregonian or a water professional. I'm someone who looked at what is happening to the water and the communities of the American West and felt compelled to respond. My wife and I are looking to continue our retirement in the west and this is of grave concern.

The environmental justice argument for what I'm proposing is not simple or small. In every Phase 1 state — and Oregon is one of them — the communities that bear the greatest water insecurity are the communities with the least political power protecting their supply. Such as:

- Tribal nations whose treaties guarantee water rights that were never delivered as infrastructure.
- Rural communities on contaminated groundwater with no alternative sources available.
- Families in fire zones whose water was compromised at the exact moment they needed it most.

These communities don't need more studies. They need governance that is built around their interests rather than the interests of stakeholders with more powerful voices, who arrived at the table first.

Over the last 10 months I have developed the *Western Water Resilience: A Regenerative Infrastructure Doctrine for the American West* as a response to this crisis. It proposes the Western Water Coalition — a state-led, tribally co-governed, self-financing, regional water authority. This coalition is created to meet the required scale dictated by this growing crisis. The cancellation of the Columbia Basin Agreement — a commitment Oregon helped build for over a decade — simply cancelled by a federal memo in a single morning meeting —

this event is cited as the exact reason this institution must be created, must be self-financing, and must maintain structural immunity to federal defunding.

The paper asks one question of every reader: if this governance architecture is insufficient, say so — loudly — and honor the obligation of those who know better — improve it. Bring something bigger and stronger.

I am not asking the council to endorse this proposal. I am asking whether this governance architecture is worth this council's attention and consideration.

The Executive Summary has been submitted to this committee for its consideration. The full paper is available immediately on request.

Thank you.

Western Water Resilience

A Regenerative Infrastructure Doctrine for the American West

An Executive Summary

Robert Brenner — June 2026

Full paper available on request: Robert.Brenner@TheWiredFolks.com

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“Water, water, everywhere, nor any drop to drink.”

— Samuel Taylor Coleridge, *The Rime of the Ancient Mariner*, 1798

The Crisis — Happening Now

On April 8, 2026, Washington State declared a statewide emergency drought for the fourth consecutive year (*CITE: ES-1 — WA Governor press release April 8 2026*). Snowpack statewide stood at 50 percent of normal despite a winter that delivered 104 percent of normal precipitation. The warmest December on record meant most of it fell as rain — the mountains are bare going into summer.

Colorado's 2026 snowpack is the worst since statewide records began in 1941 — at 22 percent of the 30-year median (*CITE: ES-2 — NRCS SNOTEL data 2026*), 50 percent below the previous record low. Lake Powell sits at 23 percent of capacity (*CITE: ES-3 — USBR reservoir data May 2026*). Lake Mead at 33 percent. The Colorado River system holds just 36 percent of its designed storage capacity. Spring inflow to Powell arrived at 13 percent of normal — the lowest ever recorded. Emergency releases from Flaming Gorge Reservoir are propping up Powell through April 2027 — described by water managers as a

desperate move. The Colorado River compact renegotiation, whose current guidelines expire October 1, 2026, remains at impasse. Every proposed replacement framework has failed under current conditions.

In Texas, the Governor's own chief of staff wrote to state regulators in March 2026: "Disaster is on the doorstep of the City of Corpus Christi." Lake Corpus Christi stands at 9 percent of capacity (*CITE: ES-4 — TX water agency 2026*). The city killed a fully funded desalination plant in September 2025 when its cost estimate rose. It is now scrambling to revive it.

Oregon's state climatologist has called the 2026 wildfire season "potentially catastrophic." Oregon snowpack collapsed to one-third of normal — its lowest recorded April 1 value in history.

One hundred and seventy-six million Americans (*CITE: ES-5 — EWG/EPA PFAS data*) — more than half the population — live in communities where drinking water has tested positive for PFAS. The EPA established standards for six PFAS compounds in April 2024. By May 2025 it had eliminated standards for four of them.

Approximately 30 percent of households on the Navajo Nation (*CITE: ES-6 — R-series, verify current figure*) lack access to running water at home. In the United States of America. In 2026. The water infrastructure that would deliver rights they hold by treaty remains unbuilt.

This is not just a drought. It is a governance failure.

What We Actually Broke

The American West does not have only a water shortage. That is a narrow diagnosis of a much larger and more serious crisis. The American west has broken the relationship with the water cycle that sustained it for millions of years — a cycle of ocean evaporation, moisture moving inland, precipitation falling on forests and snowpack, meltwater feeding rivers, rivers feeding aquifers, and healthy forests pulling moisture back into the atmosphere to begin the cycle again. That cycle built the redwoods. It carved the canyons. It filled every aquifer this region depends on.

And we broke it, at multiple points, simultaneously. We logged the forests that drove the moisture inland transferring it across the biosphere. We warmed the atmosphere that governs precipitation patterns. We suppressed the fire that tribal nations used for millennia to keep forests healthy enough to participate in the cycle — replacing low-intensity managed burns with century-long fuel accumulation that now produces catastrophic wildfires instead of ecological renewal. And as that break continues to deepen and broaden, more severe wildfires consume the watershed that feeds the downstream water system. We discharged agricultural chemicals into groundwater at concentrations the natural system cannot process.

This coalition does not propose to replace that cycle. It proposes to repair what we did to it — supplementing where repair takes longer than we have, and governing the whole system as what it has always been: a commons that belongs to everyone, everything that the water touches.

Why Current Governance Cannot Fix It

Six structural mismatches explain why current approaches keep failing:

Scale. Every major water initiative has been designed at the state level. The Colorado River crisis is a seven-state problem. No single state has the authority, mandate, or financing to solve it.

Jurisdiction. More than a thousand distinct legal authorities govern western water. None of their jurisdictions maps onto the actual water systems they govern. Fragmentation creates competition rather than coordination.

Timeframe. Forest restoration takes a generation. Political cycles end in two and four years. The decisions made this decade will determine water availability in the 2040s and 2050s — long after the politicians making them have left office.

Financing. The January 2025 halt of Inflation Reduction Act disbursements cancelled \$4 billion in western water commitments with a single executive action. Water security built on annual appropriations is not security. It is a promise that can be broken on any given morning.

Framing. Water has been treated as a commodity — allocated to the highest bidder. The question a governance system should ask first is not who owns the water. It is what do people, communities, families, and industries need to flourish.

Federal dependency. The January 2025 cancellation of the Resilient Columbia Basin Agreement — a \$1 billion, decade-long commitment signed by two states and four tribal nations — was not an anomaly. It was the latest in a long series of federal reversals regardless of which party holds power.

The Doctrine — Seven Principles

This paper proposes the **Regenerative Infrastructure Doctrine** as the organizing framework for western water security. The word regenerative is not aspirational — it is descriptive. Every component of this framework is designed to close a loop that industrial agriculture, fossil fuel combustion, and a century of extractive water management left open. The desalination brine that other systems discharge as waste becomes the fertilizer that replaces the synthetic inputs that contaminated the groundwater. The agricultural runoff that poisons drinking water becomes the precision fertilizer returned to the soil at the concentration the crop needs. The managed forest fire becomes the watershed restoration that feeds inland precipitation. Nothing leaves this cycle as waste. Everything returns as input.

The doctrine has seven principles — not a checklist but a system, each one necessary, none sufficient alone:

1. **Water is a human right, not a market commodity.** No community should be without safe Tier 1 drinking water. No tribal nation should wait decades for infrastructure their treaty rights have already authorized.
2. **Natural systems are infrastructure.** Forests, snowpack, watersheds, and aquifer recharge zones are the water system. We damaged them. Restoring them is infrastructure repair, not optional stewardship.
3. **The system must be managed as a whole.** A regional water system cannot be managed by a thousand separate authorities. It requires a single

governance framework with the authority, mandate, and financing to make decisions at the system level.

4. **New supply is not optional.** Conservation cannot close the western water deficit. The region must produce new supply — through coastal desalination, advanced wastewater reclamation, and the Gulf of California access that Arizona's geography provides.
 5. **Energy neutrality is non-negotiable.** A water infrastructure system that fails in drought because it requires grid power that drought has eliminated is not a solution. It is a drought multiplier.
 6. **Governance must be independent, self-financing, and accountable.** Water security infrastructure must not depend on federal goodwill as its primary operating assumption.
 7. **Tribal nations are partners, not stakeholders.** They are sovereign governments with treaty rights that predate and supersede the state-based framework. Their co-governance is a legal obligation, an ethical requirement, and a practical necessity.
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The Technical Framework

The doctrine requires specific technology — all of it operating at commercial scale today. The gap between what exists and what is deployed is governance and investment, not engineering.

- **Coastal desalination** — proven at scale along the Pacific coast and through Arizona's Gulf of California access, moving water from where the cycle starts, inland, on the path moisture has always traveled
- **Advanced wastewater reclamation** — the Orange County Water District has produced 130 million gallons per day (*CITE: ES-7 — OCWD annual report*) of Tier 1 potable water from 100 percent reclaimed wastewater since 2008. Not a pilot. Operational for 17 years, serving one million people.
- **Self-powering pipeline distribution** — HDPE pipe with in-pipe hydroturbines, AI-enabled leak detection, and co-located solar and wind, moving water coast to inland on the same geographic path the water cycle has always followed

- **Pumped hydro water battery** — grid stabilization and river level management, replacing Snake River dam capacity while restoring salmon migration, mimicking the timing and gravity-fed delivery that snowpack provided for ten thousand years
- **Brine recovery circular economy** — converting desalination byproduct into sulfate of potash fertilizer, aquaculture, and blue energy. Japan's Fukuoka osmotic power plant, opened August 2025, generates 880,000 kilowatt hours annually (*CITE: ES-8 — Fukuoka City 2025*) from desalination brine alone, running 24 hours a day regardless of weather. The recovered SOP is a domestic alternative to the Russian and Belarusian potash supply that the global agricultural market is actively seeking to replace. The agricultural runoff captured in the same system becomes struvite — a precision phosphorus fertilizer that turns today's contamination liability into tomorrow's commercial product.

These are not science fiction. They are in production today, in cities around the world, waiting for the governance framework to deploy them at the scale this crisis demands.

How the Coalition Finances Itself

This proposed coalition is a public utility, not a federal program. Public utilities pay for themselves. Your electric bill pays for the power grid. Your water bill pays for the treatment plant. This works the same way.

The federal government's existing legal liabilities do not disappear because they have been deferred. Authorized infrastructure never built. Damage caused by federal agencies never fully compensated. Settlements funded in part and abandoned. These are not requests for new spending. They are documented debts — and the coalition's founding compact requires the federal government to meet them. Not as a favor. Because the law already requires it.

Five revenue streams fund the system that serves everyone:

1. Water delivery — tiered pricing, like any public utility. Residential households pay a base delivery rate. Agriculture pays moderate cost recovery.

Commercial and industrial users pay full cost. Data centers pay premium rates — with mandatory closed-loop reclamation requirements returning 90 to 95 percent of the water they consume. The largest water consumers in the region fund the infrastructure that serves the smallest communities. Every tier is set as a percentage of the coalition's full operating cost — not a fixed dollar figure — so pricing scales automatically as the system grows.

2. Energy generation — the pipeline generates the power to move the water it carries. In-pipe hydroturbines produce electricity from water movement. Pumped hydro provides grid storage. Co-located solar and wind along pipeline corridors sell clean, dispatchable power to the regional grid. At every desalination facility, osmotic power — generating electricity from the salinity differential between brine and freshwater — runs 24 hours a day, 365 days a year, regardless of weather. Japan's Fukuoka plant, opened August 2025, is the second commercial-scale osmotic facility in the world after Denmark's. This is not emerging technology. It is operating technology, waiting for the infrastructure investment this coalition provides. Piezoelectric generation from pipeline pressure and flow — hundreds of miles of pipe under constant movement — powers monitoring stations, pumping nodes, and communication relays all along the corridor. The pipeline does not merely carry water. It carries the energy to move it, monitor it, and protect it.

3. Resource recovery — desalination brine becomes sulfate of potash fertilizer — a domestic alternative to the Russian and Belarusian potash supply the global agricultural market is actively seeking to replace. Agricultural runoff becomes struvite — precision phosphorus fertilizer returned to the soil at the concentration the crop needs. What other systems discharge as waste, this coalition recovers as commercial product. The contamination liability becomes the supply chain.

4. Capacity fees — data centers and industrial users pay to connect to the coalition's infrastructure. The companies that consume the most water fund the system that makes their operations possible.

5. Long-term maintenance and expansion reserve — unlike the airports, toll roads, and ports that deferred maintenance until it became crisis, this coalition builds its lifecycle reserve into the rate structure from day one. Every pricing

tier is calculated as a percentage of full lifecycle cost — capital, operations, maintenance, and expansion. As the system grows, the reserve grows with it. The coalition does not get cheaper to run as it ages. The rate structure accounts for that honestly, from the founding compact forward. This is not a system that builds itself into a corner. It is a system that funds its own future.

Revenue bonds backed by those five earnings streams finance the capital investment — the same model that built America's airports, toll roads, and ports. No annual appropriations. No administration can defund it by memo. No election cycle can reverse it overnight. The constituency that depends on the coalition's water is the same constituency that would bear the cost of dismantling it. That alignment of interests is not an accident. It is the design.

This proposed coalition is self-financing by architecture, not by aspiration.

The Coalition

The **Western Water Coalition** is state-led, tribally co-governed, and self-financing. It is not a federal agency. It is the institutional architecture that makes every technical component above deployable at the scale and on the timeframe this crisis requires.

Minimum viable founding four: California, New Mexico, Arizona, and Colorado. All four required. Oregon, Washington, Nevada, and Utah join as the coalition demonstrates results.

Governance: Modeled on the Tennessee Valley Authority — created in 1933, survived constitutional challenge in 1936, still operating today. Fixed-term board appointments not removable by any administration. Self-financing through the tiered public utility revenue model, energy generation, and resource recovery. Single consolidated public report combining Authority data with independent audit. Biannual full reports with quarterly milestone updates for the first five years.

The founding governor's case: The governors who found this coalition do not surrender authority to a collective. They charter one — and they write the rules that every state joining afterward must meet. Founding governors have

location authority: the desalination facility, the pipeline corridor, the SOP processing plant go where the founding compact places them. They create markets that did not exist: American-produced sulfate of potash as the democratic alternative to Russian potash supply, struvite precision fertilizer from agricultural runoff, licensed technology exported globally. They acquire an accountability shield — moving from managing an insoluble problem to demonstrating a solvable one, with an independent audit that makes their results publicly testable. They will have proven — not promised, not planned — proven — that in 2026 government can still work for the people.

Tribal co-governance: Not advisory seats. Tribal nations hold board seats with equal voting rights. Decisions affecting tribal water rights or tribal lands require tribal consent. Zero cost to tribal nations for water infrastructure delivery. Indigenous labor first on all work executing on tribal lands.

Founding values: Water is a common resource, not a commodity. Access to clean water is a human right. Natural systems are this coalition's first obligation. Every resident has equal stake regardless of economic power. Tribal treaty rights are honored without condition. The damage is documented — repairing it is the work.

First Five-Year Commitments

- Coastal desalination and advanced wastewater reclamation **under construction in every Phase 1 state within three years**, at demonstrable operational scale within five
- Every ratified, unfunded tribal water settlement with identified infrastructure requirements has a **funded construction timeline within two years** — agreed to with each tribal nation individually before any public commitment is made
- **Tier 1 water quality** at the point of use enacted as a legal standard in all member states within five years
- Data center water neutrality and renewable energy requirements **published within 12 months** of coalition operational status — before plans are approved and construction begins, not after

- Complete inventory of all Phase 1 distribution systems within **18 months**
 - First tribal spur connections delivering water to previously unserved tribal communities **within two years**
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The Ask

To governors: Within 90 days of receiving this paper, convene your state's water agency director, your tribal liaison, and your legal counsel for one meeting with one agenda item: what would it take for this state to be a founding member of the Western Water Coalition? That meeting costs nothing. What it produces could change everything — your politics, your state's priorities, your commerce, the health of your people, what you grow, what you sell, what you teach. It will change what you drink, what you eat, where you fish, what you hunt, where you live. Everything.

To legislators: Ask your state water agency director what percentage of treated water your distribution systems lose to leaks before it reaches a customer. If they cannot answer — that is the answer, and it is the governance failure this paper asks you to address.

To tribal leaders: This paper plants a flag and invites the people who know the territory best to move it — drag it, even — to the proper position. The coalition cannot form without tribal co-governance. It does not want to.

To industry: The companies that engage early will help define the standards, the technology requirements, and the partnership terms. The pipeline that generates the power to move the water it carries. The membrane that extracts three minerals where today's technology extracts one. The sensor network that finds contamination before it reaches a tap. These technologies exist in early form today. The coalition's infrastructure investment funds their maturity. The companies that engage later will comply with terms — and compete with technologies — defined without them.

To citizens: Demand your elected officials answer for the water. Specifically. Invite them to drink your public water with you. Vote on their answers. And

be especially vocal on the success and failures of the quality of your water — because it is your water.

To all: The western water system has needed this coalition for a century. It has not had it. This paper proposes that it have it now — built on values that do not compromise, governed by standards that are publicly measurable, financed by the system it serves, and committed to the communities and ecosystems and tribal nations that have waited long enough.

Now let this flow through the American West — from coasts, to farmlands, through valleys, redwoods and mountain peaks, with tributaries threading under the sands of deserts to oases.

Let it flow. Make it flow.

The flag is planted. Who joins?

Western Water Resilience: A Regenerative Infrastructure Doctrine for the American West does not claim to be the final word. It claims to be a necessary first one. If the doctrine proposed here is insufficient, the obligation of those who know better is not silence. It is to say so — loudly — and bring something stronger.

*Full paper available on request. Contact: Robert.Brenner@TheWiredFolks.com
Developed by Robert Brenner, 2025–2026.*