



PUBLIC HEALTH DIVISION  
Drinking Water Program

John A. Kitzhaber, MD, Governor

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**Health**  
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December 9, 2011

David Shaff, Administrator  
Portland Water Bureau  
1120 SW 5th Avenue, Suite 600  
Portland, OR 97204-1926

Dear David:

I am writing in response to your letter dated August 23, 2011, in which you ask for an "indefinite suspension" of the Bureau's compliance schedule to comply with the requirement to treat or cover the City's 5 uncovered reservoirs pending the recently announced EPA review of the LT2 rule. We responded to you on October 11 that we were anticipating guidance from EPA to state Primacy agencies on this issue.

Attached is the guidance we received from EPA headquarters. EPA states that their LT2 review is not a proper basis for amending an existing state-approved schedule to comply with the rule's finished drinking water storage facility requirement.

Sincerely,

Dave Leland, PE, Manager  
Drinking Water Program

DEL:dw

Enclosure

**Received**

**DEC 13 2011**

**Portland Water Bureau  
Administration**

**Leland David E**

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**From:** Shibley Gail R  
**Sent:** Wednesday, December 07, 2011 12:53 PM  
**To:** 'Dougherty.Cynthia@epamail.epa.gov'; gail.r.shibley@state.or.us  
**Cc:** Bussell.Mike@epamail.epa.gov; Bergman.Ronald@epamail.epa.gov; Leland David E; Salis Karyl L (karyl.l.salis@state.or.us)  
**Subject:** RE: LT2 regulation review and compliance schedules  
**Expires:** Friday, June 15, 2012 12:00 AM

cynthia:  
thank you for your note. I understand from your email below that epa's lt2 rule review is not a proper basis for amending an existing state-approved schedule to comply with the rule's finished drinking water storage facility requirement.

I very much appreciate the clarification of this important detail.

regards,  
gail

Gail R. Shibley, J.D.  
Administrator, Environmental Public Health Oregon Health Authority  
<http://public.health.oregon.gov/HealthyEnvironments>  
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V: 971/673-0403  
F: 971/673-0456

"If you want to learn about the health of a population,  
look at the air they breathe, the water they drink, and the places where they live."  
Hippocrates

-----Original Message-----

**From:** Dougherty.Cynthia@epamail.epa.gov [mailto:Dougherty.Cynthia@epamail.epa.gov]  
**Sent:** Wednesday, December 07, 2011 10:34 AM  
**To:** gail.r.shibley@state.or.us  
**Cc:** Bussell.Mike@epamail.epa.gov; Bergman.Ronald@epamail.epa.gov  
**Subject:** LT2 regulation review and compliance schedules

Gail,

You asked me how the Agency's review of the Long Term 2 Enhanced Surface Water Treatment Rule would impact water systems' compliance requirements and schedules for covering their finished water reservoirs under that rule.

The requirements of the LT2 rule are still in effect. The LT2 rule is important for drinking water quality and public health protection, and the uncovered reservoir requirements protect against the potential for re-contamination of treated drinking water with disease-causing organisms, specifically Cryptosporidium, Giardia, and viruses.

The rule review process does not provide a basis to modify compliance obligations. However, there may be specific articulable facts that warrant compliance schedule adjustments. Many public water systems face multiple challenges as they manage, maintain, and operate their systems.

In addition, infrastructure construction projects may also present challenges. Primacy agencies can evaluate these system-specific issues when evaluating a request to adjust a compliance schedule. If a schedule adjustment is appropriate, the public water system should have robust interim measures in place to ensure public health protection, and those interim measures should remain in effect until that system comes into compliance with the rule.

Please let me know if you have additional questions.

Cynthia C. Dougherty  
Director  
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