



CITY OF

PORTLAND, OREGON

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Frequently Asked Questions:
Portland's Approach to the Environmental Protection Administration's LT2 Rule

What is LT2 and what does it involve?

LT2 stands for the Long Term 2 Surface Water Treatment Rule. It was introduced by the U.S. Environmental Protection Agency (EPA) in 2000 as part of the implementation of the clean water act of 1996. The purpose of the LT2 rule is to reduce illness linked with the contaminant *Cryptosporidium* and other disease-causing microorganisms in drinking water. The rule will supplement existing regulations by targeting additional *Cryptosporidium* treatment requirements to higher risk systems.

LT2 applies to all public water systems which use surface water or groundwater under the direct influence of surface water. This includes about 14,000 water systems nationwide serving approximately 180 million people.

What is the Portland Water Bureau's opinion of the EPA's requirements under LT2?

The Portland Water Bureau does not believe that *Cryptosporidium* is a threat to Portland's water. They do not agree with the "one-size-fits-all" approach taken by the EPA given Portland's unique water system and the demonstrably low threat of *Cryptosporidium* in our water. Despite their opinions on the subject, the Portland Water Bureau and the City Council are responsible to comply with all federal, state, and local laws.

What is Portland doing to fight LT2?

- In Feb. 2006 the City of Portland filed a legal challenge to the LT2 rule in the District of Columbia Circuit Court of Appeals.
- In November 2007 an opinion on behalf of the Court was filed by Circuit Judge Tatel saying: "Because we find the cities' arguments either meritless, irrelevant, or both, we deny the petition for review." The challenge was denied.
- In December 2007, Commissioner Randy Leonard convened a meeting of representatives from Senator Wyden, Congressman Blumenauer and Congressman Wu's offices, the City Government Relations Office, the Water Bureau, and other stakeholders. At that time, the delegates indicated that such legislation would be a significant challenge but that they would work with the city on strategies as opportunities arose within the Congress. They indicated that the city should go through the variance process in advance of seeking legislative solutions because it would be better to exhaust all administrative options before seeking a legislative end-run.
- In 2007, the bureau introduced Oregon legislation to facilitate obtaining variances to LT2

- The bureau has adopted a strategy of multiple & simultaneous paths to comply with LT2
- The bureau has organized stakeholder involvement, meetings with EPA, Multnomah County Health Officials
- Bureau representatives have met with Oregon's congressional delegation to seek relief
- In June 2009, Commissioner Leonard received a letter from Senator Jeff Merkley stating that "...a legislative approach has very little chance for success" in offering relief from the LT2 rule.

Has *Cryptosporidium* ever been detected in Portland's water supply?

Yes, but it has not been detected since 2002.

How does the LT2 rule affect Portland?

LT2 requires that water coming from Bull Run be treated for *Cryptosporidium* at the source, and further requires that all public water systems that store treated water in an open reservoir, such as those at Mt. Tabor and Washington Park, do one of the following:

- cover the finished water storage facility
- treat the water again before it goes to customers
- or stop using the storage facility to store finished drinking water

To be in compliance with the rule, public water systems must have a State approved schedule for meeting the open reservoir requirements by April 1, 2009, and compliance with the treatment of the source water must be completed by April 1, 2014.

Is Portland exempt from compliance with LT2?

No. The Portland Water Bureau is pursuing a variance with the EPA that would exempt Portland from the requirements of the rule; however the EPA has consistently taken the position that it would be nearly impossible for the Water Bureau to meet their standard for exemption.

What options does the city currently have in terms of filtration and the covering of open reservoirs?

To obtain a variance to the treatment portion of the LT2 rule, the Portland Water Bureau must demonstrate that the Bull Run source water is as free of *Cryptosporidium* as a filtered system. Currently, the bureau is working to reach an agreement with EPA over the analytic methods that will be used to determine this one way or the other.

If the variance is unsuccessful, the EPA says that the bureau must provide additional treatment to the city's Bull Run source water. Options include UV treatment, or filtration.

UV treatment is the cheaper of the two; however it is also the least beneficial. UV treatment consists of water passing under high intensity UV bulbs which neutralizes cryptosporidium. The

downside is that cryptosporidium is the only “bug” that is treated and it runs the risk of mercury entering the water system in the event of a bulb failure.

While direct filtration is the more expensive option, it would provide additional benefits to Portland’s drinking water:

- Bull Run reliability enhanced, reducing reliance on backup groundwater system
- More consistent water quality; color, sediment
- Expands available supply
- Treats water for additional water born pathogens

Direct filtration consists of running water through sand which removes all sediment, cryptosporidium along with a variety of water born pathogens (“bugs”). This method of cleaning will put out consistent, pure, clean water allowing the Portland Water Bureau to rely less on ground water, and rely more on water from Bull Run.

Has the bureau received any support or feedback from Oregon’s congressional delegation?

Yes. The Portland Water Bureau has worked closely with our delegation over several years in assessing our legislative and administrative options. Most recently, a June 18th letter from Oregon Senator Jeff Merkley offered his support and stated that he “will continue to push the EPA to develop a path for Portland...to be given the time needed and technical assistance to develop a plan for extensive water quality monitoring in order to successfully make the case for a variance.” Senator Merkley also acknowledged “that a legislative approach has very little chance for success” in offering relief from the LT2 rule.

If a filtration system is implemented, will the Bull Run watershed be opened up to the public?

The City of Portland has no intention of opening of the Bull Run watershed to the public for anything other than educational purposes. The watershed is federally protected and exists for one purpose only: to provide drinking water to the citizens of Portland.

Does the Water Bureau plan to sell off ownership of the Bull Run water supply.

No. Portland’s water source and system are one of our most valuable treasures, and the Water Bureau has no intentions of selling or diluting the ownership of the Bull Run water supply. The City of Portland will remain the sole owner of said plant and Bull Run water supply.

What happens if the City of Portland does not comply with the LT2 ruling by April 14, 2014, the EPA’s compliance deadline?

If the city is close to coming to agreement about a variance or is making the final efforts to complete a treatment facility, it is possible that some additional time might be granted to complete efforts that are currently underway. If the City has not made a strong effort to comply with the rule, the EPA could impose fines, require the bureau to issue a boil water notice, or seek a compliance order to gain a commitment from the city to comply with the requirements of the rule, and finally, the EPA would have the authority to take over control of Portland’s water system.

The Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) Implementation Guidance Manual states the following:

“Consequences [of significant deficiencies] could include revocation of the operating permit, suspension of the permit until the deficiency is corrected, and fines or penalties levied against the system operator. When significant deficiencies exist, a consent agreement, administrative order, or litigation by the appropriate court may be necessary to ensure prompt and proper correction. “

Noncompliance with LT2 also impacts PWB’s wholesale water agreements. These agreements state that “The City shall meet all applicable drinking water regulatory requirements up to the purchaser’s point of delivery.” If the deadline is not met, the City is not meeting all “applicable drinking water regulatory requirements” and would likely be in default of these contract conditions.

Does the bureau eventually plan to mix water from the Willamette and Columbia rivers with Bull Run water in the Powell Butte storage facilities?

Absolutely not. This is a completely baseless myth that some have promulgated.

Is the bureau planning to cover the drinking water reservoirs at Washington Park and Mt. Tabor?

No. The bureau plans to take these open drinking reservoirs off-line in order to comply with the LT2 rule. The bureau is building a new storage facility at Powell Butte.

The future uses of the open reservoirs at Mt. Tabor and Washington parks will be decided in a community process.

The Widmer Brothers Brewery raised concern about filtration having an affect on water quality and consistency resulting in problems for their business. How with the filtration system affect them?

The consistency of our water will be much improved if there were a filtration system in place. Currently, our water experiences changes in flavor, color, and mineral content as a result of seasonal changes that affect our water, including the utilization of Portland’s backup groundwater system. Many of those impacts will be eliminated by the filtration system, resulting in more Bull Run water with consistent characteristics.