

Dear Robert,

Thanks for your email, on behalf of the SE Uplift Board, regarding Portland's reservoirs.

As part of the Safe Drinking Water Act – specifically, a rule called LT2 – cities like Portland can no longer use uncovered reservoirs to store finished drinking water.

The rule has two parts: one says we must stop using open reservoirs to store drinking water, the other says we must treat our water for cryptosporidium.

I'm very proud to report that we are the only city in America which received a variance from the treatment side of the rule. The Water Bureau developed a rigorous sampling and monitoring plan that demonstrated the high quality of raw water in our Bull Run watershed, and successfully petitioned for a one-of-a-kind variance from the rule. Their hard work saved our customers tens of millions of dollars, and protected our water from additional and unnecessary treatment.

The City of Portland fought the other side of the rule as well, for over seven years, but was unsuccessful.

Here is a summary: we filed a lawsuit challenging this rule in federal court, we worked with our federal delegation, we appealed directly to the Environmental Protection Agency (EPA), and we asked the Oregon Health Authority (OHA) for relief several times. In 2011, we specifically asked the state to suspend enforcement of the rule until the federal rule review was complete – and our request was denied. As recently as April of 2013, the OHA refused our request for delay (see attached letter).

Unfortunately, there is no waiver or variance from this portion of the rule. Our repeated requests for a deferral have been refused. After exhausting all available options, the Council issued a statement in 2013 confirming its commitment to move forward with compliance.

More information about the history of the City's efforts can be found here: <http://www.portlandoregon.gov/water/article/330807>.

After meeting with Mt. Tabor neighbors in November, the City developed the attached Q&A to respond to concerns and frequently asked questions.

My understanding is that EPA leadership is unlikely to weaken the requirements of LT2. If the EPA reverses this rule next year, we will have an opportunity to consider our options. In the meantime, we are bound by an approved timeline, and must work toward compliance.

Sincerely,
Nick Fish

