



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

January 23, 2008

David G. Shaff
Administrator
Portland Water Bureau
1120 SW Fifth Ave
Room 600
Portland, Oregon 97204

Dear Mr. Shaff:

The purpose of this letter is to initiate a dialogue with the Portland Water Bureau concerning the November 6, 2007 court decision to uphold the requirements of the Long Term 2 Enhanced Surface Water Treatment Rule (LT2). It has come to my attention that LT2, which was finalized on January 5, 2006, has become the topic of a variety of news articles since the decision was made. Most of the articles report that the water from the Bull Run watershed is pristine and that city officials intend to seek a variance under Section 1415 of the law. As you know, the ruling is new and EPA has not granted any variances before.

I also understand that you would like to propose a meeting in February with EPA, to discuss next steps with all pertinent environmental groups and stakeholders. If the articles are accurate, and the Bureau would like to pursue a variance, I will listen with an open mind. I am focused on a solution that serves the environment and the people of Portland while adhering to federal law.

For your convenience, I have attached a brief summary of the (LT2) requirements as they apply to Portland's water system. Presently, Portland is in compliance with LT2. The Department of Human Services (DHS) has indicated it will apply for primacy for the LT2 rule in January 2010. Until DHS assumes primacy, the Environmental Protection Agency will implement LT2. I am also providing some history regarding Lead & Copper compliance for your information; although it is not anticipated as a topic of discussion at the February meeting. If you have any questions, please feel free to call me at 206-553-1893.

Sincerely,

Marie Jennings
Drinking Water Unit Manager

Attachment A

LT2 requires all surface water systems serving 10,000 or more people to conduct two rounds of source water monitoring for *Cryptosporidium*, *E. coli* and turbidity. In lieu of conducting the first round of monitoring, systems were allowed to submit grandfathered *Cryptosporidium* data. Rather than conducting source water monitoring, Portland opted to submit grandfathered data to the EPA. EPA approved this data in 2007.

The following is a list of LT2 deadlines that apply to all surface water systems in Oregon serving 100,000 people or more:

- April 1, 2008: notify the EPA of all uncovered treated water storage facilities.
*
- March 31, 2009: report the mean of all *Cryptosporidium* sample results (unfiltered systems) or bin classification (filtered systems) to the EPA
- April 1, 2009: water systems with uncovered finished water storage facilities must cover or treat the water before entry into the distribution system, or the system must be in compliance with an EPA or State approved schedule.*
- March 31, 2012: install and operate additional treatment in accordance with system's mean *Cryptosporidium* level (unfiltered systems) or bin classification (filtered systems). DHS may allow up to an additional 24 months for compliance if system is making capital improvements.\
- January 1, 2015: systems that have not installed maximum treatment (maximum treatment for unfiltered systems is at least 3-log *Cryptosporidium* inactivation) must submit a sampling schedule that specifies the dates of sample collection and location of sampling for the second round of source water monitoring to DHS.
- April 1, 2015: systems are required to begin conducting a second round of source water monitoring. Based on the results, systems must re-determine their mean *Cryptosporidium* concentration (unfiltered systems) or bin classification (filtered systems) and provide additional *Cryptosporidium* treatment, if necessary.

* This requirement applies to any size surface water system

Below is a brief history of Portland's implementation of the LCR.

- 1992 - Portland conducted initial standard monitoring for lead and copper. Action levels were exceeded by Portland and most of its wholesale systems.
- 1994 - Portland conducted a corrosion control study, as required by the LCR, to determine the best chemical treatment for optimal corrosion control

treatment (OCCT). Based on this study, Portland recommended, and DHS approved, a treatment option which constitutes OCCT (increased pH and alkalinity).

- 1995 - Portland presented to DHS an alternative to its approved OCCT determination that provided for a lead paint exposure/mitigation strategy as an adjunct to limited corrosion control treatment (no alkalinity increase). This alternative became known as the Lead Hazards Reduction Program (LHRP).
- 1997 - Portland is in violation of the LCR for not installing OCCT. Portland later received approval of their LHRP as a substitute for OCCT.
- 1997 – 2001 Portland periodically continues to exceed the lead action level.
- 2002 – The EPA and Portland convene a Technical Advisory Committee to review and make recommendations to improve Portland's corrosion control treatment program. Portland proposed a course of action to improve treatment in the short-term and in the long-term to install OCCT.
- On September 18, 2002, Mort Anoushiravani, then Administrator of the Portland Water Bureau, submitted a letter to the EPA outlining a proposed course of action for Portland's Lead Program. The letter states, "We anticipate implementing agreed-to corrosion control treatment improvements at the same time as LT2ESWTR improvements. We are confident that such efforts demonstrate our ongoing commitment to meeting both the intent and letter of the LCR."