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## Information Update: 05-2009 - [Printable Version](#) - [Edit Content](#)

*updated May 15, 2009*

We have had some recent disappointing news from the EPA regarding our attempt to achieve a variance under the treatment portion of the new LT2 rule. I have shared our concern, frustration and overall consternation with the EPA with our Congressional delegation, the Mayor and City Council, the PURB, our Budget Committee, our wholesale customers and now with you.

Just 3 short weeks ago I was in a meeting with the EPA in their D.C. offices along with Eddie Campbell, Dan Bates and Vicki Cram (our Resource Protection Manager, Government Affairs Director and D.C. lobbyist) discussing our interest in getting a variance and in obtaining legislative relief from LT2. We met with the EPA as a courtesy to let them know that we were seeking legislative changes that would allow us to avoid additional treatment and continue to use our open reservoirs to store finished drinking water.

Unfortunately, the EPA did not extend the same courtesy by letting me know that, at the very moment we were meeting with them, EPA staff was in a conference call with Portland staff and our laboratory consultant informing them of EPA's decision that much of our work for the last 14 months designing a variance approach – work done specifically at their direction – was more or less for naught.

Our first inkling that something was amiss was an outline of "[Variance Monitoring Considerations](#)" EPA sent to Portland staff the night before as a prelude to the conference call. The EPA followed up last week with a [letter outlining the new direction](#) they shared with Portland and its consultants in their meeting on April 23. To say that this came as a surprise to us, considering the directions we had been receiving over the last 14 months is an understatement.

I responded yesterday with [a letter and exhibit to EPA](#) to document and express our concerns about the recent developments in our pursuit of an administrative variance to the treatment requirements of LT2. New issues raised by the EPA about the city's proposed water quality sampling program will delay implementation of the program until the city can address them to the satisfaction of the agency. At this point it isn't clear to us whether addressing some of the issues EPA has raised is actually technically or economically feasible.

We will be working over the next few weeks to identify what it will take to address these new issues. In the meantime, we hope to begin conversations with EPA on extending the deadline for compliance with the treatment portion of the LT2 rule for Portland to give the city a reasonable timeline and opportunity to implement a water quality sampling program that may demonstrate eligibility for a variance.

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We will continue to communicate with you and all interested stakeholders in the outcome of this situation as we learn more.

Click [here](#) to read a Chronology & Summary of LT2 Variance Communications Between EPA and Portland since 2008.

As always, no matter how this all turns out, it is a testament to the hard work of the men and women of the Portland Water Bureau that we have such an incredible system that even allows us to make a claim that we should be able to obtain a variance to the rule.

David G. Shaff, Administrator  
Portland Water Bureau

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