

RESOLUTION NO. 36297 AS AMENDED

Pursue regulatory or legislative alternatives to the pending federal Long Term 2 Enhanced Surface Water Treatment Rule and reaffirm that one of Portland's top federal priorities is to pursue utility rate relief for its business and residential customers (Resolution)

WHEREAS, the City of Portland is committed to providing safe, high quality drinking water; and

WHEREAS, Portland's Bull Run water source is a highly protected and excellent quality water supply source meeting all current state and federal drinking water regulations and serving a large portion of the Portland metropolitan region and State of Oregon, and

WHEREAS, the citizens of Portland have a long history and continue to demonstrate active support for the protection and stewardship of this valuable community asset, and

WHEREAS, the federal Environmental Protection Agency (EPA) and the State of Oregon endorse source water protection measures as the preferred means to protect drinking water sources so that necessary treatment processes can be simpler and the results of treatment will be more reliable; and

WHEREAS, the EPA has proposed a regulation known as the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) that, according to the report of the Citizens Panel on Bull Run Treatment, would require the city to expend an estimated \$55 to \$204 million in capital costs and millions more in annual operations and maintenance costs to modify the treatment of Bull Run water to address an organism, *Cryptosporidium*, that occurs at only very low levels in this drinking water source, and

WHEREAS, in September 2002, the Citizens Panel on Bull Run Treatment, after 18 months of review of the proposed LT2ESWTR requirements and treatment options, found that *Cryptosporidium* occurred at only very low levels in the Bull Run source, that the protected nature of the Bull Run watershed has effectively eliminated human and bovine sources of *Cryptosporidium*, and that there was an absence of epidemiological evidence of epidemic or endemic transmission of *Cryptosporidium* via Bull Run water and concluded that "treatment will add only a small degree of safety to the Bull Run water supply – one that probably will not be measurable," and

WHEREAS, the city submitted public comments to EPA in November 2003 asking that a waiver provision for systems such as Portland's Bull Run source be included in the final version of the Long Term 2 Enhanced Surface Water Treatment Rule because "a waiver from the *Cryptosporidium* treatment requirement of the LT2ESWTR would allow the City to invest its limited and highly constrained local resources in programs, projects and initiatives with solid benefit-to-cost ratios," and

WHEREAS, community groups, neighborhood and business associations, and local, state and federal government partners, support and are interested in working with the city to pursue alternatives from this treatment requirement as a means of

avoiding increased utility costs to households and businesses served by the Portland water system and to address other concerns, including potential health impacts, raised in association with building a Bull Run treatment plant of any kind; and

WHEREAS, annual rate increases associated with the city's combined sewer overflow compliance program over the last decade have resulted in the City of Portland having the second highest combined water and wastewater rates in the country, imposing a substantial financial burden on both business and residential customers, and

WHEREAS, the city anticipates that future water and wastewater utility rate increases will be necessary to complete the combined sewer overflow compliance program and address the water and wastewater infrastructure operations and maintenance requirements to maintain drinking and surface water quality and ensure the reliability of these critical systems, and

WHEREAS, the City Council has established that one of the City's top federal legislative priority is to pursue utility rate relief for its business and residential customers.

NOW THEREFORE, BE IT RESOLVED, that the City Council will actively pursue, in collaboration with its community and government partners, regulatory or legislative alternatives to the *Cryptosporidium* treatment requirement included in the proposed Long Term 2 Enhanced Surface Water Treatment Rule.

BE IT FURTHER RESOLVED, that the City Council directs the Portland Water Bureau, the Bureau of Environmental Services, the Office of Government Relations, the City Attorney's Office and other City agencies to work in collaboration with the Mayor, the Council, the Oregon congressional delegation and other congressional leaders, Portland ratepayers, the Portland Utility Review Board, Portland's wholesale water customers and the community to support the efforts of the Council to secure viable alternatives to the *Cryptosporidium* treatment requirement.

Adopted by the Council, March 02, 2005

Mayor Tom Potter
Commissioner Dan Saltzman
Austin Raglione
February 24, 2005

GARY BLACKMER
Auditor of the City of Portland
By /S/ Susan Parsons
Deputy

BACKING SHEET INFORMATION

AGENDA NO. 142-2005

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 36297 AS AMENDED

| COMMISSIONERS VOTED AS FOLLOWS: | | |
|---------------------------------|------|------|
| | YEAS | NAYS |
| ADAMS | X | |
| LEONARD | X | |
| SALTZMAN | X | |
| STEN | X | |
| POTTER | X | |