

RESOLUTION NO. 36720 As Amended

Direct the Water Bureau to continue to seek administrative and conventional solutions for compliance with the Federal Environmental Protection Agency's Long Term 2 Enhanced Surface Water Treatment Rule (Resolution)

WHEREAS, *Cryptosporidium* is a micro-organism (protozoan) which is naturally present in bodies of surface water throughout the world, can cause serious illness in humans and is resistant to chlorine disinfection; and

WHEREAS, the United States Environmental Protection Agency (EPA) issued a new drinking water rule under the Safe Drinking Water Act called the Long Term 2 Enhanced Surface Water Treatment Rule (LT2) in January 2006 that requires that water systems provide treatment to inactivate or remove *Cryptosporidium*; and

WHEREAS, the deadline for treatment compliance is April 1, 2014, which includes a 2-year extension for systems in the process of making capital improvements in order to comply, and

WHEREAS, a conventional compliance approach of constructing treatment facilities will take up to 5 years to complete; and

WHEREAS, compliance with federal drinking water rules is necessary in order for the city to continue to operate the public water system in accordance with the federal Safe Drinking Water Act and to fulfill its obligations to provide drinking water that meets all applicable drinking water regulatory requirements under wholesale water sales agreements with 19 cities and water districts throughout the region; and

WHEREAS, the City has been informed by Senator Merkley "that a legislative approach has very little chance for success" in offering relief from the LT2 rule; and

WHEREAS, the Water Bureau has been working with the EPA to develop a proposal to seek a variance in an attempt to show that the current watershed protection and treatment systems are adequate to meet the public health protection requirements; and

WHEREAS, the State of Oregon has a permit process that may allow an extension of compliance deadlines; and

WHEREAS, the Bull Run Treatment Panel was formed to evaluate various treatment options and determined that the long-term benefits of filtration outweighed the initial capital costs; and

WHEREAS, Portland Water Bureau staff conducted a more thorough evaluation of benefits, updated costs, identified impacts to ratepayers, and set milestones for project schedule and confirmed that ultra-violet treatment was the least cost method of compliance with the LT2 rule; and

WHEREAS, should the administrative options for compliance prove unsuccessful, the design and construction of an ultra-violet treatment facility that will remove *Cryptosporidium* will result in compliance with the LT2 rule; and

WHEREAS, the Commissioner-in-Charge of the Water Bureau directed the Water Bureau to bring forward a resolution for City Council that would direct the Bureau to continue to seek and plan for administrative and conventional solutions to comply with the LT2 requirements; and

WHEREAS, pursuit of an administrative variance to the treatment rule and the design and construction of an ultra-violet treatment facility constitute two parallel LT2 compliance strategies that are being advanced by the bureau.

NOW, THEREFORE, BE IT RESOLVED, that the Council directs the Water Bureau to continue to seek administrative alternatives to the treatment requirements of the rule, including seeking a variance from the EPA and seeking a deadline extension from the State of Oregon or the EPA; and

BE IT FURTHER RESOLVED, that the City Council directs the Portland Water Bureau to engage immediately in the necessary planning, design, budgeting, permitting and any other activities necessary to prepare for the construction of an ultra-violet treatment facility; and

BE IT FURTHER RESOLVED, that the Council directs the Water Bureau to construct an ultra-violet treatment facility only if and when its administrative efforts to secure compliance prove unsuccessful.

BE IT FURTHER RESOLVED, that it is the policy of the Portland City Council that the land and infrastructure owned by the Portland Water Bureau integral to the delivery of water shall not be transferred to or operated by any private entity or any public entity other than the City of Portland. This Resolution is binding city policy.

Adopted by the Council, JUL 29 2009

Commissioner Randy Leonard
David Peters, PE
July 20, 2009

LaVonne Griffin-Valade
Auditor of the City of Portland

By 
Deputy

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<p>INTRODUCED BY</p>	<p>CLERK USE: DATE FILED <u>JUL 24 2009</u></p>
<p>NOTED BY COMMISSIONER</p> <p>Mayor—Finance and Administration</p> <p>Position 1—Utilities</p> <p>Position 2—Works</p> <p>Position 3—Affairs</p> <p>Position 4—Safety <i>Approved</i></p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau:</p> <p>Prepared by: T Kovatch Date Prepared: July 29, 2009</p> <p>Financial Impact Statement <input type="checkbox"/> Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required</p> <p>Portland Policy Document If "Yes," requires City Policy paragraph stated in document. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>SP</i></p> <p>Council Meeting Date July 29, 2009</p> <p>Bureau Head:</p>	<p>ACTION TAKEN:</p>

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
			YEAS	NAYS
Consent	Regular XX	1. Fritz	✓	
NOTED BY		2. Fish	✓	
City Attorney		3. Saltzman	✓	
		4. Leonard	✓	
		Adams	✓	