



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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

OFFICE OF
WATER AND
WATERSHEDS

April 14, 2016

David Leland, Program Manager
Drinking Water Program
Oregon Health Authority
800 NE Oregon Street, Suite 930
Portland, OR 97232

Dear Mr. Leland:

I am writing to follow up on the March 21, 2016 letter that the Portland Water Bureau (PWB) sent you in response to discussions with the Region 10 Administrator, Dennis McLerran regarding the Environmental Protection Agency's (EPA) heightened concerns about drinking water quality, including PWB's implementation under the Lead and Copper Rule (LCR). In his letter, Mr. Michael Stuhr, the Administrator of PWB, extended an invitation to you and your staff, and stated his intent to invite EPA to a meeting in April to discuss the following topics: 1) the City's LCR compliance to date; 2) its Water Quality Corrosion Study; and 3) a schedule for completing the Study and any necessary follow-up actions for which PWB has agreed to be accountable. I understand that the meeting has been scheduled for April 21, 2016. EPA plans to attend.

In preparation for that meeting, I would like to share with the Oregon Health Authority (OHA) the actions that EPA has taken since the Flint crisis to understand the status of LCR compliance within each state. These actions have included:

- Utilizing the Safe Drinking Water Information System (SDWIS) database, to identify all the action level exceedances that occurred between FY2013-2015 nationwide.
- Working with states to ensure that the public water systems have taken the required steps as outlined in the regulation to address lead action level exceedances. Portland and its customer, the Tualatin Valley Water District, which purchases water from PWB, is on the list because of a 90th percentile lead level of 0.0159 mg/L on November 9, 2013.

EPA recognizes that your agency has primary implementation responsibility for the LCR under SDWA. At the same time, EPA is responsible for conducting oversight of SDWA implementation. Protecting public health is a top priority for EPA, especially with regard to vulnerable populations such as pregnant women and children under the age of six. As you know, EPA remains concerned that PWB has exceeded the lead action level in the past after having been deemed to have optimized corrosion control treatment by OHA pursuant to 40 CFR 141.81(b)(2) of the LCR. Specifically, the LCR requires all large public water systems to install and operate optimal corrosion control treatment (OCCT), unless deemed to have optimized corrosion control.¹ OCCT is defined as the "treatment that minimizes the lead and copper concentrations at users' taps while ensuring that the treatment does not cause the water system to violate any National Primary Drinking Water Regulations."² While we acknowledge that OHA deemed PWB to have optimized corrosion control based upon a broader look at the public health benefits of a robust Lead Hazard Reduction Program that addressed children's exposure to "lead based" paint in older homes, we remain interested in what more PWB can do to minimize the levels of lead at users' taps.

¹ 40 CFR 141.80(d)

² 40 CFR 141.2

On November 27, 2001, PWB committed to raising the pH to 7.8 (without alkalinity adjustment) to control corrosion. PWB's uncovered finished water reservoirs created significant technical impediments to operating at higher pH's, as identified in a 2003 Technical Advisory Committee (TAC) report on PWB's corrosion control practices.³ According to PWB's March 21, 2016 letter, soon the reservoirs will no longer pose an issue and the water system will complete a new Water Quality Corrosion Study that was started in 2014. We understand that the plan is for Portland to develop a new optimal corrosion control treatment plan based on this study. EPA appreciates these steps and PWB's commitment to re-evaluate its corrosion control treatment. Nevertheless, because of past exceedances of the lead action level, such as noted above on November 9, 2013, EPA is concerned that there could be a future exceedance, even though the most recent 90th percentile lead level on 10/26/15 was below the action level. Therefore, in the interest of public health protection, the Agency recommends that OHA request Portland to begin testing of high priority schools and daycares served by PWB, to ensure they are below the lead action level, and to further inform the re-evaluation of PWB's corrosion control treatment.

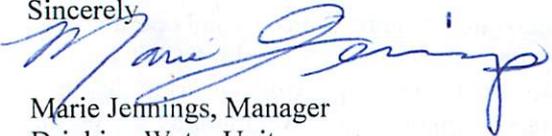
EPA expects OHA to work with PWB as it re-evaluates its corrosion control treatment method so as to minimize the lead levels at users' taps and reduce the likelihood of another action level exceedance. We believe implementation of the updated OCCT approach should proceed as expeditiously as possible and look forward to discussing the proposed schedule with OHA and PWB on April 21st. Consistent with 40 CFR 141.82(h), revision of the State's optimal corrosion control treatment determination may be initiated by the State or may be requested in writing by the water system. The revised determination must be in writing, must set forth new treatment requirements, must explain the basis for the State's decision, and must provide an implementation schedule for completing the treatment modifications.

In summary, in the interest of public health protection, EPA is making the following recommendations:

- OHA should request that PWB test high priority schools and daycares that receive water from PWB to ensure that they are below the action level exceedance.
- OHA work with PWB as it re-evaluates its corrosion control treatment method to minimize lead levels at users' taps and achieve OCCT as expeditiously as possible.

EPA remains committed to providing OHA with assistance upon request and stands ready to support OHA in its primacy role as a partner in public health protection. We will need to continue to coordinate on LCR implementation. In the near future, we will likely select this rule for a file review to ensure that all Region 10 states are interpreting the rule and assigning violations in SDWIS consistently. I look forward to meeting with you on April 18 to follow up on the actions and recommendations outlined in this letter and to discuss all of Oregon's lead action level exceedances. If you have any questions, please don't hesitate to call me at (206) 553-1893.

Sincerely,


Marie Jennings, Manager
Drinking Water Unit

³ Review of Corrosion Control Practices for Portland Water Bureau Water Sources, Technical Advisory Committee, September 2003.