

**SUBSTITUTE**  
**3 6 9 0 4**

**RESOLUTION No.**

Request an adjustment to the City's compliance schedule for the uncovered finished drinking water reservoir requirements of the federal Long Term 2 Enhanced Surface Water Treatment Rule. (Resolution)

WHEREAS, the federal Long Term 2 Enhanced Surface Water Treatment Rule (LT2) requires that uncovered finished drinking water reservoirs be covered or that treatment facilities be installed at the outlets to treat for *Giardia*, *Cryptosporidium* and viruses to protect public health; and

WHEREAS, the Environmental Protection Agency (EPA) and the Oregon Health Authority (OHA) have said that there is no variance available for the uncovered reservoir requirements of LT2 and that the City of Portland must comply with the rule; and

WHEREAS, the EPA stated in a February 11, 2009 letter to the Portland Water Bureau (PWB) regarding the bureau's reservoir compliance schedule, that "...EPA cannot approve a schedule that provides for any unreasonable delays. EPA can only approve a schedule under which Portland begins taking immediate steps toward compliance with the open reservoir components of LT2. The schedule needs to show that you will work steadily and consistently toward compliance."; and

WHEREAS, the City of Portland received approval of a compliance schedule for the reservoir component of the rule from the EPA on March 27, 2009; and

WHEREAS, on August 19, 2011, the EPA issued a letter to Senator Charles Schumer of New York declaring that the EPA would be reviewing the LT2 rule expeditiously and that alternative compliance options for the uncovered reservoir requirements of the rule would be considered; and

WHEREAS, a letter dated December 9, 2011 from the OHA indicated, "...there may be specific articulable facts that warrant schedule compliance schedule adjustments...the primacy agencies can evaluate these system-specific issues when evaluating a request to adjust a compliance schedule. If a schedule adjustment is appropriate, the public water system should have robust interim measures in place to ensure public health protection and those measures should remain in effect until that system comes into compliance with the rule."; and

WHEREAS, the PWB has identified key projects that, when combined with those required under LT2, create potential added risks to the water supply if not completed prior to the reservoir projects. Completing construction of these projects will ensure necessary operational flexibility, reduce the potential supply risks with having the reservoirs out of service for extended periods of time, and still reflect Portland's commitment to "...work steadily and consistently toward compliance." as required by the EPA and the OHA; and

WHEREAS, circumstances have changed since Portland's current compliance schedule was submitted to the EPA for approval and a schedule adjustment would address the risks identified above by enabling proper sequencing of capital projects, providing greater ongoing reliability of supply and moderating rate increases needed to pay for infrastructure improvements; and

WHEREAS, Portland has existing robust interim measures in place to ensure public health protection; and

WHEREAS, Portland and other systems should receive the same opportunity as New York City to benefit from the EPA's review of the LT2 rule and any alternative compliance options that become available; and

NOW, THEREFORE, BE IT RESOLVED that the Portland City Council directs the Portland Water Bureau to submit a formal request to the Oregon Health Authority to extend Portland's uncovered reservoir compliance schedule for LT2 that reflects a December 31, 2017 start date and a June 30, 2026 completion date for all projects; and

BE IT FURTHER RESOLVED that the Portland Water Bureau shall propose a June 30, 2021 completion date for Kelly Butte Reservoir (from December 31, 2014), a June 30, 2024 completion date for the Mt. Tabor Project (from December 31, 2015) and a June 30, 2026 completion date for the Washington Park Project (from December 31, 2020).

Adopted by the Council: FEB 01 2012

Commissioner Randy Leonard  
Prepared by: Ty Kovatch  
Date Prepared: January 23, 2012

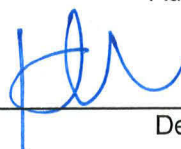
**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By

  
Deputy

Agenda No.  
**RESOLUTION NO.**  
Title

Request an adjustment to the City's compliance schedule for the uncovered finished drinking water reservoir requirements of the federal Long Term 2 Enhanced Surface Water Treatment Rule (Resolution)

<p style="text-align: center;"><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Leonard</b></p> <p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard <i>Tandy</i></p> <p style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Bureau: Water Bureau Head: David G. Shaff</p> <p>Prepared by: Ty Kovatch Date Prepared: January 30, 2012</p> <p>Financial Impact &amp; Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date <b>02.01.12</b></p> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan</p>	<p>CLERK USE: DATE FILED <u>FEB 01 2012</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  _____ Deputy</p> <p><b>ACTION TAKEN:</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p><b>Start time:</b> _____</p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR X</b></p> <p><b>Total amount of time needed: 75 minutes</b> (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	