



PUBLIC HEALTH DIVISION  
Drinking Water Services

John A. Kitzhaber, MD, Governor

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**Health**  
Authority

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July 9, 2013

Floy Jones  
Friends of the Reservoirs  
3534 Southeast Main Street  
Portland, Oregon 97214

Dear Ms. Jones:

This responds to your letter of June 21, 2013, regarding our agency decisions on requests from the City of Portland for extensions to its LT2 open reservoir compliance schedule. We understand that your organization disagrees with the Public Health Division's decisions not to grant the City's requests for extensions to its compliance schedule.

The City's most recent extension request, as well as your letter, cited open reservoir extensions granted by the State of New York. As the Primacy agency, that state is responsible for its decisions regarding those extensions just as our agency is responsible for its decisions here in Oregon. Our agency explained in detail the rationale for our decisions on both extension requests in our response letters.

The federal Safe Drinking Water Act requires that EPA review all existing rules every six years, and make and publish a determination on whether any rules should be modified based on new information or experience. There are no specific time requirements for EPA to actually revise rules after any affirmative determination. We understand that your organization is actively participating in EPA's third six-year review process, specifically that part of the review relating to the LT2 open reservoir requirements.

To retain Primacy for administering the federal drinking water requirements here in Oregon, the Division must adopt rules no less stringent than the federal rules and within two years of federal adoption. Oregon adopted rules no less stringent than the federal LT2 rule on May 18, 2009. Today, we must base our agency actions on the LT2 rule that currently exists. We have now considered two requests from the City to extend its approved compliance schedule under the framework of those existing adopted rules. As you know, the City recently announced that it would continue work under the approved open reservoir compliance schedule, and would make no further extension requests.

In your letter, you raised four specific questions. Our answers are attached.

Sincerely,

A handwritten signature in cursive script that reads "Dave Leland".

David Leland, Interim Administrator  
Center for Public Health Protection  
Public Health Division  
Oregon health Authority

DEL:dw

C: Mayor Charlie Hales  
Congressman Earl Blumenauer  
Senator Jeff Merkley  
Jonathan Modie, OHA Communications

Attachment

## Attachment – Answers to Questions

1. Why did OHA omit the fact that Portland could retreat for bacteria if adding more chlorine beyond “boosting” is deemed a Rochester advantage?

Portland has not asserted that the chemicals added at the outlets of the open reservoirs provides the level of treatment that is needed to inactivate bacteria at the first service connections near the open reservoirs, nor has the City asserted that it intends to do so.

2. Does OHA recommend that Portland retreat for bacteria beyond adding a “boost” of chlorine when necessary? What would be the measurable public health benefit or scientifically documented reduction in risk from adding more chlorine or re-treating the water?

LT2 rules require that re-treatment of water exiting open reservoirs be sufficient to inactivate viruses, *Giardia* and *Cryptosporidium*. This level of treatment would be sufficient to also inactivate bacteria. Re-treating the water exiting open reservoirs as such would inactivate any disease-causing organisms introduced from the reservoirs. The City has not asserted that it intends to re-treat water exiting its open reservoirs.

3. Does OHA believe that the Water Bureau has been negligent or incompetent in failing to install bird wires?

No.

4. Does OHA believe the Portland Water Bureau should install bird wires and, if not, why did OHA reference Rochester’s bird wires if OHA does not believe that they are beneficial?

We simply noted that the City of Rochester installed bird wires in an effort to reduce access by birds to their open reservoirs. Bird wires were discussed by the City of Seattle at the LT2 public meeting convened by EPA on April 24, 2012, and we refer you to EPA’s meeting summary document for available information.