

DRAFT RESOLUTION NO.

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

WHEREAS, the City of Portland's Bull Run water source is a highly protected and high 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 of active support for the protection and stewardship of this valuable community asset, and

WHEREAS, the federal Environmental Protection Agency (EPA) has proposed a regulation known as the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) that would require the city to expend an estimated \$55 to \$204 million 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 2003, 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 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 a waiver from this treatment requirement as a means of avoiding increased utility costs to households and businesses served by the Portland water system; 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 that 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, a regulatory or legislative waiver from 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, and the community to support the efforts of the Council to obtain a waiver from the *Cryptosporidium* treatment requirement.

February 3, 2005
Draft Resolution

Adopted by the Council,

Mayor Tom Potter
Commissioner Dan Saltzman

GARY BLACKMER
Auditor of the City of Portland

By

Deputy