



FRIENDS *of the* RESERVOIRS

Citizens joining to protect Portland's historic reservoirs and water system

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Memorandum

February 10, 2005

TO: Mayor Tom Potter
Commissioner Sam Adams
Commissioner Randy Leonard
Commissioner Dan Saltzman
Commissioner Erik Sten
Auditor Gary Blackmer

FROM: Friends of the Reservoirs

CC: Portland Utility Review Board
Interested Citizens

RE: Misleading Water Bureau Memo (January 27, 05) Regarding Friend's
Position Paper on Bull Run Treatment

The following information is in response to misleading comments by the Water Bureau Administrator regarding the Friends of the Reservoirs position paper on Bull Run treatment. The Water Bureau submitted a response to our paper to the Portland Utility Review Board and the City Auditor well in advance of their receiving the Friend's Bull Run Treatment position paper. Many of the comments in the January 27, 05 memo rely on the reader not reading the Friend's Bull Run Treatment position paper and additionally not researching and reading any Water Bureau or other documents not specifically provided for review by the Water Bureau. And it relies on the reader ignoring the Water Bureau's continued public advocacy for the LT2 and the construction of a Bull Run Treatment plant. Our position paper was not written solely in response to concerns raised by LT2 but to state our position and concerns related to building a Bull Run Treatment plant.

Our responses to the specific comments made by Mort Anoushirivani, Administrator:

- 1) **Regarding Water Bureau lobbying efforts related to LT2: We have documents that show that a Water Bureau Manager and a former Bureau manager subsequently hired under a MWH consultant contract have been involved in the federal regulatory development process for decades and were specifically involved in influencing the current LT2 since at least 1996.** In 1996 Water Bureau Manager Rosemary Menard initiated Portland's hiring of former WB manager Joe Glicker to assist Portland and the Unfiltered Working Group in influencing the outcome of the regulatory process as well as conducting another treatment plant planning study for Portland. Rosemary Menard willingly signed on to criteria that would force us to treat for a non-existent Crypto problem without any honest and open public involvement in the decision making process.

Many items were on the table during the ESWTR negotiations with one of the most significant aspects being the encouragement of watershed protection as the

preferred method of protecting drinking water, however, advocacy for our Bull Run system and insisting on a waiver provision was not a part of the Portland Water Bureau's actions during this eight year hidden campaign.

- 2) **Regarding Water Bureau support of Commissioner Saltzman's request to the EPA: While we applaud Commissioner Saltzman's November '03 effort to influence the EPA process, the January '05 support for this waiver expressed by Administrator Anoushiravani represents a significant change from their ongoing public support for federal regulations that would force the construction of a Bull Run Treatment plant.**

It is curiously significant that the only support the Water Bureau now offers relates to the financial burden of the sewer overflow project, which is all but irrelevant as it relates to the LT2 rule. How does public health relate to the costs of the CSO? Commissioner Saltzman's request for a waiver provision referenced the lack of a measurable public health benefit from compliance, the protected nature of Bull Run with human and bovine sources eliminated, that monitoring revealed only low levels of Crypto and the absence of epidemiological evidence of epidemic or endemic transmission of Crypto via Bull Run water.

- 3) **Regarding the hiring of consulting firms and contracting: the Water Bureau and Commissioner Saltzman gave us a similar response to "cozy consultant" concerns raised on the reservoir issue in February '03. We were refused access to PTE selection information until 6 months later, which then confirmed that Montgomery, Watson, Harza (MWH) had been selected to receive the new reservoir contract earlier in Feb. '03 when the Bureau and Commissioner were suggesting our conflict of interest concerns were without basis.** The same former Water Bureau manager Joe Glicker and his engineering firm, MWH who had previously been awarded two lucrative contracts in 1995, one related to the open reservoirs at Mt. Tabor and Washington Park and one related to siting a Bull Run Treatment plant at Powell Butte, were awarded the subsequent reservoir design and construction oversight contract.

In the case of Bull Run treatment, Joe Glicker and MWH was awarded the 1996 Regulatory Support contract subsequent to the firm's 1989-1992 Bull Run Treatment study contract and subsequent to the Joe Glicker/ MWH 1995 Powell Butte contract (1995-2004) which included Bull Run Treatment plant siting. MWH and CH2MHILL's Infrastructure Master plan (2000) recommended UV radiation as an interim strategy for Portland and Membrane Filtration as the final Bull Run Treatment. In 2001 Joe Glicker/ MWH was awarded the Bull Run Treatment Panel contract (2001-2004) despite their financial interest in steering the panel toward the most expensive technology.

- 4) **Despite Water Bureau claims of strong support for prioritizing the decommissioning of roads in Bull Run, funds for decommission the roads have been reduced considerably over the last several years.** Lack of adequate funding ultimately contributes to the overgrowth of vegetation, improper maintenance of ditches and culverts leading to the culvert failure and subsequent erosion resulting in increased turbidity that makes its way to the streams referenced by the Water Bureau. This information is taken from a Mt. Hood National Forrest Service study document, "Study: Bull Run Road Decommissioning Environmental Assessment" presented by the Water Bureau to the Water Quality Advisory Committee in the late '90's.
- 5) **Regarding compliance with LT2 Treatment requirements and burial of the open reservoirs: Our group has never claimed a federal mandate in LT2 to bury open reservoirs. In fact we have had to correct misstatements to this**

effect made by Commissioner Saltzman and Mayor Katz. As previously stated, we have this statement from a Water Bureau manager, “ It would make no sense to build a \$250 million treatment plant at Powell Butte and then send this costly filtered water to an open reservoir for storage.” We have heard similar statements from Water Bureau managers throughout the PAC, the IRP, and CIP processes.

- 6) Regarding plans to use Willamette River or Columbia River water if a treatment plant is built: We do not claim that LT2 will cause this to happen. We do, however, believe that Portland citizens should be aware that our Water Bureau has a long documented history of plans to make this possible and we are not supportive of these plans to blend these contaminated waters with Bull Run water.** These efforts include:

- Scope of Work for MWH Powell Butte Master plan contract 1995-2004, with treatment plant siting to allow use of Columbia River and Willamette River water,
- April 1998 Interoffice Water Bureau Memo on Micro Filtration
- September 1998 MWH Bull Run Water Treatment Update
- Regional Water Providers Consortium, Regional Transmission and Storage and Strategy Development, Final Report MWH July 2000
- Regional Water Supply Update, Regional Water Providers Consortium 2004/05

- 7) Regarding the science supporting LT2: That the LT2 “is based on solid, peer-reviewed research and science”: The EPA was given the directive to use the “best available peer-reviewed science,” but this did not necessarily occur. The AWWA put it this way in their internal memos received by our Water Bureau: “The Stage 2 DBPR and LT2ESWTR process does not contain enough new information to support any sweeping change in current practice, therefore any agreement should be limited to minor “tweaks” of the current rules....” “ An across-the-board ½ -1 log Cryptosporidium inactivation requirement is not supported by available data. However, source water quality and treatment performance could be coupled to identify a small subset of drinking water facilities that may need additional treatment barriers, such as an inactivation requirement.”**

A reading of the comments to EPA reveals that many of the assumptions the document is based on are actually controversial, as are many of its conclusions.

Many of the comments submitted to EPA address the deficiencies in science.

Further, it is known that the species that has been linked to drinking water outbreaks are *C. hominis* and *C. parvum*. The EPA had the opportunity to base its rule on measurements of these two subgroups, but instead chose to use counts of the Genus *Cryptosporidium* oocysts, which may include mostly harmless wild varieties. This is hardly rigorous science.

We maintain that the draft rule is a consensus statement, i.e. a political document, rather than a science-based document. Furthermore, many of the comments from groups that were members of the Advisory Committee (the FACA) indicate that the rule as crafted by EPA diverged in important ways from what was agreed to in consensus.

We maintain that Portland does not have to accept assumptions made where evidence is lacking. We believe Portland should demand proof of a problem before we commit the millions to a solution. We believe that Portland must find out exactly who the players are in the EPA who wrote the draft language and who will be

crafting the final rule. There must be more transparency in this process that so deeply affects our health and our treasure.

The following are some excerpts from comments submitted to EPA regarding LT2SWTR: Full text of these and other comments will be on the Friends of the Reservoirs website (www.friendsofreservoirs.org) soon.

City of New York: “DEP believes the analysis overstates the risk of illness presented by cryptosporidium in U.S. drinking water supplies, overstates the benefits to be derived from promulgation of the rule; and understates the degree of uncertainty that exists with regard to estimating these risks and benefits.” NYC goes on to criticize EPA for, among other things, basing its rule on estimates of disease rates rather than actual published research.

Joint comment of American Water Works Association (AWWA), American of Metropolitan Water Agencies (AMWA), National Association of Water Companies, and National League of Cities: “Conservative assumptions are made at every turn. The conservative assumptions are then compounded leading to overly conservative endpoints. The potential risks of Cryptosporidium tend to be inflated while potential treatment effectiveness tends to be deflated. Worse, the additional benefits of individual technologies are mentioned but not taken into consideration in determining credit. EPA must ensure a balancing of uncertainties and not be overly conservative in assigning “credit” for technologies other than UV.”
“Neither was the FACA focused on strict log removal...if options are effectively limited to UV, we believe the agreement is effectively breached.”

Association of Metropolitan Water Agencies: “The analysis of risk posed by Cryptosporidium in source waters contains significant uncertainties...”The proposal discusses the significant uncertainties involved in all aspects of the rule.” “The focus on strict log removal has unfortunately resulted in restrictions on the practical use of several technologies other than disinfection to comply with the rule.” **“The concerns AMWA has with EPA’s overall approach to credit, and its divergence from the FACA’s intentions, is well illustrated in the Watershed Protection Credit requirements. The FACA wanted to encourage watershed protection. ...Despite the FACA’s clear desire to encourage watershed protection by awarding credit, EPA has made the conditions for achieving and maintaining credit so onerous that few if any systems will make use of it even if they presently have a program in place...”**

American Water Works Association: “...the restrictive operational and reporting requirements are out of balance with the uncertainties surrounding the endemic Cryptosporidium risk.”

City of Akron, Ohio: “It is unreasonable for EPA to require utilities currently practicing effective watershed protection to ‘amend and strengthen’ their existing programs to receive the 0.5-log Cryptosporidium removal credit. The 0.5 log removal credit should be applied due to the existence of a current effective program.”

We will be happy to share with you specific documents related to any of the statements made in our position paper.

If you would like to talk about these issues further, please contact Friends of the Reservoirs member, Floy Jones at (503) 238-4649