

The Oregonian

Feds drop 8-year investigation of Portland sewage spills

Posted by [mhaberman](#) March 04, 2009 15:05PM

The federal government has dropped its eight-year investigation of Portland's program to control sewage overflows into the Willamette River and Columbia Slough.

The U.S. Environmental Protection Agency and U.S. Justice Department investigation, which began in 2001, was largely seen as a political move by the Bush administration. The EPA claimed the city was violating the Clean Water and the Safe Drinking Water acts.

The EPA notified the city of its intention to drop the case in a phone call last month, just days before George W. Bush was to leave office. The agency also sent a letter to the city.

The investigation began after complaints from a group of Oregon's rural lawmakers, who had long grumbled about a perception that Portland wanted to impose more environmental standards on their districts while the state's largest city escaped scrutiny for huge sewage spills.

Ironically, Portland was in the middle of a \$1.4 billion effort to reduce sewage spills when the feds came knocking.

Ten years earlier, the city had begun its so-called "Big Pipe" project on the Willamette's west side to capture sewage overflows during heavy rains. Like many older cities, Portland's sewage system and storm drains are connected, meaning raw sewage mixes with runoff during heavy rains and flows freely into the river.

The big pipe is designed to capture 96 percent of that overflow.

In 1991, Portland was spilling an average of 6 billion gallons of sewage a year into local waterways. Today, an average of 2.3 billion gallons of raw sewage escapes every year. When the east side Big Pipe is completed in 2011, city officials estimate only 240 million gallons will escape during the heaviest rainstorms.

Commissioner Dan Saltzman, who oversaw the city's environmental efforts from 1999 through 2004, said he was pleased that the EPA recognizes that the city's efforts "deserve support and not litigation."

Mayor Sam Adams said the federal government had threatened fines and conditions that would have added \$250 million in infrastructure to the city's river cleanup efforts.

"This began with a joint memorial by the Republican-controlled Legislature," Adams said. "It was a Republican attack on Portland. I'm just grateful that we avoided the additional cost."

It started with politics and may have ended the same way. It's not surprising to some that roughly six weeks into the Obama administration, federal officials dropped the investigation.

Even so, the city spent a lot of time and effort addressing the concerns, said Dean Marriott, head of the Portland Bureau of Environmental Services.

"Once this was referred to the Justice Department, we had to take this really seriously, no matter what the cause," Marriott said.

Marriott said for eight years the city negotiated with the lawyers and regulators in endless meetings, showing them how the city was progressing in its sewage control efforts, which have been on time and under budget.

After a Justice Department trial lawyer burrowed into the case, Marriott said the city finally gained some ground. On Jan. 15, five days before the end of the Bush administration, the case was dropped.

"I think they finally realized their case was a dog and decided to get rid of it," Marriott said. "I suspect they knew change was coming."

U.S. Sen. Ron Wyden, D-Ore., said the EPA's decision to drop its fight with Portland ends "a long, sad chapter that underscores the old adage, 'No good deed goes unpunished.' "

"While I'm glad the EPA has seen the error of its ways, this is a battle between federal and local government that should have never been waged," Wyden said in a statement released by the city.

-- Mark Larabee: marklarabee@news.oregonian.com