



**Randy Leonard, Commissioner**  
David G. Shaff, Administrator

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February 15, 2011

Anthony Barber  
Director of Oregon Operations  
Environmental Protection Agency Region 10  
805 SW Broadway, Suite 500  
Portland, OR 97205

Dear Mr. Barber,

Thank you for taking the time to participate via telephone in last week's meeting between me and the EPA Office of Groundwater and Drinking Water. Your input helped reduce some of the confusion that the City of Portland has experienced regarding the respective roles that EPA and the State of Oregon will have in reviewing Portland's pending request for a treatment variance to the Long Term 2 Enhanced Surface Water Treatment Rule (LT2). Your comments also helped clarify EPA's intent regarding its role in establishing conditions should a variance be granted and how City and EPA staff can work together to share technical information and questions leading up to the City's submission of a request.

To ensure that the City, EPA and the State of Oregon have a common understanding of the topics we discussed last week, I am requesting that you respond to this letter to confirm or clarify the following:

- The State of Oregon, as the primacy agency for the LT2 rule, will function as the lead in reviewing and making a decision regarding the City's treatment variance request;
- EPA will perform technical reviews of the sections of the variance request for which the State requests assistance;
- EPA's review and input will be advisory to the State and will not constitute a decision on the City's variance request;
- Should the State of Oregon decide to grant the City's request for a variance, EPA will review the decision and consider whether it deems any conditions beyond those established by the State are necessary;
- EPA will not develop conditions that are specifically designed to make it impossible or infeasible for the City to operate its drinking water system if its variance request is granted; and
- City and EPA staff can contact each other directly to share technical information or questions regarding the variance request as long as the appropriate representatives from the State of Oregon are included in all communications.

I very much appreciate the discussion we had last week and hope we can continue to communicate directly and clearly through this process. As always, please feel free to contact me with any questions or follow-up that I can provide you.

Sincerely,

A handwritten signature in blue ink that reads "David G. Shaff". The signature is fluid and cursive, with the first name "David" written in a large, sweeping script, followed by "G." and "Shaff".

David G. Shaff  
Administrator

cc: Senator Jeff Merkley  
Senator Ron Wyden  
Congressman Earl Blumenauer  
Congressman Peter DeFazio  
Congressman Kurt Schrader  
Congressman David Wu  
Commissioner Randy Leonard  
Cynthia Dougherty  
Gail Shibley  
Dave Leland