



CITY OF
PORTLAND, OREGON
OFFICE OF PUBLIC SAFETY

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The Honorable Jeff Merkley
313 Hart Senate Office Building
Washington, DC 20510

Dear Senator Merkley,

As you know, the City of Portland has been actively engaged for nearly six years in a process to achieve cost effective compliance with the requirements of the federal LT2 rule as it applies to the City's drinking water system. During this time, you have been diligent in your support of the City's efforts at the federal level to avoid unnecessary treatment of the City's drinking water system, as required by the EPA's rule. You have also helped position the city favorably to be the only water system in the country that could potentially achieve a variance from the treatment component of the rule, which could save Portland ratepayers \$100 million.

However, our collective efforts to address the rule requirements for uncovered finished drinking water reservoirs have not yielded relief from the EPA. The rule requires Portland to cover its five open reservoirs or provide treatment at the outlets.

Last Friday, to the City's extreme surprise, the EPA reversed its longstanding refusal to review the LT2 requirements for uncovered reservoirs. The reversal came in response to a July 20th request from New York Senator Charles Schumer to the agency. The EPA's letter stands in stark contrast to the intractable position asserted by the agency in repeated communications with the City. These communications consistently indicated that there are no alternative compliance options under the reservoir component of the rule.

It appears from the EPA's letter that the agency is considering alternative compliance options for uncovered reservoirs. In light of this significant and unanticipated change in federal drinking water policy, the City requests your assistance in determining if the compliance opportunities provided to New York City are also available to Portland, and what additional alternatives may become available through the review of the rule cited in the EPA's letter. Because the City's compliance deadlines are much more imminent than New York's, we also request your assistance in understanding the process and timeframe the EPA intends to follow in conducting its review of the rule.

The City appreciates your efforts on behalf of Portland ratepayers on this issue and looks forward to working closely with you and the entire federal delegation to pursue any new opportunities for cost-effective regulatory options to comply with LT2.

Sincerely,

Randy Leonard, Commissioner
City of Portland

Cc: Portland City Council
Gail Shibley, Oregon Health Authority
David Shaff, Portland Water Bureau