



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

1120 SW 5th Avenue, Room 600  
Portland, Oregon 97204-1926  
Information: 503-823-7404  
[www.portlandonline.com/water](http://www.portlandonline.com/water)



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Mr. David Leland, Program Manager  
Oregon Health Authority Drinking Water Program  
P.O. Box 14450  
Portland, OR 97293-0450

Dear Mr. Leland:

Last Friday in a letter from Administrator Lisa Jackson, the EPA reversed its longstanding refusal to review the requirements of the federal LT2 rule as they pertain to uncovered finished drinking water reservoirs. The reversal came in response to a July 20th request from Senator Chuck Schumer to the agency.

In the letter, the EPA states:

*"...as part of the Agency's Final Plan for Periodic Retrospective Review of Regulations, as well as the Safe Drinking Water Act (SDWA), the Agency will review the LT2 rule. In doing so, EPA will reassess and analyze new data and information regarding occurrence, treatment, analytical methods, health effects, and risk from viruses, Giardia, and Cryptosporidium to evaluate whether there are new or additional ways to manage risk while assuring equivalent or improved public health protection."*

In light of this significant and unanticipated change in federal drinking water policy, the City requests an indefinite suspension in Portland's uncovered drinking water reservoir compliance schedule during EPA's review of the federal LT2 rule. It is critical to the City to remain in regulatory compliance with the LT2 rule during EPA's review and it therefore seeks written approval from the Oregon Health Authority Drinking Water Program of Portland's request for a suspension of the City's state approved schedule.

While it is uncertain what opportunities for alternative compliance may emerge from EPA's review, the City may choose not to proceed with its current plans for constructing additional storage at Kelly Butte until the implications of EPA's review and any subsequent changes in the federal LT2 rule are known. Once the EPA's review is complete and Portland is given the opportunity to explore any alternative compliance methods that may become available, the City will propose a detailed amended schedule for compliance with the rule.

Please do not hesitate to contact me to discuss this matter further.

Sincerely,

David. G. Shaff  
Administrator