## Congress of the United States Washington, DC 20510

October 13, 2011

The Honorable Lisa Jackson Administrator Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

## Dear Administrator Jackson:

We are writing to ask that as your agency reviews the Long Term 2 Enhanced Surface Water Treatment (LT2) Rule, you include an assessment of the unique circumstances relevant to the City of Portland's drinking water system. The City of Portland is wrestling with the immense cost and uncertain benefits of covering its water reservoirs, and would appreciate every possible degree of cooperation and flexibility from the Environmental Protection Agency in addressing this issue.

To place this request in context, you might recall that the City sought flexibility regarding the requirement to treat drinking water for Cryptosporidium two years ago. You and your team were extremely helpful and worked with Portland to institute a testing regimen for Cryptosporidium that would provide sufficient evidence for regulators to consider a variance from those requirements. The City tested 17,000 liters of water and found zero Cryptosporidium. Thank you so much for your agency's support in this process. You have now transferred responsibility for this issue to the State of Oregon.

In regard to the issue of reservoir covering, however, the City made a similar request for a waiver or variance, but your agency indicated that there was no path for a waiver or other form of flexibility. As disappointing as this was, given the enormous cost and uncertain benefits of covering the City's reservoirs, the City had to accept the finality of your agency's determination.

Thus, we reacted with considerable enthusiasm to the news that EPA is reviewing its LT2 rule and specifically considering new or innovative alternatives to covering reservoirs.

In light of that news, we request that your team thoroughly explore whether there are more costeffective ways to counter the risks of contaminated water, taking into full account the unique and extraordinary water supply characteristics of Portland's Bull Run watershed and other attributes of Portland's drinking water system.

In addition, we respectfully request that while your agency's review is underway, you consider delaying implementation of the LT2 requirement to cover reservoirs, for water systems whose unique circumstances could warrant alternatives to protecting public health.

Finally, it would be of great help if your team could create a working dialogue with the City of Portland as you conduct this review. They stand ready to provide all possible information relevant to this issue.

We thank you for your attention to this matter that is so important to local communities and look forward to working with you on it.

Respectfully yours,

Jeffrey A. Merkley

United States Senate

Earl Blumenauer

United States Congress

Peter DeFazio

United States Congress

Ron Wyden

United States Senate

Kurt Schrader

United States Congress