

August 18, 2011 (updated August 30, 2011)

The Honorable Ron Wyden
United States Senator
223 Dirksen Senate Office Building
Washington, DC 20510-3703
Sent via email to: mary_gautreaux@nyden.senate.gov

RE: Request to join Sen. Chuck Schumer on reform of LT2 reservoir regulation

Dear Senator Wyden,

We write you today as members of a strong coalition, which seeks your immediate help to bring rationality to EPA's Long Term 2 Enhanced Surface Water Treatment rule (LT2) and to stop the waste of precious public resources. At stake is the imminent expense to Portland ratepayers of \$400 million to comply with the EPA LT2 "treat or cover" open reservoir requirement, a one-size-fits-all requirement to "save" the public from a public health threat that does not exist in Portland's water.

In February of 2011, President Obama, through Executive Order 13563, called on the EPA to conduct a comprehensive review of its regulations in order to improve the regulatory system, aligning costs and benefits based on sound science and economic analysis. On July 20, 2011, Senator Schumer wrote to EPA administrator Lisa Jackson in response to EPA's failure to take this opportunity to reconsider and amend the LT2 regulation to expressly allow a more flexible approach where science and circumstances demonstrate that an uncovered finished water storage facility does not pose a public health risk.

We request that you partner with Senator Schumer in working with the EPA and President Obama to reform the LT2 rule's "treat or cover" requirement, creating rational options that consider costs and benefits, and which could prevent the waste of hundreds of millions of dollars.

In Portland we are at the precipice. Water rates have risen over 55% in the last 4 years and are expected to rise another 73% over the next four years. Businesses and citizens in our community are suffering and are frustrated by this irrational and costly reservoir requirement. Ratepayers may soon be forced to pay for construction of new in-town covered reservoirs (and the dismantling of historic well-functioning reservoirs at Mount Tabor and Washington Park) even though the EPA never gathered any national data on reservoirs, covered or uncovered, to support the LT2 rule. Data collected in the last few years demonstrates that Portland's system has zero detections of *Cryptosporidium* in our open-air reservoirs. (See [City of Portland](#) and [Water Research Foundation](#) attachments.) In over one hundred years of operation, there has never been a waterborne infection from *Cryptosporidium*, *Giardia* or viruses attributable to Portland's uncovered finished water storage facilities.

Your leadership can both prevent the waste of hundreds of millions of dollars and help restore trust in government to make decisions based on science and not on emotion or fear. In light of the minimal public health risk posed by leaving Portland's reservoirs open, the huge cost of complying with the LT2 rule as written is not justified.

Alternative methods of achieving the regulatory program's objective: EPA should allow water suppliers to achieve LT2's goal of protecting the public from risks posed by Cryptosporidium, Giardia and viruses in uncovered finished water storage reservoirs without mandating that they choose between two equally unacceptable choices (further treatment or coverage). We are in agreement with The City of New York, which has called on the EPA to allow a water supplier to establish that an uncovered finished water storage facility is not a source of Cryptosporidium, Giardia and viruses, or does not pose a threat to public health. The EPA should allow a water supplier to protect uncovered finished water storage facilities against Cryptosporidium, Giardia and viruses through implementation of a facility-specific risk mitigation plan that identifies and addresses the specific risks faced by a particular facility. Both of these options would encourage investments that achieve cost-effective tangible public health benefits without unduly burdening water suppliers and ratepayers.

As our Senator, you can play a huge role in advocating directly to EPA Administrator Lisa Jackson and to President Obama regarding the need for immediate reform of LT2 as it pertains to open reservoirs.

We stand prepared to assist your office with this effort in any way possible. We thank you so much for your work over many years to protect Bull Run and for your critical attention to this very important matter.

Sincerely,

Regna Merritt and Theodora Tsongas, PhD,
MS for Oregon Physicians for Social
Responsibility

Kent Craford for Portland Water Users
Coalition Members:
ALSCO, American Linen Division
American Property Management
Ashland Hercules Water Technologies
The Benson Hotel
BOMA Portland
Darigold
Harsch Investment
The Hilton Portland and Executive
Tower
Mt. Hood Solutions
New System Laundry
Portland Bottling
SAPA Inc.
Siltronic Corp.
Sunshine Dairy Foods
Vigor Industrial
Widmer Brothers Brewing
YoCream

Meryl Redisch for Audubon Society of
Portland

Scott Schlaes for Oregon Wild

Sandra McDonough for the Portland Business
Alliance

Ron Carley for Coalition for a Livable
Future

Floy Jones for Friends of the Reservoirs

Peter Stark for the Central Eastside
Industrial Council

Franklin Gearhart for Citizens Interested in
Bull Run, Inc.

Alex P. Brown for BARK

Rod Daggett and Maxine Wilkins
for Eastside Democratic Club

Stephanie Stewart for Mt. Tabor
Neighborhood Assn - Land Use Committee

Jeffrey Boly for Arlington Heights
Neighborhood Association

Mark Wheeler for Roots Realty

Mary Louis Ott for South Tabor
Neighborhood Association

Nancy Norby for Mt. Tabor
Neighborhood Association

David Delk for Alliance for Democracy

Eileen Brady, member of the Mt Tabor Reservoirs Independent Review Panel (2004) and candidate for Mayor of Portland

Anne Dufay for SE Uplift Neighborhood
Coalition for:

- North Tabor Neighborhood Association
- Mount Tabor Neighborhood Association
- Montavilla Neighborhood Association
- Sunnyside Neighborhood Association
- Buckman Neighborhood Association
- Hosford Abernathy Neighborhood Association
- Richmond Neighborhood Association
- South Tabor Neighborhood Association
- Foster Powell Neighborhood Association
- Creston - Kenilworth Neighborhood Association
- Brooklyn Neighborhood Association
- Reed Neighborhood Association
- Eastmoreland Neighborhood Association
- Sellwood Moreland Neighborhood Association
- Woodstock Neighborhood Association
- Mount Scott Arleta Neighborhood Association
- Brentwood Darlington Neighborhood Association
- Ardenwald - Johnson Creek Neighborhood
Association
- Kerns Neighborhood Association
- Laurelhurst Neighborhood Association