

EARL BLUMENAUER  
THIRD DISTRICT, OREGON

COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE ON HEALTH

COMMITTEE ON BUDGET



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3703**

WASHINGTON OFFICE:  
1502 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-4811  
FAX: (202) 225-8941

DISTRICT OFFICE:  
729 N.E. OREGON STREET  
SUITE 115  
PORTLAND, OR 97232  
(503) 231-2300  
FAX: (503) 230-5413  
website: blumenauer.house.gov

February 5, 2013

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

Dear Mr. Leland:

Recently you received a letter (February 4, 2013) from Portland City Commissioner Steve Novick which requested your approval to defer completion of the Mt. Tabor and Washington Park LT2 reservoir compliance projects to December 31, 2024. I support Commissioner Novick's request and urge you to undertake a thorough review of the new information that has emerged since the Oregon Health Authority (OHA) denied the City of Portland's request for an extension on May 17, 2012.

Since 2003 I have urged EPA and the State of Oregon to take the City of Portland's unique drinking water system, in addition to the extensive water monitoring and testing program it has implemented, into consideration when evaluating its variance requests and timeline extensions under the LT2 rule. As you know, in the case of the source water rule, Portland was recently granted the first and only variance in the country.

With regard to the matter of reservoir compliance under the LT2 rule, granting Portland's request for a deferred schedule makes even more sense since the EPA announced in 2011 that it would review and possibly revise the LT2 regulation. The review, scheduled for completion in 2016, may propose alternative compliance mechanisms that would make Portland's current project plans and timelines no longer necessary. An extension through 2024 would give adequate time for the EPA's review to be completed and its results incorporated into existing project plans.

Last year the State of New York, in consultation with the EPA, granted the City of Rochester an extension to its previous compliance agreement for meeting the LT2 requirements for its open drinking water reservoirs. The OHA should recognize that Portland shares and has arguably stronger economic challenges than those cited by Rochester, and merits the same consideration and reprieve as a consistent and equitable application of federal law. Should the OHA determine not to grant Portland an amended compliance schedule, I would like to receive a full explanation as to the rationale behind that decision in light of the precedent set by the State of New York.

In seeking to comply with the LT2 rule, the City of Portland has demonstrated its strong willingness to uphold the principle I refer to as, "performance based environmental standards." It is arguing that there is a cheaper, greener way to comply with environmental regulations while still being held accountable for the end results. The extensive monitoring and testing the City has produced is evidence of that accountability. As a result, I believe our drinking water will continue to be among the nation's safest, healthiest, and most secure.

I appreciate the opportunity to support Commissioner Novick and the City of Portland's request to defer completion of the Mt. Tabor and Washington Park LT2 reservoir compliance projects to December 31, 2024.

Sincerely,

A handwritten signature in blue ink, appearing to read "Earl Blumenauer", with a long horizontal flourish extending to the right.

Earl Blumenauer  
Member of Congress

c. Mel Kohn, M.D., M.P.H.