

United States Senate

WASHINGTON, DC 20510

COMMITTEES:

ENVIRONMENT AND
PUBLIC WORKS

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BANKING, HOUSING,
AND URBAN AFFAIRS

BUDGET

June 18, 2009

Commissioner Randy Leonard
1221 SE 4th, Room 210
Portland, OR 97206

Commissioner Leonard:

I'm writing to update you on the work my office has been doing to assist Portland with obtaining a variance from the Safe Drinking Water Act water treatment and filtration rules commonly known as "LT2". I want to commend you and your staff on the excellent job you've done bringing me up to speed on this issue and effectively advocating for Portland's water rate payers. I agree that requiring municipalities, such as Portland and Baker City, to spend hundreds of millions of dollars treating for Cryptosporidium even though they have protected, pristine sources of drinking water and no evidence of Cryptosporidium in the source water, is not an effective or sound use of ratepayers dollars.

To find a solution that is satisfactory for Portland and Baker City, it is very clear from conversations with my colleagues in the Senate that a legislative approach has very little chance for success. For that reason I have joined your efforts to advocate for relief with the EPA. Specifically, I will continue to push the EPA to develop a path for Portland or Baker City to be given the time needed and technical assistance to develop a plan for extensive water quality monitoring in order to successfully make the case for a variance.

I also know the City has been frustrated with what I would describe as "moving goal posts" for the requirements the city's water monitoring must meet to obtain a variance. One of the goals of my involvement is to make sure EPA improves their process for making these decisions and works proactively with the City to move toward a decision. I have already had discussions with the highest-ranking career officials overseeing this issue at EPA, held conference calls with EPA staff from offices around the country who are engaged in the issue, and recently met with the President Obama's new appointee to head the EPA Office of Water, Peter Silva, before his nomination hearing in our Environment and Public Works Committee. I have personally had conversations with Senator Boxer, chair of the committee, about this issue.

I will continue to do everything I can to assist the City's team in your efforts. If you have any questions please contact me directly or check in with my Legislative Assistant, Jeremiah Baumann, in my Washington, D.C., office or my Multnomah County Field Representative, Cyreana Boston, in my Portland office.

Warmest Regards,



Jeff Merkley
US Senator