



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 19 2011

The Honorable Charles E. Schumer
United States Senate
Washington, D.C. 20510

THE ADMINISTRATOR

Dear Senator Schumer,

Thank you for the phone call and the letter on July 20th regarding the construction of a cover at the Hillview Reservoir site in Yonkers, NY. While protection of the public's health from waterborne parasites and diseases such as *Cryptosporidium* must be foremost, I agree with you that we should and can find cost-effective ways of achieving these public health protections. For this reason, EPA will initiate a review process for the regulation requiring covers on reservoirs such as Hillview.

The requirement that public water systems that store treated water in reservoirs, such as Hillview, either cover the reservoir or treat water leaving the reservoir to inactivate viruses, *Giardia*, and *Cryptosporidium* comes from EPA's Federal Long Term 2 Enhanced Surface Water Treatment (LT2) Rule, which was finalized in 2006, in the previous Administration.

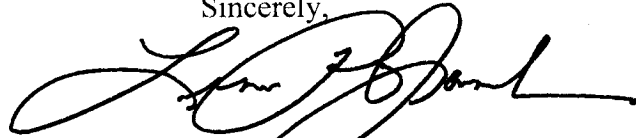
This requirement, issued under the authority of the Safe Drinking Water Act, applies to all public water systems, regardless of what treatment or filtration methods are used, because the requirements address open reservoirs that store drinking water that has already been treated and is intended to be distributed directly to consumers without further treatment. The uncovered finished water reservoir requirement is intended to protect against the potential for re-contamination of treated water with disease causing organisms, specifically *Cryptosporidium*, *Giardia*, and viruses.

However, as you have mentioned, different reservoirs around the country have different specific conditions and protections that may have a bearing on the public health benefits of the LT2 coverage requirement. Hillview may be an example of a reservoir with specific structural and other characteristics that warrant further review of the need to mandate a reservoir cover.

As such, 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 re-assess 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. As we conduct our review we intend to consider innovative approaches for public water systems, including those employed at the Hillview Reservoir, while meeting the SDWA requirement to maintain or improve public health protection for drinking water. EPA will proceed expeditiously on our review of the LT2 rule. Our current agreement with the City of New York does not require construction of the cover until 2028 – well after the review of the rule will be completed. Science will drive our ultimate decision and EPA looks forward to continuing to work with New York City and other stakeholders as we move forward in this process.

Thank you for your leadership on this and many other issues. If you have additional questions, please feel free to contact me, or your staff can contact Sven-Erik Kaiser (202) 566-2753 in EPA's Office of Congressional Relations.

Sincerely,



A handwritten signature in black ink, appearing to read 'Lisa P. Jackson', with a long horizontal flourish extending to the right.

Lisa P. Jackson