

US EPA ARCHIVE DOCUMENT

Mr. Francis X. Lyons  
Regional Administrator  
USEPA Region V  
77 West Jackson Street  
Chicago, Illinois 60604

Dear Mr. Lyons:

I am writing to confirm the Ohio Environmental Protection Agency's (Ohio EPA) willingness to continue discussion on the proposed Columbus XL project. The City of Columbus is proposing a variance from requirements of the Lead and Copper Rule in *anticipation* of potential problems simultaneously meeting the Lead and Copper Rule and the Stage 2 Disinfection/Disinfection Byproducts Rule. The City is proposing to dedicate a percentage of money saved through this variance to the Lead-Safe Columbus Program. The Lead-Safe Columbus Program is a worthwhile program targeting resources on reducing lead exposure to children, who are most at risk for lead poisoning. The program also serves to target resources on the most significant exposure pathways.

While conceptually the proposal appears to have merit, Ohio EPA continues to have reservations about how we can legally provide the flexibility required to implement this project. The United States Environmental Protection Agency (USEPA) has suggested site-specific rules to accomplish the proposed variance and Ohio EPA considers site-specific rules unacceptable. Other alternatives, such as a pre-negotiated enforcement settlement prior to a violation, have their own problems.

In order to come to a final decision on this proposal, I believe it is best for us to come to a resolution on how to proceed prior to initiating further discussions with the City of Columbus. Therefore, I suggest our respective staff and representatives from USEPA Headquarters hold discussions as soon as possible.

Please contact Michael Baker, Chief of Ohio EPA's Division of Drinking and Ground Waters at (614) 644-2752 with any questions and to initiate further discussions.

Sincerely,

Christopher Jones  
Director