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Congress of the United States

House of Representatives

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May 17, 2016

Mr. Joel Beauvais
Deputy Assistant Administrator, Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Beauvais:

Thank you for appearing before the Subcommittee on Health and the Subcommittee on Environment and the Economy on April 13, 2016, to testify at the hearing entitled "Flint Water Crisis: Impacts and Lessons Learned."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on May 27, 2016. Your responses should be mailed to Graham Pittman, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to graham.pittman@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittees.

Sincerely,

John Shimkus
Chairman
Subcommittee on Environment
and the Economy

Joseph R. Pitts
Chairman
Subcommittee on Health

cc: The Honorable Gene Green, Ranking Member, Subcommittee on Health
The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment and the Economy

Attachment

Attachment — Additional Questions for the Record

The Honorable Morgan Griffith

Articles published this past weekend by the AP tell stories of cities like Galesburg, Illinois and Portland, Oregon where water systems with lead levels at or above the EPA action level of 15 parts per billion (ppb) say that these lead levels are not a concern and that position is backed up by the local health department.

1. What is your response to water systems that say the water is safe to drinking even though the action level matches or exceeds the EPA action level?

2. What changes will EPA make to improve enforcement at water systems with long term elevated lead levels?

Current Lead and Copper Rule (LCR) compliance sampling requires that a minimum of 50% of sampled homes have lead service lines. It was recently reported that Philadelphia has over 50,000 lead service line homes and yet the majority of the samples it collected in 2014 for compliance with the LCR came from Tier 3 homes (homes without lead service lines). EPA Region 3 stated publicly that this is ok.

3. Isn't what Philadelphia is doing a clear violation of the LCR?

I understand that the Lead and Copper Rule does allow some room for state water agencies to accept samples from less than the required percentage of homes with lead service lines if the water system cannot obtain samples from enough of these homes and provides adequate justification.

4. Do you know why Philadelphia was unable to obtain samples from those 50,000 homes?

5. Do you know what their justification was for not doing so?

6. Do water agencies regularly report numbers that don't meet this 50% requirement?

7. What is EPA doing to ensure that the samples collected from communities are in fact from Tier 1 and Tier 2 homes – and in compliance with the Lead and Copper Rule?

The Honorable Susan Brooks

1. How do the U.S. EPA and environmental state agencies educate homeowners, businesses, and schools on what their responsibilities are when it comes to water-related infrastructure – whether it's in the ground or internal infrastructure, such as old faucets and drinking fountains? What is your agency doing to inform the public of best practices when they have lead service pipes delivering water to their homes?

2. In the 25 years since the lead rule was created, the U.S. EPA has yet to define an acute level for lead. The authority under the rule allows a maximum contaminant level of 15 parts per

billion, while the CDC says there is no safe level for lead. How do you reconcile the difference here, and what is your suggestion on an acute level being defined in the updated federal lead and copper rule?

3. With regards to the Federal lead and copper rule, based on the letters the U.S. EPA received from commissioners of environmental agencies across the nation, have you seen common trends from states? Do you believe states are adequately complying with the existing rule?

4. What new standards regarding public education and notification do you suggest be incorporated into the updated lead and copper rule?

The Honorable Paul Tonko

1. As EPA works on the next iteration of the Drinking Water Infrastructure Needs Survey and Assessment, how will the priority of lead service line replacement be factored in?

2. Now that many utilities have committed to replace these lines over the next two decades, which coincides with the scope of the assessment, do you believe lead line replacement needs to be given additional consideration when calculating national needs? Would inclusion of lead line replacement in this survey help to produce results that more accurately reflect the needs of communities?

3. Maximum contaminant levels (MCLs) are based on health effects and feasibility. An action level is used to determine when certain treatment technique actions are needed. The Lead and Copper Rule Working Group suggested a household action level to alert residents and health departments when lead levels are high enough that infant formula made from the drinking water is likely to result in an elevated blood lead level. I understand that creating such a level would require peer review and public comment, but is EPA still committed to developing a household action level for lead? If so, what is the status?

The Honorable G. K. Butterfield

Mr. Beauvais, it is my understanding that since 2011 the EPA has received public comments related to the Long-Term Revisions of the Lead and Copper Rule.

1. Mr. Beauvais, what are some of the environmental justice concerns expressed at the 2011 public meeting and subsequent comment period related to the Long-Term Revisions of the Lead and Copper Rule?

2. What has the EPA done in response to those comments?

3. Mr. Beauvais, why has it taken so long for EPA to make recommendations or implement policies that reflect the comments received at this public meeting?

Mr. Beauvais, it is clear that Congress must reauthorize the Drinking Water State Revolving Fund. The SRF is important to support infrastructure improvements and maintenance and key to protecting public health.

4. I am concerned that states have sole flexibility to identify a Project Priority List for SRF funds. It's my understanding that the North Carolina Department of Environmental Quality (NCDEQ) considers the need for the project, the public health and environmental benefits, the applicant's utility system management, and project affordability as the criteria for ranking projects. How can Congress better ensure that disadvantaged communities are prioritized in the awarding of SRF resources?

Mr. Beauvais, it is my understanding that EPA requires sanitary surveys of community water systems every three years and of non-community water systems every five years.

5. Mr. Beauvais, can you describe what is involved in a sanitary survey of a water system?

6. Mr. Beauvais, this seems like the type of review that the public should be able to count on every year, yet the NCDEQ has indicated that those surveys are not required and the agency does not allocate the resources to ensure surveys occur annually. Has the EPA considered increasing frequency required for sanitary surveys?