UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 07 2016

THE ADMINISTRATOR

The Honorable Doug Ducey
Governor of Arizona
State Capitol
1700 West Washington
Phoenix, Arizona 85007

Dear Governor Ducey:

I am writing to follow up my letter of February 29, 2016, asking that your state work with the EPA to address deficiencies and improve transparency and public information regarding the implementation of the Lead and Copper Rule (LCR).

Every state has expressly confirmed – either in its initial response to the February 29 letters or in follow-up communications with the EPA – that state protocols and procedures are fully consistent with the LCR and applicable EPA guidance, including protocols and procedures for optimizing corrosion control, and that the state has already posted or will post state LCR sampling protocols and guidance to their public websites. EPA staff will be following up with every state to ensure that these protocols and procedures are clearly understood and are being properly implemented to address lead and copper issues at individual drinking water systems, and to offer EPA assistance if needed. In addition, we will continue to work with states to ensure that lead action level exceedances and LCR violations are promptly and appropriately addressed. I urge you to continue to support your state's efforts in this area.

I am attaching a letter Joel Beauvais, Deputy Assistant Administrator for Water, sent to state environmental and public health commissioners through the Environmental Council of States and the Association of State and Territorial Health Officials. As noted in this letter, a number of states' responses to EPA's February 29 letters identified practices and policies that enhance the implementation of the LCR and increase public transparency. These include posting individual sampling results on a public website, shortening the reporting and notice timeframes under the LCR, providing the public with information on lead service line locations, and working with drinking water systems, school boards and departments of education to identify and address lead risks at schools. I encourage all states to learn from each other and urge you to support your state agency in implementing best practices that strengthen public health protection and promote transparency.

I want to acknowledge that there is also important work to be done to strengthen the LCR, and that certain systems will need continued assistance and oversight while we work with the states to develop proposed revisions to the rule. In the interim, the EPA will continue to work closely with the states to ensure that the proper steps are being taken to implement the current rule and protect the public from harmful exposures to lead and copper in drinking water.

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Again, thank you for your active engagement as we work to strengthen the protection of our nation's drinking water. Please do not hesitate to contact me, or your staff may contact Mark Rupp, Deputy Associate Administrator for the EPA's Office of Congressional and Intergovernmental Relations, at rupp.mark@epa.gov or (202) 564-7178.

Sincerely,

Gina McCarthy

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL - 6 2016

OFFICE OF WATER

Edward P. Ehlinger, President
Sharon Moffatt, Interim Executive Director
Association of State and Territorial Health Officials
2231 Crystal Drive Suite 450
Arlington, VA 22202

Martha Rudolph, President
Alexandra Dunn, Executive Director
Environmental Council of States
50 F Street, NW, Suite 350
Washington, DC 20001

Dear ECOS and ASTHO leaders:

I am writing to follow up on your members' responses to the EPA's February 29, 2016, letters to state primacy agencies asking that states continue to work collaboratively with the EPA to address deficiencies and improve transparency and public information regarding the implementation of the Lead and Copper Rule (LCR).

At this time, every state has expressly confirmed – either in its initial response to the February 29 letters or in follow-up communications with the EPA – that state protocols and procedures are fully consistent with LCR and applicable EPA guidance, including protocols and procedures for optimizing corrosion control, and that the state has already posted or will post state LCR sampling protocols and guidance to their public websites. The EPA staff will be following up with every state to ensure that these protocols and procedures are clearly understood and are being properly implemented to address lead and copper issues at individual drinking water systems, and to offer EPA assistance if needed. In addition, the EPA staff will continue to engage with states to ensure that lead action level exceedances and LCR violations are promptly and appropriately addressed.

Many of the responses from state commissioners identified practices and policies that enhance the implementation of the LCR and increase public transparency. I encourage all states to continue to learn from one another and to implement best practices that strengthen public health protections. To this end, I would like to highlight some of the promising practices identified in state responses:

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

Promoting Transparency at State and Public Water Systems:

- A substantial number of states report that they are already posting individual lead compliance sampling results, not just 90th percentile values, on their public websites utilizing Drinking Water Watch or similar database tools.

- Some drinking water systems are providing online searchable databases that provide information on known locations of lead service lines, or providing videos that show homeowners how to determine whether their home is served by a lead service line.

Shortening Reporting and Notice Timeframes

- Some states have adopted more stringent timelines for water systems to provide consumer notices to all who receive water from sites that were sampled and resulted in a lead action level exceedance. While the LCR allows up to 30 days, some states are requiring notice to consumers as quickly as 48 hours after sampling.

- Some states require laboratories that analyze lead compliance samples to contact the state within 24 hours of confirming that a sample analysis has exceeded the 15 parts per billion action level for lead.

Enhancing Rule Implementation:

- Several states are requiring their public water systems to update their "materials evaluations", to increase understanding of lead service line locations and ensure an adequate pool of "Tier 1" locations (meaning locations with known lead service lines or lead plumbing) for LCR compliance sampling.

- Several states are identifying funding mechanisms, such as the Drinking Water State Revolving Fund (DWSRF), to help communities replace lead service lines by providing principal forgiveness and low interest loans and/or maximizing the DWSRF set-asides to fund corrosion control studies when an action level exceedance is triggered.

Additional Actions

- Several states are working with local drinking water systems to partner with local school boards and departments of education to sample and replace old drinking water fountains and fixtures at schools.

- Some states are increasing the availability of water testing, health screenings and blood lead level testing to residents.

Although many states have provided examples of best practices that that go beyond the minimum rule requirements, other states have identified challenges with some of these same activities. In particular, a number of states identified problems with posting individual lead samples because of limited information technology resources and/or concerns with privacy and security. However, the substantial number of states that are posting individual sample results indicates that these challenges can be overcome. The EPA believes that posting of individual

sampling results is important for public transparency and intends to work with states that are not yet posting individual sample results – to share lessons learned from states that are already doing so, and to urge all states to adopt this practice.

We are concerned that many states have identified challenges related to lead service line inventories. Improving lead service line inventories is important in ensuring that systems are taking lead samples from valid Tier 1 sites, as required under the LCR, as well as for effective management of risks associated with lead service line disruption, and for providing information to customers on how to assess and mitigate risks from these lines. We are encouraged that some states have identified examples of systems providing online searchable databases of lead service lines, or have committed to working with systems to develop updated inventories. The EPA will continue to work with states to ensure that identification of the locations of LSLs remains a priority for the nation's drinking water systems.

The EPA recognizes that there is also important work to be done to strengthen the LCR, and we look forward to working with the states as we develop the proposed rule revisions. In the interim, the EPA will continue to work closely with the states to ensure that the proper steps are being taken to implement the current rule and protect the public from harmful exposures to lead and copper in drinking water. The EPA strongly encourages states to continue to seek effective strategies and actions to improve address lead in drinking water. Continuing to enhance public transparency and accountability is critical to reassure the public of our continuing work to protect the nation's drinking water.

Again, thank you for your active engagement in this important effort. Please do not hesitate to contact me, or Mark Rupp, Deputy Associate Administrator for the EPA's Office of Intergovernmental Relations, at rupp.mark@epa.gov or 202-564-7178.

Sincerely,

Joel Beauvais
Deputy Assistant Administrator

cc: Peter Grevatt, Director, Office of Ground Water and Drinking Water, US EPA
Jim Taft, Executive Director, Association of State Drinking Water Administrators

ED_001591A_00000202-00005