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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

April 25, 2016

Mr. Joel Beauvais, Deputy Assistant Administrator
Office of Water
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 4101M
Washington DC 20460

Dear Deputy Assistant Administrator Beauvais,

I am writing in response to your February 29, 2016, letter regarding New Jersey's ongoing actions to implement the Lead and Copper Rule (LCR). The New Jersey Department of Environmental Protection (DEP) has put a renewed focus on the requirements of this rule and looks forward to working collaboratively with EPA to ensure the strongest drinking water program possible in New Jersey.

In response to your specific request on near-term actions, we provide the following:

1. *Confirm that the State's protocols and procedures for implementing the LCR are fully consistent with the LCR and applicable EPA guidance*

   As outlined in DEP's April 25, 2016, response to EPA Region 2 on the LCR Oversight Framework, we have evaluated our LCR program and believe DEPs protocols and procedures are generally consistent with the LCR and applicable guidance.

2. *Use relevant EPA guidance on LCR sampling protocols and procedures for optimizing corrosion control*

   DEP does follow relevant guidance and federal regulations for optimizing corrosion control and further is reviewing EPA's March 2016 document entitled "Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems." We will incorporate the guidance in this recent document into ongoing reviews.

3. *Post on the agency's public website all state LCR sampling protocols and guidance for identification of Tier 1 sites (at which LCR sampling is required to be conducted)*

   DEP will post this information on its website over the next two weeks.

4. *Work with public water systems – with a priority emphasis on large systems – to increase transparency in implementation of the LCR by posting on their public website and/or on NJDEP's website:*
   a. *The materials inventory that systems were required to complete under the LCR, including the location of lead service lines, together with any more updated inventory or map of lead service lines and lead plumbing in the systems*

      We will encourage water systems to post the results of their materials inventory, including lead service lines and more updated inventory on their websites, to the extent that it does not jeopardize security measures or privacy of customers

   b. *LCR compliance sampling results collected by the system, as well as justification for invalidation of LCR samples*

      DEP posts lead and copper results on its website through Drinking Water Watch, and has done so for several years. We will also post on our website the criteria used to invalidate samples under the LCR.

5. *Enhance efforts to ensure that residents promptly receive lead sampling results from their homes together with clear information on lead risks and how to abate them, and that the general public receives prompt information on high lead levels in drinking water systems.*

   DEP has required water systems to convey sample results to customers when samples were collected as part of LCR compliance and to conduct Public Education (in the case of a lead Action Level Exceedance) within the timeframes established in the LCR. However, we will encourage water systems to convey that information more quickly to those customers and to more quickly conduct required Public Education in the event of a lead Action Level Exceedance.

We look forward to working with EPA and are available to further discuss any issues as you may desire. Please contact Director Patricia Gardner, Division of Water Supply and Geoscience, at 609-292-7219 or patricia.gardner@dep.nj.gov.

Sincerely,

Daniel Kennedy,
Assistant Commissioner
Water Resource Management

c: Patricia Gardner, Director, Division of Water Supply and Geoscience
Karen Fell, Assistant Director, Water System Operations Element