Message

**From:** Pabst, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EBF25F7C5F5742979F14FD9801BF15C5-PABST, DOUGLAS]
**Sent:** 12/19/2018 8:11:26 PM
**To:** Covington, Tayler [covington.tayler@epa.gov]
**Subject:** RE: MEDIA INQUIRY: DW Reg Questions

Here is my suggestion. I'm waiting to hear back from NJ to see if they want to respond.

PROPOSED RESPONSE: For your first question regarding the Lead and Copper Rule tiers, I've attached a couple of documents that you might find helpful in understanding the federal tier requirements. The LCR Fact Sheet details the answer under Major Monitoring Provisions - the number of samples is based on the distribution system size and monitoring frequency. The table details the specific numbers. Newark is a large drinking water system serving a population of over 270,000 people – water is sourced from the Pequannock River, as well as purchased from the New Jersey Drinking Water Service District (NJDWSD) Wanaque North. Newark samples and reports the lead and copper data separately for their distribution system and reports the data from NJDWSD, who sample their own system. The latest data available in NJ Drinking Water Watch shows a lead value of 47.5 ppb (181 samples collected) for the Pequanock System and 0 ppb (10 samples collected) for the NJDWSD. New Jersey has primacy over the drinking water program and may have additional provisions on their sampling requirements, so I recommend checking with them for further clarification.

For your second question, the state can invalidate an LCR sample if there is evidence of tampering. If someone falsifies data or commits some other type of illegal activity, they could be subject to criminal prosecution by the state.

Douglas Pabst
Chief, Drinking Water and Municipal Infrastructure Branch
USEPA Region 2
Clean Water Division
290 Broadway
New York, New York 10007-1866
Telephone: 212-637-3797
Email: pabst.douglas@epa.gov
For information on drinking water visit: https://www.epa.gov/ground-water-and-drinking-water
For information on the Clean Water State Revolving Fund visit: https://www.epa.gov/cwsrf
For information on the Drinking Water State Revolving Fund visit: https://www.epa.gov/drinkingwatersrf

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**From:** Covington, Tayler
**Sent:** Wednesday, December 19, 2018 2:29 PM
**To:** Pabst, Douglas <Pabst.Douglas@epa.gov>
**Subject:** RE: MEDIA INQUIRY: DW Reg Questions

**PROPOSED RESPONSE:** For your first question regarding the Lead and Copper Rule tiers, I've attached a couple of documents that you might find helpful in understanding the federal tier requirements. The LCR Fact Sheet details the answer under Major Monitoring Provisions - the number of samples is based on the distribution system size. The table details the specific numbers. In Newark's case, they have two water distribution systems that both serve over 100,000 homes/buildings. Depending on whether they are required to test the standard or reduced number, they test 100 or 50 homes per distribution system. New Jersey has primacy over the drinking water

program and may have additional provisions on their sampling requirements, so I recommend checking with them for further clarification.

For your second question, the state can invalidate an LCR sample if there is evidence of tampering. If someone falsifies data or commits some other type of illegal activity, they could be subject to criminal prosecution by the state.

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**From:** Pabst, Douglas
**Sent:** Wednesday, December 19, 2018 1:57 PM
**To:** Covington, Tayler <covington.tayler@epa.gov>
**Cc:** Brandt, Peter <Brandt.Peter@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>; DAgostino, Daniel <DAgostino.Daniel@epa.gov>
**Subject:** RE: MEDIA INQUIRY: DW Reg Questions

The LCR fact sheet lays out the number of samples as well. Please let me know if you need anything else.

Douglas Pabst
Chief, Drinking Water and Municipal Infrastructure Branch
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New York, New York 10007-1866
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**Sent:** Wednesday, December 19, 2018 1:54 PM
**To:** Pabst, Douglas <Pabst.Douglas@epa.gov>
**Cc:** Brandt, Peter <Brandt.Peter@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>; DAgostino, Daniel <DAgostino.Daniel@epa.gov>
**Subject:** RE: MEDIA INQUIRY: DW Reg Questions

Oh – I didn't know that was different. Yes, probably under the LCR. What you attached is very helpful! Thanks!

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**From:** Pabst, Douglas
**Sent:** Wednesday, December 19, 2018 1:50 PM
**To:** Covington, Tayler <covington.tayler@epa.gov>
**Cc:** Brandt, Peter <Brandt.Peter@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>; DAgostino, Daniel <DAgostino.Daniel@epa.gov>
**Subject:** RE: MEDIA INQUIRY: DW Reg Questions

Hi Tayler,

Is the reporter referring to the 3 tiers for sampling under the lead and copper rule? I've attached some information on the sample tiering and the LCR. NJ can invalidate an LCR sample if there is evidence of

tampering. If someone falsifies data, or commits some other type of illegal activity, they could be subject to criminal prosecution by the state (as in Flint). I'm unclear on the two different water supplies question. Many public water systems have multiple sources of water and they are typically blended at the treatment plant before the enter distribution system. The LCR lead and copper samples are collected at the tap. Happy to talk as needed.

Tx-Doug

Douglas Pabst
Chief, Drinking Water and Municipal Infrastructure Branch
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Clean Water Division
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New York, New York 10007-1866
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**To:** Pabst, Douglas <Pabst.Douglas@epa.gov>
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**Subject:** MEDIA INQUIRY: DW Reg Questions

Hi Doug,

These seem like we could maybe answer these…? The reporter said she reached out to DEP but hasn't heard back yet. Let me know what you think. I put the NJ notification tiers in the answer just to kick it off.

Thanks!
Tayler

**STATUS:** OPEN

**INQUIRY RECEIVED ON:** December 19

**DEADLINE:** December 20, 10 A.M.

**PAD CONTACT:** Tayler Covington

**REPORTER:** Rebecca Panico, TAP Into Newark; rpanico@tapinto.net, (908) 759-8828

**QUESTIONS FROM THE REPORTER:** I'm trying to understand the requirements for Tier 1, Tier 2 and Tier 3 homes. How many homes need to be tested in a city that uses two different water supplies?

Also, if someone allegedly tampers with a water sample, is it considered a crime and who would look into that? The federal, state or local government? Local police?

**PROPOSED RESPONSE:** EPA describes the 3 Tiers of Public Notification under the Public Notification Rule. The New Jersey Department of Environmental Protection describes the public notice tiers in their Safe Drinking Water Act Rules in the first paragraph of the fourth page: "*Accordingly, at N.J.A.C. 7:10- 3.6(d), violations of the Tier 1 public notice requirements are categorized as violations of major seriousness; violations of the Tier 2 public notice requirements are categorized as violations of moderate seriousness; and violations of the Tier 3 public notice requirements are categorized as violations of minor seriousness.*"