



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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APR 05 2016

Ref: 8P-W-DW

Mr. Joel Beauvais
Deputy Assistant Administrator
Office of Water
1200 Pennsylvania Avenue, NW
Mail Code: 4101M
Washington, D.C. 20460

Re: Region 8 Direct Implementation of the Lead and Copper Rule

Dear Mr. Beauvais:

We appreciate the national attention and support you are providing on implementation of the Lead and Copper Rule (LCR) following recent events in Flint, Michigan, and other U.S. cities. As you know, under the Safe Drinking Water Act, EPA Region 8 has responsibilities for the implementation and enforcement of drinking water regulations in Wyoming as well as in Indian country in Region 8. I am writing today to let you know what actions we are taking to address the risks from lead in drinking water in our direct implementation program.

In the letters you sent to state drinking water programs on February 29, 2016, you requested several near term actions. Region 8's actions in each of those areas are as follows:

Near Term Action #1: Confirm that the state's protocols and procedures for implementing the LCR are fully consistent with the LCR and applicable guidance.

We are implementing the requirements of the federal LCR, and are currently reviewing our own implementation practices to identify areas where we could make improvements to account for new information, including updated guidance and best practices that have been developed nationally as a result of the increased focus on the LCR. We are also reassessing all water systems in Wyoming and Region 8 Indian Country with lead action level exceedances in the past three years to ensure requirements are fulfilled for public education, additional monitoring, and evaluation of whether corrosion control or source water treatment is necessary to reduce levels of lead.

Near Term Action #2: Use relevant EPA guidance on LCR sampling protocols and procedures for optimizing corrosion control.

The Region 8 Drinking Water Program and Laboratory have reviewed the updated EPA guidance on LCR sampling protocols dated February 29, 2016. Over the next few weeks, we will be updating our Region 8 training materials and guidance based on new national guidance on proper sample collection. Once that is completed, we will post this information on our website.

We will review the updated corrosion control treatment guidance manual as soon as it is available. Our expertise on the highly specialized field of corrosion control treatment is limited, and we currently rely on staff in the Office of Research and Development to assist us with the review of corrosion treatment recommendations and setting optimal water quality parameters. We greatly appreciate support from the Office of Water to update this guidance manual so that we can build regional capacity in this area.

Nearly all systems in Wyoming and Region 8 Indian Country serve fewer than 50,000 people and thus are classified as medium or small systems under the LCR. For these systems, the trigger for optimal corrosion control treatment is the lead action level. We will continue to focus our resources on systems with lead action level exceedances and will provide technical assistance to such systems to help them optimize treatment.

Near Term Action #3: Post on your 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).

We have training presentations on the LCR posted on our "Region 8 Drinking Water Online" website, which include an overview of the requirements for selecting Tier 1 sample locations. This information is available at: <https://www.epa.gov/region8-waterops>. We have our previous version of sampling guidance on that same website. Once our sampling guidance is updated to include the latest information, we will post the updated version on our website and conduct additional training for Wyoming and tribal operators in the coming months. We will also coordinate with certified drinking water laboratories in Wyoming to help ensure that the sampling instructions that they distribute are consistent with the latest guidance.

With our universe of mostly small, rural water systems, it is particularly challenging for us to ensure that samples are collected at Tier 1 locations. Many operators do not have records on the locations of lead service lines or as-builts for their distribution system. In many areas water system staff who made initial decisions on sample site selection are no longer in those positions. Since the federal LCR did not require that materials inventories or sampling plans be submitted for review and approval, Region 8 does not have copies of this information in our records. We request that OGWDW develop updated guidance, targeted at small system operators, on how to conduct materials inventories to help small systems reevaluate their LCR sample locations.

Near Term Action #4: Work with PWSs – with a priority emphasis on large systems – to increase transparency in implementation of the LCR by posting on their public website and/or on your agency's website information about materials inventory or LCR compliance sample results.

We do not have copies of the materials inventories that water systems completed as they were not required to be submitted to us under the LCR. For this reason, posting this information will have to be done by water systems.

We currently post all 90th percentile lead and copper results on our website as soon as the data are received from the water system operators or laboratories. The general public can access this data and search for results by water system name or other parameters. This information is available on our Drinking Water Watch – Public Access site at: <https://sdwizr8.epa.gov/Region8DWWPUB/>.

In the coming months, we will evaluate how and whether we can post on that same website all individual lead and copper sample results in addition to the 90th percentile values. Some labs report data to us electronically, but unlike a state that can develop more stringent requirements, we cannot require

that sample results be reported electronically as this is not required in federal regulations. Currently, each individual sample result is entered into our database if reported electronically. For results reported in hard copy, we have been maintaining individual results on paper and entering only the 90th percentile value into our database. We will reconsider that practice in the coming weeks and determine what capacity we have to conduct additional manual data entry.

Region 8 does not invalidate samples; all samples received are counted for compliance and would be used in the calculation of the 90th percentile values.

We will encourage water systems to be transparent. Most of the water systems in Wyoming and in Region 8 Indian Country do not have websites, but we will encourage the systems to use other appropriate methods to make information available to consumers. We plan to send a letter to water system operators/owners in the coming months to:

- (1) Highlight the importance of the LCR;
- (2) Detail updated guidance and sampling protocols; and
- (3) Recommend ways that water systems could improve transparency of water quality information directly with their customers by posting materials inventory information and sampling results on their websites or otherwise making them publicly available.

Near Term Action #5: Enhance efforts to ensure that residents promptly receive lead sampling results from 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.

Several actions already noted will enhance resident notification of sampling results and provision of information on lead risks and its abatement, and information to the general public on high lead levels in drinking water. For example:

- We are reassessing all water systems in Wyoming and Region 8 Indian country with recent lead action level exceedances to ensure requirements are fulfilled for public education (as well as additional monitoring, and evaluation of whether corrosion control or source water treatment is necessary to reduce levels of lead).
- Additional training for Wyoming and tribal operators will occur in the coming months which will include requirements for residential notification and education requirements.
- The letter to water system operators/owners we will send in the coming months will also include these notification requirements.

Following an action level exceedance, our protocol is to provide clear instructions for how and when public education must be distributed, as well as a template that water systems can use to develop their public education materials.

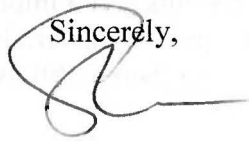
In addition to the actions described above, Region 8 is implementing the following best practices:

- Individual sample results: We will start reviewing lead results from individual homes that recently exceeded the action level to look for any localized lead problems, and will work directly with communities and the Wyoming Department of Environmental Quality or Indian Health Service on any issues that we find.

- Updating sampling plans: We started an effort about a year ago for our field staff to work with tribal water systems to update their materials inventory and LCR sampling plans. We have requested that the updated sampling plans be submitted to us for review. Additionally, we will request assistance through the Wyoming Association of Rural Water Systems to help water operators learn how to properly select Tier 1 sites and update their sampling plans. Likewise, we will request that Wyoming water systems submit updated plans to the Region.
- Monitoring at schools: We encourage water systems with schools in their distribution systems to include schools and day care facilities in their sampling plans if they qualify as appropriate sites, or to take additional samples at these locations over and above what is required.

Thank you for the opportunity to engage with your office on the Lead and Copper Rule and share our efforts for our direct implementation program. If you have any questions about the information in this letter, please feel free to contact me directly at (303) 312-6532, or your staff may contact Sarah Bahrman at (303) 312-6243, or by email at bahrman.sarah@epa.gov.

Sincerely,



Shaun L. McGrath
Regional Administrator

cc: Mr. Todd Parfitt, Director
Wyoming Department of Environmental Quality

Mr. Peter Grevatt, Director
Office of Ground Water and Drinking Water

Ms. Anita Thompkins, Director,
Drinking Water Protection Division

Mr. Ron Bergman, Associate Director
Drinking Water Protection Division

Ms. Maria Lopez-Carbo, Chief
Protection Branch