



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

JUL 27 2011

OFFICE OF
WATER

Re: Notification of Consultation and Coordination on Proposed Regulatory Revisions to the Lead and Copper Rule

Dear Honorable Leader:

The Environmental Protection Agency (EPA) is initiating consultation and coordination with federally-recognized Indian Tribes on proposed regulatory revisions to the Lead and Copper Rule (LCR). EPA is currently evaluating potential regulatory revisions to the LCR, a drinking water regulation that requires monitoring for lead and copper in public drinking water systems. These revisions may consist of changes to the sample site selection criteria for lead and copper, changes to existing tap sampling procedures, changes to requirements for lead service line replacement, and modifications to existing corrosion control requirements.

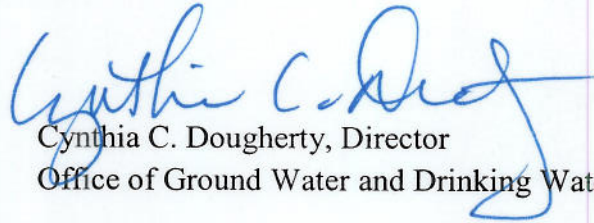
This consultation and coordination process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* (www.epa.gov/tribal/consultation/consult-policy.htm). EPA invites you and your designated consultation representative(s) to participate in this process. EPA's anticipated timeline for the consultation and coordination period is expected to extend from the date of this letter to October 28, 2011.

Enclosed is a consultation and coordination plan for this action that includes a description of the action under consultation and the process EPA intends to follow, including a timeline for the consultation and coordination period and information on how you can provide input on this action. *This information is also available on EPA's Tribal Portal* <http://www.epa.gov/tribal/consultation>

The official EPA contact person for this consultation and coordination process is Rebecca Allen, Office of Ground Water and Drinking Water, at (202) 564-4689, allen.rebeccak@epa.gov. Please do not hesitate to contact Rebecca Allen should you have any questions about this action or would like to request alternative arrangements to the process outlined in the consultation plan.

I look forward to hearing from you on this important matter.

Sincerely,



Cynthia C. Dougherty, Director
Office of Ground Water and Drinking Water

Enclosure

cc: Tribal Environmental Directors
Regional Indian Coordinators

Consultation Plan

Background information on this action

EPA is considering revisions to the Lead and Copper Rule (LCR), a drinking water regulation that requires monitoring and a treatment technique to control lead and copper corrosion in drinking water systems. The Safe Drinking Water Act (SDWA), as amended in 1996, directs EPA to review existing drinking water regulations at least once every six years and revise them, if appropriate. EPA is currently in the process of evaluating potential regulatory revisions to the existing LCR. These revisions may consist of changes to the sample site selection criteria for lead and copper, changes to existing tap sampling procedures, changes to requirements for lead service line replacement, and modifications to existing corrosion control requirements.

Potential impacts to Tribes

The LCR applies to all public water systems as defined under the SDWA. Any revisions to the LCR would impact a tribal government that operates a public water system and that must comply with the LCR. Any revisions to the LCR would also impact a tribal government that has primary enforcement authority (primacy) for public water systems on tribal lands.

Tribal government involvement in the LCR regulatory revision process

EPA is requesting input from tribal governments on how the Agency should revise the LCR while maintaining and improving public health protection. EPA is requesting input from tribal governments on the proposed regulatory revisions to the current LCR and what changes to the proposed regulatory revisions would assist tribal governments in implementing and complying with the rule while maintaining or improving public health protection. Specific regulatory revisions under consideration include:

- Changes to the tap sampling procedures for lead,
- Addition of public education requirements for copper,
- Changes to existing corrosion control requirements, and
- Changes to existing lead service line replacement requirements.

The table below outlines the process and timeline for government-to-government consultation and coordination throughout the consultation process from the date of this letter to January 20, 2012. Following consultation, EPA will work to prepare the proposed regulatory revisions for publication in the *Federal Register*.

EPA will post information for tribes on the Tribal Portal (www.epa.gov/tribal) regarding this action, including specific consultation and coordination opportunities and background information. Additional information and current activities related to the LCR proposed

regulatory revisions process can be found at:
<http://water.epa.gov/lawsregs/rulesregs/sdwa/lcr/index.cfm>

Additionally, tribal governments will also have the opportunity to submit comments on the proposed regulatory revisions as part of the public comment process for the proposed rule. The LCR proposed regulatory revisions are anticipated in 2012.

Tribal Consultation and Coordination Process and Timeline

<u>Date</u>	<u>Event</u>	<u>Contact Information</u>
December 1, 2011	National Consultation teleconference between tribal consultation officials and EPA management and staff	Teleconference time: 1:00 – 2:30 p.m. EDT Teleconference Call-in number: 1-866-299-3188 Conference code: 2025644689 EPA Contact: Rebecca Allen, (202) 564-4689
December – January 20, 2012	Posting of all relevant information to EPA Tribal Portal, including written responses to questions from Tribes.	EPA Tribal Portal at www.epa.gov/tribal