

March 28, 2016

Mr. Joel Beauvais  
Deputy Assistant Administrator  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Mr. Beauvais:

Thank you for your letter of February 29, 2016 regarding actions to strengthen the nation's safe drinking water programs. Like EPA, Alabama has no higher priority than protecting public health and ensuring the safety of our state's drinking water. As requested in your letter, Alabama is committed to work together with EPA to ensure our state is taking action to demonstrate that the federal Lead and Copper Rule (LCR) is being properly implemented and to give these efforts the highest priority.

With respect to the LCR, your letter urges Alabama to take near-term action in five areas and to provide in writing within 30 days information on our state's activities in these areas. The following addresses those activities:

**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.**

Alabama confirms we are complying with the requirements of the LCR as well as EPA guidance, as we understand them. It is important to note, EPA's guidance continues to evolve in the wake of the Flint, Michigan, crisis. Regardless, Alabama is committed to likewise follow new guidance, as it is released.

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

Alabama is committed to using relevant EPA guidance on LCR sampling protocols and guidance for optimizing corrosion control. Like most states, Alabama must rely on industry subject matter experts in the complex and highly specialized field of corrosion control. Alabama reviews, comments on, and ultimately approves corrosion control plans submitted by water systems, but it is the responsibility of water systems and their consultants to develop an appropriate approach and execute a plan that addresses the specific needs of the local system. Many corrosion control treatment systems were installed years ago and (as previously noted) EPA's guidance continues to evolve. Often, the original corrosion control treatment system designers for the local water

systems, as well as the state reviewers of those treatment systems, are no longer available to explain the basis for certain treatment choices and water quality parameters. Should EPA require reevaluation to assure these corrosion control plans comply with new EPA guidance, such reevaluations will be a burden for states and local systems and will be difficult to complete in a short period of time.

**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).**

Alabama complies with this request. Please note Alabama's current guidance includes the elements covered in the Peter Grevatt guidance memo of February 29, 2016. While Alabama has posted its guidance for the selection of Tier 1 sites, it is ultimately the responsibility of each water system to follow the guidance and select appropriate sampling sites. Alabama requires water systems to certify to the state that this process was executed correctly.

Additionally, during future compliance inspections and audits of public water systems, Alabama will evaluate the public water system's compliance with the LCR sampling protocols and guidance.

**Near Term Action #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 your agency's website:**

- **the materials inventory that systems were required to complete under the LCR, including the locations of lead service lines, together with any more updated inventory or map of lead service lines and lead plumbing in the system; and**
- **LCR compliance sampling results collected by the system, as well as justifications for invalidation of LCR samples.**

At the onset of the LCR, Alabama required water systems to complete the required materials inventory so that an adequate number of Tier 1 sites could be selected. Like most other states, Alabama did not require the water systems to submit the inventory to the state and therefore the state is not in possession of the complete inventory from the water systems. On March 2, 2016 Alabama sent a memo to all affected water systems requiring them to submit their lead and copper sampling plan (including their complete material inventory) by May 31, 2016. Water systems were also required to indicate if they had a website and, if so, the date the material inventory was posted on their site. Regardless, once received, ADEM will post the information on its electronic file network (eFile) to assure the public has access to it. Water systems are required to update this information, as necessary, prior to submitting it, and to regenerate it if it cannot be located. It is highly probable that the level of detail in many of these submittals will need to be increased due to the short time for making the submittal. Alabama is committed to work with its public water systems to provide the best information available with respect to this issue, in as timely a manner as practicable.

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Alabama already posts all LCR sample results including justifications for invalidation of LCR samples on eFile.

**Near Term Action #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.**

Alabama enforces the notification requirements in the LCR. Alabama consistently encourages water systems to move faster than the 60-day deadline required by the LCR on public education and provides water systems assistance and example materials in response to an LCR action level exceedance. Alabama recently required all certified laboratories conducting lead and copper analyses to notify the state within 24 hours of any lead compliance sample exceeding 15 ppb, similar to the way bacteriological samples are reported. This change ensures any affected Alabama resident will be notified of lead test results and receive risk and abatement information promptly.

In closing, I wish to thank you for your interest in protecting the public health of all our nation's citizens and especially the citizens of Alabama.

Sincerely,



Lance R. LeFleur  
Director

LRL/GLD/ghe

cc: Heather McTeer Toney, EPA Region IV Administrator  
James Giattina, EPA Region IV Water Protection Division  
Governor Robert Bentley