



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

April 13, 2016

Joel Beauvais
Deputy Assistant Administrator
United States Environmental Protection Agency
Washington, D.C. 20460

Dear Deputy Assistant Administrator Beauvais:

Thank you for your February 29, 2016 letter to New York State Department of Health (Department) Commissioner, Howard A. Zucker, M.D., J.D., regarding your request to have our Department join with the Environmental Protection Agency (EPA) in taking action to strengthen safe drinking water programs and assure the public that we are addressing risks from lead in drinking water.

The Department shares EPA's recognition of the critical importance of safe drinking water and we are committed to implementing and enforcing drinking water regulations here in New York State. There is no higher priority than protecting the public health and ensuring the safety of our drinking water. With the recent events in Flint, Michigan our Department's drinking water program has reviewed its implementation of the Lead and Copper Rule (LCR). Based on this review, and the request outlined in your February 29, 2016 letter, the Department would like to offer responses to the five near-term action items outlined below:

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

Protocols and procedures for implementing the LCR have been reviewed and are consistent with the EPA regulation and guidance. A separate response to specific LCR implementation questions is being provided to EPA Region 2.

- (2) *Use relevant EPA guidance on LCR sampling protocols and procedures for optimizing corrosion control;*

The Department uses the most current EPA guidance and protocols for sampling and optimizing corrosion control. We understand that EPA will soon release a new Optimal Corrosion Control Treatment technical reference document and we will subsequently utilize this to help us assure water systems comply with corrosion control treatment requirements of the LCR.

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

Our Department's website currently provides links to various types of information regarding the LCR, including information on where and how to get your water tested for lead. The information is contained under the Lead in Drinking Water link located at:

<http://www.health.ny.gov/environmental/water/drinking/>

We are working to update our website to include recent EPA clarification memos and protocols related to the LCR.

- (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 Department currently requires that all community water systems include information about LCR sampling in their Annual Water Quality Report (i.e. Consumer Confidence Report). Large systems (>100,000) are required to post these reports on their public website. The Department agrees that transparency is an important part of maintaining public confidence in the safety of their drinking water. Toward that end, we will work to encourage public water systems to make their materials inventory and LCR compliance sampling results available on their public websites. In addition, if any samples results are invalidated, in accordance with conditions prescribed in the LCR, we will ask that these justifications be posted along with the results. Our initial outreach effort will be through our annual "regulatory update" presentations at the spring New York State American Water Works Association (AWWA) and the summer New York Rural Water Association (RWA) conferences. We have utilized these venues in the past and find them to be an important instrument to help us convey policy and regulatory information to our public water systems.

- (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.*

The Department currently requires and enforces the public notification time frames specified in the LCR. We agree that providing results and information to water consumers in a timely manner, when it becomes available, is another important component in maintaining public confidence. We will therefore work to educate water systems on the importance and benefit of expediting information transmission. The Department has templates and posters available to Local Health Departments that are shared with water systems to assist them with providing public education materials in an expedited manner.

We appreciate your communication with the Department on this important public health matter and will continue to work with EPA's Office of Water and EPA's Region 2 office to ensure proper implementation and enforcement of drinking water regulations under the Safe Drinking Water Act. If you have any additional questions, please feel free to contact Roger Sokol in the Bureau of Water Supply Protection at (518) 402-7650.

Sincerely,



Nathan M. Graber, M.D., M.P.H.
Director
Center for Environmental Health

cc: P. Grevatt, EPA
D. Pabst – EPA Region 2