



March 30, 2016

CERTIFIED MAIL

Mr. Joel Beauvais
Deputy Assistant Administrator, Office of Water
United States Environmental Protection Agency
1200 Pennsylvania Ave, Mail code 4101M
Washington, DC 20460

Dear Mr. Beauvais:

I am in receipt of your letter dated February 29, 2016. The Delaware Department of Health and Social Services agrees that there is no higher priority than protecting public health and ensuring the safety of our drinking water. The Division of Public Health's (DPH) Office of Drinking Water (ODW) works closely with our water systems and maintains an excellent relationship with the Environmental Protection Agency (EPA) Region 3 staff in Philadelphia.

The Lead and Copper Rule (LCR) is a complicated rule, and as a result, is the only one which has a rule manager within ODW. This allows ODW to better track compliance and ensure systems are able to meet their requirements.

I would like to address each of your action items individually. Here is Delaware's response:

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

The Office of Drinking Water (ODW) utilizes the EPA guidance manual for implementation of the LCR. ODW reviews its protocols and procedures against EPA guidance to ensure that proper information is shared with water systems as they implement the rule. In addition we review and follow new guidance as it is issued.

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

The ODW uses relevant EPA guidance on LCR sampling protocols and procedures in order to provide the best direction possible to water systems. The ODW also works closely with our DPH Office of Engineering (OE) in providing guidance to water systems that exceed the lead action level (AL), or may be approaching the AL. The OE utilizes the EPA guidance and its many years of experience with water systems to provide the best direction possible. In addition, we rely on the expertise of the water system staff and their engineers in determining the best approach to corrosion control for each system. The

OE's knowledge of Delaware's source water quality is particularly valuable to smaller water systems. While larger systems hire engineers and rely on them to suggest treatments, smaller systems such as mobile home parks, day cares and schools often rely on OE for guidance.

(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):

All of our sampling protocols and guidance for identifying Tier 1 sites are posted on the ODW webpage at <http://dhss.delaware.gov/dhss/dph/hsp/odw.html>. We will remind our water systems that this material is available for their use.

(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:

- a. 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;**

The ODW recently began an initiative with all of our water systems to update their materials surveys. We are working with the systems to ensure we can obtain the latest information on lead service lines and any lead plumbing in the system that may be under the control of the water system.

ODW will work with the Department of Health and Social Service's Information Resource Management office to determine the feasibility of posting locational data and/or updated inventory maps on our website. We will also work with our state Attorney General's Office to ensure we comply with FOIA requirements and exemptions to the public records law regarding sharing locational data for waste and water systems. It will be difficult to obtain the level of detail from the water systems to identify specific locations of lead service lines because of outdated records, poor recordkeeping, or incomplete information from the builders of the water systems. We will encourage all water systems to maintain this information, and if feasible, post information on their websites.

- b. LCR compliance sampling results collected by the system, as well as justifications for invalidation of LCR samples;**

Compliance sample results are readily available to the public via the Delaware Drinking Water Watch website (<https://drinkingwater.dhss.delaware.gov/>). At this time only 90th percentile results are available for lead and copper. Individual sample results are maintained in our State Drinking Water Information System (SDWIS) database. We will explore options on how to make this information

available from the water systems. Invalidations are rare in Delaware however; we will also look at including invalidation of samples and posting the justifications on the ODW website. Again, we will work with the water systems and encourage them to use the technology available to them to post this information on their own websites.

- (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.**

In the event of a lead AL, a water system is required to provide public education and submit a certification to ODW that they have done so. ODW created a template for water systems to use to inform customers of a lead AL. It is posted on ODW's webpage:

<http://www.dhss.delaware.gov/dhss/dph/hsp/files/odwncwsexec.pdf> and includes information about lead abatement and health risks. The ODW has increased its efforts in tracking compliance with consumer notification of lead sampling results from their homes. The water systems have been complying with this requirement and we have not had complaints from customers about not receiving their results. The ODW is exploring ways to improve notification of the general public regarding high lead levels in drinking water systems.

The Department of Health and Social Services looks forward to working with the EPA to improve the safety and sustainability of all drinking water systems. Our Office of Drinking Water will also continue to be a partner with the EPA Region 3 staff, and through active participation in the Association of State Drinking Water Administrators, will provide input on all aspects of ensuring safe drinking water.

Sincerely,



Rita M. Landgraf
Secretary

pc: Dr. Peter Grevatt, Director
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