

March 29, 2016

Mr. Joel Beauvais, Deputy Assistant Administrator  
USEPA Headquarters  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N.W.  
Mail Code: 4101M  
Washington, DC 20460

Dear Mr. Beauvais:

I am writing in response to your February 29, 2016 request for information regarding implementation of the Lead and Copper Rule (LCR) in Kansas. Specifically you encouraged the Kansas Department of Health and Environment (KDHE) to take five near-term actions and respond back to you within 30 days. The response below provides a general overview of the LCR implementation by KDHE. Detailed LCR implementation activities and water system specific actions were previously provided to EPA Region 7 on February 24, 2016. A copy of the implementation activities provided to Region 7 is attached to this letter (Attachment A).

The following summarizes the activities taken or planned by KDHE:

1. The KDHE reviewed LCR implementation protocols and procedures for consistency with EPA guidance. As a result of the review minor adjustments in Standard and Reduced monitoring requirements were implemented based upon a more strict interpretation of the Rule. KDHE will continue to monitor and review implementation procedures and revise when appropriate to comply with new EPA guidance.
2. The KDHE follows the relevant EPA guidance on LCR sampling protocols and is working with the Kansas Health and Environmental Laboratory (KHEL) to insure the protocols are provided when sample bottles are sent to the water systems. In addition, the KHEL is in the process of changing to bottles with large openings as requested in the February 29, 2016 memo from Peter Grevatt.

During initial implementation of the LCR, large systems were required to demonstrate optimized corrosion control procedures. In addition, specific water quality parameters were established for each system. The state reviews and approves corrosion control treatment plans according to EPA guidance, however, it is the responsibility of the water systems to work with their consultants to develop new or modify existing plans to optimize corrosion control when necessary. Corrosion control plans for small and medium systems are triggered when the Action Level Exceedance (ALE) occurs.

3. Sampling protocols and instructions are posted on the KDHE Public Water Supply (PWS) website: <http://www.kdheks.gov/pws/monitoringcompliance/leadcopperrule.html>. Sample results are also available on the KDHE website through Kansas Drinking Water Watch (DWW): [http://165.201.142.59:8080/DWW/DWW\\_login.jsp](http://165.201.142.59:8080/DWW/DWW_login.jsp).

4. Material inventories were completed by water systems during the initial 1992 implementation of the LCR to identify Tier 1 sample sites. Water systems were not required to submit those inventories to KDHE and retrieval of those old, paper records may be problematic. For this reason and also respect for homeowner privacy concerns, the manner of posting this information to the public will be left to the discretion of the systems. The KDHE plans to request that water systems review and update their materials evaluations and revise sampling plans as needed to reflect their areas of greatest vulnerability. Posting of that updated information will also be left to the discretion of the water systems.

As stated in item #3, sampling results are posted on the Kansas DWW. Invalidation of sample results by KDHE only occurs as allowed under 40 C.F.R 141.86. The KDHE documents any invalidation in SDWIS within the sample results comments section, however, the comments are not displayed in DWW.

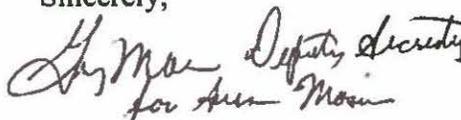
5. The KDHE enforces the Public Education and Consumer Notification requirements based on the time limits in the LCR. Lead education information is available on the KDHE website and is also sent to water systems that are required to provide public education due to an ALE. Individual homeowners where samples were collected are notified by the water system of analysis results.

The KDHE is committed to insuring that the citizens of Kansas receive drinking water that is safe and complies with all regulations. Specifically related to the LCR, KDHE has implemented the following assistance activities that go beyond compliance with the regulations.

1. Provide planning grants through the Capacity Development Program to small systems ( $\leq 3,300$  population served) for corrosion control studies when the ALE is triggered.
2. Provide up to 30% principal forgiveness on drinking water revolving loans to systems of any size for lead line replacement.

I trust the information provided in this letter along with the attached information provided to EPA Region 7 demonstrates KDHE's commitment to implementation of the LCR. If you have any questions or need additional information please contact Cathy Tucker-Vogel, Public Water Supply Section Chief and Drinking Water Administrator at [ctuckerv@kdheks.gov](mailto:ctuckerv@kdheks.gov) or (785) 368-7130.

Sincerely,

Handwritten signature of Susan Mosier in cursive, with the words "Susan Mosier" and "Deputy Secretary" written above it.

Susan Mosier, MD. MBA, FACS  
Secretary

Pc: Cathy Tucker-Vogel

Attachment