STATE OF MISSOURI
Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director
DEPARTMENT OF NATURAL RESOURCES
www.dnr.mo.gov

March 29, 2016

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

Dear Mr. Beauvais,

Thank you for your letter dated February 29, 2016 addressing implementation and enforcement of the Lead and Copper Rule (LCR) and requesting Missouri to join you in taking action to strengthen protection of drinking water supplies. My staff and I believe we have a good, comprehensive program for managing all drinking water responsibilities, including implementation of the LCR. However, we are more than willing to make adjustments to our protocols and procedures to enhance our LCR implementation efforts, especially if these changes will strengthen public health protection and public awareness of the dangers of lead.

Your letter mentions that EPA staff will be meeting with state drinking water personnel to address state implementation of the LCR. Indeed, our staff have been working diligently over the past two months responding to numerous inquiries from EPA Region 7 regarding LCR implementation and Action Level Exceeding water systems. We look forward to continuing this dialogue and discussing our efforts in coming weeks and months.

Your letter also requests states take near-term action to address several different lead risks. Following are the specific actions in your letter, and our responses:

1) **<u>Near-Term Action #1</u>: Confirm that the state's protocols and procedures for implementing the LCR are fully consistent with the LCR and applicable guidance**

   <u>Response</u>: Missouri believes that our procedures for implementing the LCR are consistent with the LCR, and hence appropriate for managing lead risks. That said, it bears mentioning that EPA guidance on implementation of the LCR has changed over time, and is currently in

a state of flux in the wake of issues raised during the Flint, Michigan event. Certain LCR implementation procedures that once were considered acceptable are no longer recommended by EPA. We have, and will continue to do our best to revise our procedures to adapt to these changes in federal recommendations for LCR implementation.

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

Response: Regarding sampling protocols, Missouri believes that its sampling protocols have been consistent with the LCR and previous direction provided by EPA staff. However, we will update our protocols and procedures based on the February 29, 2016 memo from Peter Grevatt (Director of EPA's Office of Ground Water and Drinking Water) addressing LCR tap water sampling procedures.

Regarding procedures for optimizing corrosion control, our drinking water engineering staff review treatment processes, including corrosion control plans, that are submitted by consulting engineers for new water systems or modifications to existing treatment facilities to ensure the treatment systems and corrosion control plans are consistent with Missouri's design standards and that the processes will optimize corrosion control. This includes the submission of a substantial amount of water quality data. Our engineering staff often will require water systems respond to numerous questions and requests for additional data.

Many, if not most, water systems' corrosion control plans were submitted and approved during the original implementation of the LCR in the early 1990's. It is the water system's responsibility to implement these plans via proper operation and maintenance. We do not, as a general rule, reevaluate these existing plans due to resource constraints. Instead, (except for large systems) we reevaluate corrosion control once a water system is deemed an action level exceeder (and oftentimes we will do this for individual sample results that exceed the action level, even if the system doesn't exceed the 90^{th} percentile). We will review EPA guidance on this issue and make any changes that are needed.

3) **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)**

Response: As addressed previously, we will need to make adjustments to our sampling protocols in response to EPA's February 29, 2016, guidance. At present the department does

not post sampling protocols and guidance for the identification of Tier 1 sites online, but will work with our IT staff to have this done in the near future. However, we currently send sampling protocols and guidance to each water system each time they are required to conduct LCR sampling. We also work directly with water systems on any questions they have, especially on the identification of Tier 1 sites. However, it is the water systems' responsibility to locate appropriate Tier 1 sites and then forward their sampling plans to the department.

4) Near Term Action #4: **Work with PWSs – 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 following:**

- **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.**

Response: The department does not have the materials inventory in its files; instead, this information is maintained by water systems. We will send a letter to community systems urging them to post on their web pages their materials inventory, and particularly the location of lead service lines. If they have updated inventory data, we will urge that they make that available. There are privacy issues that need to be addressed because service lines are owned by the home owner.

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

Response: Lead and copper results (and all other drinking water contaminant analytical results) are currently posted on the department's *Drinking Water Watch* (DWW) website. This website is tied directly to SDWIS, is updated daily, and has been available for several years. Invalidation justifications are not currently on the web site. Posting past LCR sample invalidations would be work intensive, as it would require a substantial amount of file review, scanning of documents and posting online. Our preference would be to change procedures going forward so that future invalidations are posted online.

5) Near Term Action #5: **Enhance efforts to ensure that residents promptly receive lead sampling results from 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.**

Response: Phone calls are currently made within a few days after a high customer result (the call is made to the operator, who is asked to contact the resident). Follow up notification, in writing, is currently performed within two weeks in normal circumstances. When sample

locations have been retested, the time it takes to collect, analyze and print results will delay the notification. The delay will happen even if a sample is not being rejected and replaced. The customer notification packet contains information concerning lead exposure and how to reduce lead exposure in drinking water. Water systems that are deemed to be lead action level exceeders are notified as soon as possible. We are in the process of developing, and soon will implement, a specific public education packet that will allow notification packets to be sent within 2-3 days of a water system exceeding the 90th percentile lead action level. We have, and will continue, to urge water systems to provide public education as quickly as possible. In some situations (e.g., a water system has poor TMF and a history of PN violations) the department performs public notice and/or education itself to ensure the public is aware of violations.

In addition to the information contained in this letter, I am sure you are aware that detailed information regarding Action Level Exceeders in Missouri and the department's LCR implementation efforts have been provided to EPA Region 7 staff, in response to several requests from Region 7. We look continuing our dialogue with both EPA headquarters and Region 7 staff on Missouri's LCR implementation efforts and ways to make improvements.

Thank you again for your interest in Missouri's implementation of the LCR program and for your advice on ways to enhance and strengthen our public health efforts relating to lead in drinking water.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

Sara Parker Pauley

Sara Parker Pauley
Director

c: Mr. Peter Grevatt, Director, Office of Ground Water and Drinking Water, USEPA
Mr. Mark Hague, Regional Administrator, EPA Region VII