VERMONT

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April 18, 2016

Joel Beauvais
Deputy Assistant Administrator
Office of Water
U.S. Environmental Protection Agency
Washington, DC 20460

VIA e-mail

Dear Mr. Beauvais:

Thank you for your letter of February 29, 2016 setting out the national priority for ensuring the safety of our nation's drinking water. Vermont takes our responsibility very seriously as a primacy state for implementation and enforcement of drinking water regulations developed by EPA under the Safe Drinking Water Act, particularly the Lead & Copper Rule (LCR). We want to share with you some of the actions we are taking in light of the events of Flint, MI, and to specifically address your requests for action in the near term for the following areas:

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

Vermont implements the federal rule and guidance essentially without any changes. As you know, EPA has had numerous revisions to the LCR over the years, and therefore the state protocols and procedures have had multiple revisions. We do believe we are in conformance with current requirements. We understand that new guidance is being developed even now in response to Flint, MI (for example, Peter Grevatt's February 29, 2016 clarification of recommended sampling procedures), and undoubtedly there will be more. Vermont will endeavor to implement the latest guidance. We have already been in touch with our certified drinking water labs to ensure expeditious use of the new sampling bottle configuration.

In response to EPA's 26 questions (received from EPA Region 1), Vermont has laid out detailed responses regarding LCR implementation, which we will return to Region 1. It is our understanding that Region 1 will provide a summary of the New England states' Lead and Copper implementation status to you.

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

We do use relevant EPA guidance for both sampling protocols as well as procedures for optimizing corrosion control, and direct links to EPA guidance are posted on our website. While we do have a chemist who assists public water systems with corrosion control, many of the decisions regarding corrosion control derive from a public water system's engineering consultant. Some of our largest systems have had corrosion control for many years. We do realize that a re-evaluation may be necessary after all these years, as state staff and water system staff involved with original decisions may have changed. We have developed a Vermont Lead Strategy, which

will involve working with our largest public water systems (9 systems greater than 10,000 in population) to do this re-evaluation.

(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).

We currently post LCR sampling protocols on our website, which closely mirrors EPA guidance, and identifies a Tier 1 site. You can find it at: http://drinkingwater.vt.gov/leadcopper/pdf/lcsampleplanguide.pdf

We intend to update our site in response to the Grevatt memo and the latest guidance on optimizing corrosion control recently issued. We also intend to examine, as part of our Vermont Lead Strategy, whether the Lead and Copper Rule sampling plans at our large systems are still evaluating Tier 1 sites. We believe so, but need to verify.

(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 following:

The materials inventory – While Vermont expected materials inventories to be done, the further expectation was that the water systems themselves would keep track of their own assets. Vermont has not received comprehensive inventories from the systems (none of Vermont's system exceed a population 50,000). We still believe it is appropriate for public water systems to keep their own inventories. As part of the Vermont Lead Strategy, we will be examining the inventories of our largest systems and will work together to publish on their website and ours an updated distribution map that identifies lead service lines/plumbing. We will also be using an asset management approach to guide necessary public water system modifications, and we will prioritize the identification of lead service line locations as part of that process.

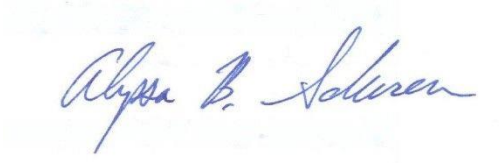
LCR compliance sampling results – As can be seen from our website, we publish EPA compliance sampling guidance. In Vermont, we have rarely invalidated a sample, but when we do it is in conformance with EPA's guidance and requirements. Typically we have only invalidated a sample when the certified lab expressly identifies problematic issues with the sample.

(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.

As part of the Vermont Lead Strategy, we intend to treat Lead sample results as if Lead is an acute contaminant. In other words, we will require Lead Education under the LCR to be delivered within 24 hours as a policy.

We appreciate EPA's initiative with respect to this significant public health matter and look forward to meeting with our federal colleagues on the implementation of the LCR and collaborating on taking the actions necessary to insure the safety of our drinking water. If you have any questions regarding these responses, please feel free to contact me or Ellen Parr Doering of my staff at ellen.parrdoering@vermont.gov or at (802) 236-1483.

Sincerely,



Alyssa Schuren, Commissioner
Department of Environmental Conservation