COMMONWEALTH of VIRGINIA

Department of Health

Marissa J. Levine, MD, MPH, FAAFP
State Health Commissioner

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March 25, 2016

Mr. Joel Beauvais, Deputy Assistant Administrator
Environmental Protection Agency
Office of Water 4101M
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Re: EPA's Office of Water Increased Oversight of Federal Lead and Copper Rule Implementation in Virginia

Dear Mr. Beauvais:

Thank you for your February 29, 2016 letter regarding the Environmental Protection Agency's (EPA) Office of Water increased oversight of Virginia's implementation of the federal Lead and Copper rule (LCR). The Office of Drinking Water (ODW) has been diligently working to implement the near-term actions requested in your letter. A summary of the near-term actions and ODW staff efforts to-date are as follows:

Near-term Action #1: Confirm that the state's protocols and procedures for implementing the LCR are fully consistent with the LCR and applicable guidance.

ODW has reviewed the agency's existing programmatic guidance with regard to the federal LCR and the guidance is consistent with the federal LCR as understood by staff. Please note that ODW will be updating the agency's existing guidance for enhanced clarity in response to near-term action #5 below. ODW is also committed to implementing newer LCR guidance as it is released by EPA, such as the newly-revised *Clarification of Recommended Tap Sampling Procedures for Purposes of the Lead and Copper Rule* dated February 29, 2016 and the forthcoming guidance entitled *OCCT Evaluation, Technical Recommendations for Primacy Agencies and PWSs*.

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

In addition to your letter, ODW is also in receipt of EPA's newly revised *Clarification of Recommended Tap Sampling Procedures for Purposes of the Lead and Copper Rule* dated February 29, 2016. ODW has provided this information to the Department of General Services' Division of Consolidated Laboratory Services (DCLS) so that the Commonwealth's water

chemistry sampling instructions can be revised. ODW is also providing the newly-revised guidance to waterworks owners within the Commonwealth so that they, or their privately-contracted laboratories, can update their existing homeowner tap sampling procedures. As noted above, ODW is committed to implementing EPA's forthcoming optimal corrosion control treatment (OCCT) guidance and will continue to partner with EPA for the sustained implementation of the federal LCR throughout the Commonwealth.

Near-term Action #3: Post on your Agency's website all state LCR sampling protocols and guidance for identification of Tier 1 sites (at which LCR sampling is required to be conducted).

ODW is currently in the process of finalizing a lead in drinking water informational webpage that will be hosted on the Virginia Department of Health's (VDH) public-facing website. This newly-developed online resource will include EPA's revised recommended tap sampling procedures for the federal LCR dated February 29, 2016. This online resource will also include hyperlinks to the Virginia *Waterworks Regulations*, which include the Commonwealth's requirements for identifying and/or establishing LCR sample site locations including Tier 1 sampling sites.

Near-term Action #4: Work with public water systems – with a priority 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 materials inventory that systems were required to complete under the LCR, including the location of lead service lines, together with any more updated inventory or map of lead service lines and lead plumbing in the system; and**
- **LCR compliance sampling results collected by the system, as well as justifications for invalidation of LCR samples.**

As noted above, ODW is currently in the process of finalizing a lead in drinking water informational webpage that will be hosted on VDH's public-facing website. Once launched, this online resource will be updated to include hyperlinks to the agency's 2013-2015 LCR compliance sampling results with a priority on large waterworks data. ODW staff is currently coordinating with the VDH Deputy Commissioner for Population Health to develop and present an online "data-story" with regard to the Commonwealth's LCR compliance sampling results.

ODW discussed EPA's request to provide website posting of the required materials inventories, including any relevant updates, with the members of the Virginia Waterworks Advisory Committee (WAC) at their March 17, 2016 meeting. Please note that the Virginia WAC members expressed a number of concerns regarding this request, primarily about the expenditure of a substantial amount of staff and financial resources to complete this request, which may detract from other necessary and/or required activities. At this time, ODW will encourage waterworks owners to compile and post the requested information on their websites as time permits.

<u>Near-term Action #5:</u> 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.

ODW provides general, and in some instances more in-depth, assistance to waterworks owners and/or operators regarding their Public Education (PE), Consumer Confidence Reports (CCRs), and Consumer Notices. By providing this assistance, ODW is currently working to ensure that residents and the general public receive prompt information regarding lead in drinking water. In addition to providing the aforementioned assistance, ODW will update and/or revise its existing Consumer Confidence Report and Consumer Notice templates for further clarity.

If you have any questions about this letter, please do not hesitate to contact John J. Aulbach II, PE of my staff at 804-864-7500 or John.Aulbach@vdh.virginia.gov.

Sincerely,

Marissa J. Levine, MD, MPH, FAAFP
State Health Commissioner

cc: David H. Trump MD, MPH, Chief Deputy Commissioner for Public Health and Preparedness
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The Honorable William Hazel, Secretary of Health and Human Resources