

March 31, 2016

Joel Beauvais  
Deputy Assistant Administrator  
EPA Office of Drinking Water  
Environmental Protection Agency  
Washington, D.C. 20460

Dear Mr. Beauvais:

Nebraska is proud of the work it has accomplished protecting our drinking water. As a primacy state under the federal Safe Drinking Water Act, we understand the concerns of many about the safety of drinking water supplies. The Nebraska Safe Drinking Water Act and its accompanying regulations stand as a testament of our commitment. The implementation of the Lead and Copper Rule here in Nebraska has advanced our mission in DHHS and in Public Health to "Helping People Live Better Lives."

In your letter of February 29, 2016 to State Primacy Agencies, you requested a response in 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.

The Nebraska Public Drinking Water Program implemented the Nebraska Lead and Copper Rule (LCR) to be consistent with the EPA LCR and applicable EPA guidance.

With new clarifying information released on February 29, 2016 by Peter Grevatt, Director, Office of Ground Water and Drinking Water, Nebraska will review our current policies and make any appropriate changes.

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

It is Nebraska's practice to ensure public water systems are following an appropriate sampling protocol for the collection of LCR samples.

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).

Currently the Department does not post LCR sampling protocols and guidance for identification of Tier 1 sites on our website. The information for the identification of Tier 1 sites is located in our regulations at Title 179 NAC 12-009.01C. The Sample collection methods are located at Title 179 NAC 12-009.02.

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We will post on our website the location of these regulations. Sample instructions and guidance to systems for identifying sampling sites are also periodically published in our newsletter and in our sample instructions that accompany sample kits.

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 and lead plumbing in the system:

The materials inventory requirement was called for at the inception of the LCR. We believe that the large systems (deeded greater than 50,000 population) will have this information. We will discuss with them posting this information.

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

LCR compliance sample results are currently posted through the Nebraska Drinking Water Watch website. <https://sdwis-dhhs.ne.gov:8443/DWW/>

Invalidation of LCR samples are not currently addressed on the website. This is an area that we will need to develop. The Drinking Water Program has a policy that addresses the invalidation of samples. Sample invalidation is handled on a case by case basis using a number of categories for evaluation.

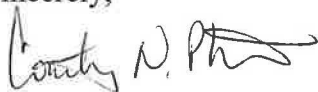
5.) Enhance efforts to insure that residents promptly receive lead sampling results from their homes, together with clear information on lead risks and how to abate them, and that the general public receives prompt information on high lead levels in drinking water systems.

Nebraska provides to a Public Water System an explanation for the individual home owner. Nebraska has followed the EPA provided language for such explanations.

Nebraska will continue to work with our systems to receive as prompt a notification as possible.

EPA has always been a willing partner as we protect Nebraska's drinking water. We will continue to work with you toward this goal.

Sincerely,



Courtney N. Phillips MPA  
Chief Executive Office  
Department of Health Services