



NEVADA DIVISION OF  
**ENVIRONMENTAL  
PROTECTION**

STATE OF NEVADA  
Department of Conservation & Natural Resources

Brian Sandoval, Governor  
Leo M. Drozdoff, P.E., Director  
David Emme, Administrator

April 8, 2016

Mr. Joel Beauvais, Deputy Assistant Administrator  
US Environmental Protection Agency  
Office of Water, Mail Code 4101M  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Mr. Beauvais:

The State of Nevada, Division of Environmental Protection, is responding to your request to join the US EPA in reinforcing our safe drinking water programs, consistent with our shared recognition of the critical importance of safe drinking water for the health of Nevadans and our visitors. In your February 29, 2016 correspondence, it was asked that the State take certain near-term actions to assure the public of our shared commitment to addressing lead risks.

The Division of Environmental Protection, Bureau of Safe Drinking Water has specifically addressed the five areas of US EPA concern; and a detailed response is enclosed. You will find that the program has responded with updates to State guidance, as well as provided helpful information and compliance data on the Division's website.

Our staff has participated in the past on the State-EPA Workgroup for long term revisions to the Lead and Copper Rule (LCR), and engaged with the National Drinking Water Advisory Council to provide our State's perspective on LCR implementation. We remain committed to actively engaging with your staff on future updates to the Rule.

Please do not hesitate to contact me, or your staff may contact Ms. My-Linh Nguyen, Ph.D., Chief of the Bureau of Safe Drinking Water at (775) 687-9515.

Sincerely,

David Emme  
Administrator

enclosure: Nevada Response for EPA's Letter to State Commissioners

cc: Leo Drozdoff, P.E., Director  
Jennifer Carr, P.E., Deputy Administrator, NDEP  
My-Linh Nguyen, P.E., Chief, NDEP-BSDW

## **Nevada Response for EPA's Letter to State Commissioners**

### ***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***

The Bureau of Safe Drinking Water (BSDW) has been implementing the Lead and Copper Rule consistent with the primacy approval granted by EPA Region 9 in 1996 and subsequent revisions and modifications to the rule. BSDW has a rule manager that oversees compliance with the LCR requirements. The LCR has been and continues to be implemented consistent with the regulatory requirements and applicable guidance. Staff remains engaged in conversation with EPA Region IX on implementation of the LCR and will incorporate any additional feedback as provided. BSDW realizes the importance and complexity of LCR and is, therefore, reviewing its procedures to ensure that timely and consistent compliance determinations are made and documented.

### ***Near Term Action #2: Use relevant EPA guidance on LCR sampling protocols and guidance for identification of Tier 1 sites (at which LCR sampling is required to be conducted).***

The Bureau of Safe Drinking (BSDW) adheres to 40 CFR §141.86(b) as its sampling protocol. Historically, BSDW has recommended the practice of pre-flushing since the implementation of the Lead and Copper Rule (LCR) back in 1992, which was based on initial EPA LCR guidance. As a result of recent developments and EPA's recent *Memorandum on Clarification of Recommended Tap Sampling Procedures for Purposes of the Lead and Copper Rule (2/29/16)*, BSDW no longer recommends pre-flushing and has updated its "Guidance for Small Water Systems to Comply with the Lead (Pb) and Copper (Cu) Requirements" and associated forms, revised March 02, 2016. BSDW provided detail on these changes during a presentation at the Nevada Rural Water Association's annual Conference on March 17, 2016. BSDW will continue to remain focused on developing events, trainings and alerts concerning lead and copper issues in drinking water, and respond accordingly.

BSDW has historically utilized the EPA guidance for site selection criteria. Several documents have been key to BSDW's implementation of LCR, being the EPA 141-A form, EPA's *Lead and Copper Monitoring and Reporting Guidance for Public Water Systems* (February 2002), and BSDW's "Guidance for Small Water Systems to Comply with the Lead (Pb) and Copper (Cu) Requirements." BSDW's approval of initial site sampling plans followed EPA's guidance, and this practice has continued. Systems are periodically required to update plans as a result of water system consolidation, changes in source water quality, treatment additions or modifications, action level exceedances, and loss of historic plans. Changes to sampling plans are adhered to as per 40 CFR §141.86, but BSDW relies on information provided by the system with regard to changes in sampling locations.

BSDW maintains the 90<sup>th</sup> percentile results in electronic form and made the information available on our website for all systems subject to the LCR.

([http://ndep.nv.gov/bsdw/docs/Lead Compliance Results 15Mar16.pdf](http://ndep.nv.gov/bsdw/docs/Lead_Compliance_Results_15Mar16.pdf))

Written documentation of individual sample results and sample invalidations are required. The official record of data and determinations is in hard copy form. Individual sample results are not entered into SDWIS but record copies are available in paper files. BSDW staff has been working to develop a consistent and acceptable way to record sample invalidations in SDWIS. Providing this information, going forward, may be more easily accomplished but reporting historical decisions will be difficult.

***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.***

BSDW staff evaluates lead and copper levels in water systems, reviewing each lead result individually. Consumer notice verification is discussed with the public water systems. Whenever staff sees an individual lead result in exceedance of the action level, staff interacts with the water system to investigate the potential source(s) of the problem, provide technical assistance to remedy the problem, and discuss the water system's notification to the homeowner. BSDW staff works closely with water systems to encourage faster Public Education (PE) issuance and provide assistance and example materials in response to the initial action level exceedance. To enhance this program BSDW staff will be discussing potential strategies to support water systems in evaluating and communicating lead results more quickly. They may include:

- Monitoring at schools,
- Providing guidance on 90<sup>th</sup> percentile calculations and investigating potential source of elevated lead levels,
- Updating materials inventories & sampling plans,
- Facilitating rapid and accurate sharing of sample results,
- Maintaining a current status spreadsheet on Lead Action Level Exceedances