

March 25, 2016

Mr. Joel Beauvais
Deputy Assistant Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Beauvais:

Thank you for your letter dated February 29, 2016 regarding the protection of our nation's drinking water under the Safe Drinking Water Act and the Lead and Copper Rule (LCR). Pennsylvania currently has the 4th largest workload in the country with 8,714 public water systems (PWS) that serve 10.7 million people. Of these PWSs, 3,054 must comply with the LCR, including 1,966 community water systems (CWS) and 1,088 nontransient noncommunity water systems (NTNCWS).

Pennsylvania shares your commitment to protecting public health and has always strived to implement the LCR consistent with state and federal regulations and guidance and to the best of our ability. Noncompliance with all rules, including the LCR, is generally addressed in a timely and appropriate manner. Since 1992, more than 4,500 violations have been issued for the LCR. Approximately 1,400 of these violations were for water systems that are no longer active. The remaining 3,120 violations for active water systems can be broken out as follows:

- 2,840 monitoring/reporting violations
- 264 treatment technique violations (221 for failure to submit corrosion control treatment (CCT) permit application; 43 for failure to install CCT)
- 12 public education violations
- 4 water quality parameter violations

To date, all but approximately 50 violations have been returned to compliance using both formal and informal enforcement actions. Most of the remaining open violations are monitoring/reporting violations and are associated with the most recent monitoring period (2013 – 2015).

Regarding the most recent monitoring period (2013 – 2015), of the 3,054 water systems that must comply with the LCR, 99 water systems (or 3.2%) had a lead action level exceedance. To date, 45 water systems have already returned to compliance. The remainder of the water systems is on the path to compliance (installing treatment, etc.) or enforcement actions have been initiated. An updated status report on these water systems is enclosed.

Pennsylvania revised its LCR regulations and guidance in 2010 following the Environmental Protection Agency (EPA's) promulgation of the LCR Short-Term Revisions (LCR-STR) in 2007. Implementation of the LCR-STR was accomplished while also promulgating and implementing several additional federal rules in quick succession including the following:

Regulatory Schedule		
Regulation	EPA Pub Date	DEP Pub Date
LCR-STR	10/10/2007	12/18/2010
Stage 2 DBPR	01/04/2006	12/26/2009
Long Term 2 ESWTR	01/05/2006	12/26/2009
Ground Water Rule	11/08/2006	12/26/2009

Pennsylvania is also gearing up to implement the Revised Total Coliform Rule which is effective April 1, 2016.

During this time period, state and federal funding has not kept pace with the heavy regulatory workload. Since 2009, due to state and federal budget cuts, the number of field inspectors has decreased by 25%. Each of our field inspectors is currently responsible for 90 – 161 PWSs, with an average of 138 PWSs/inspector. These numbers are well over the recommended number of 100 – 125 PWSs/inspector as per a workload analysis. The numbers also far exceed the national range and average of 45 – 140 and 67, respectively. (Source for national data – 2012 Association of State Drinking Water Administrators Survey)

Considering our limited resources, but also recognizing the importance of reducing exposure to lead, I would like to provide the following information regarding near-term actions to assure the public that we are appropriately addressing risks from lead in drinking water.

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

Response: Pennsylvania has primacy for the LCR. As such, state regulations are at least as stringent as the federal LCR. Here is the link to Pennsylvania's regulations at Title 25 PA Code Chapter 109 (Safe Drinking Water):
www.pacode.com/secure/data/025/chapter109/chap109toc.html

To the best of our knowledge, Pennsylvania's protocols and procedures for implementing the LCR are consistent with EPA guidance, with the exception of EPA's new guidance on recommended tap sampling procedures (dated February 29, 2016). A mailing will be sent to all applicable water systems within 30 days that includes EPA's new sampling guidance. The state's existing guidance will also be updated to incorporate EPA's new sampling guidance as soon as practicable, taking into consideration the state's publication process.

Please note that Pennsylvania will strongly recommend that water systems comply with EPA's new sampling guidance. However, states cannot enforce guidance. EPA is encouraged to move forward with the Long-Term Revisions to the LCR as soon as possible.

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

Response: EPA's new sampling guidance will be conveyed to all applicable water systems and the state's guidance will be updated accordingly.

Regarding the state's procedures for optimizing corrosion control, Pennsylvania has long-required a feasibility study and permit for new CCT. We have also required a permit amendment for any changes to sources and/or treatment. All permit applications must include an assessment for simultaneous compliance with the LCR. See enclosed permit application instructions and checklist.

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: Pennsylvania currently has three webpages related to the LCR as follows:

- Website targeted to consumers: www.dep.pa.gov/Citizens/My-Water/PublicDrinkingWater/Pages/Lead-in-Drinking-Water.aspx#.Vs2ylvMo691
- Website targeted to schools and day care centers: www.dep.pa.gov/Citizens/My-Water/PublicDrinkingWater/Pages/Lead-and-Drinking-Water.aspx#.Vs39EfMo691
- Website targeted to public water systems: www.dep.pa.gov/Business/Water/BureauSafeDrinkingWater/DrinkingWaterMgmt/Regulations/Pages/Lead-and-Copper-Rule.aspx#.Vs20dPMo691

Guidance currently exists on the PWS LCR website regarding identification of Tier 1 sites. The new EPA sampling guidance has been posted to this website as well. Pennsylvania's existing guidance will be updated to include the new sampling guidance as soon as practicable.

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, together with any more updated inventory or map of lead service lines and lead plumbing in the system*

Response: Pennsylvania will work with public water systems – with a priority emphasis on large systems (>50,000 population) – to post on their public website the sample site location plan which includes a materials evaluation of the distribution system, lead and copper tap sample site locations, water quality

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parameter sample site locations, certification that proper sampling procedures are used, and a copy of the sample collection procedures distributed to residents. Homeowner names and addresses will most likely be redacted.

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

Response: All compliance sampling results, including results for the LCR, have been publicly available on our website since 2002. Sample results, inventory information, and violations can be accessed using the Drinking Water Reporting System at the following link:

www.drinkingwater.state.pa.us/dwrs/HTM/SelectionCriteria.html

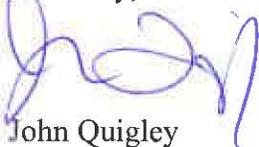
Pennsylvania electronically stores the justification for invalidation of LCR samples in PA Drinking Water Information System (PADWIS). This information is currently available internally. Pennsylvania will explore options for making this information available to the public.

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*

Response: Pennsylvania will continue to fully implement and enforce the regulatory requirements for public notification, public education and consumer tap notices. In addition, we will strongly encourage water systems to deliver these notices as soon as possible.

We look forward to working with EPA on this important matter. Please do not hesitate to contact Lisa Daniels, Director of the Bureau of Safe Drinking Water, by e-mail at ldaniels@pa.gov or by telephone at 717.772.4046.

Sincerely,



John Quigley
Secretary

Enclosures:

Lead ALE status report

Permit application instructions and checklist