



March 28, 2016

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

Dear Mr. Beauvais:

As you state in your letter of February 29, 2016, there is no higher priority than protecting public health and ensuring the safety of our nation's drinking water. This is critical not only in protecting the health of all individuals in our communities but also to maintain the public's trust.

In response to your letter we have enclosed information about Minnesota's implementation of the Lead Copper Rule (LCR) to address your request to:

- (1) Confirm that the state's protocols and procedures for implementing the LCR are fully consistent with the LCR and applicable Environmental Protection Agency (EPA) guidance;
- (2) Use relevant EPA guidance on LCR sampling protocols and procedures for optimizing corrosion control;
- (3) Post on your agency's public website all state LCR sampling protocols and guidance for identification of Tier I sites (at which LCR sampling is required to be conducted);
- (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 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; and
 - LCR compliance sampling results collected by the system, as well as justifications for invalidation of LCR samples; and

Mr. Joel Beauvais
Page 2
March 28, 2016

- (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.

Please feel free to contact Randy Ellingboe of my staff at 651-201-4647 or randy.ellingboe@state.mn.us if you have any questions about our actions and response.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward P. Ehlinger". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward P. Ehlinger, MD, MSOPH
Commissioner
P.O. Box 64975
St. Paul, MN 55164-0975
www.health.state.mn.us

Enclosure

Minnesota Department of Health Drinking Water Protection Program

Responding to the EPA 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 Minnesota Department of Health (MDH) adopts the Safe Drinking Water Act and amendments by reference. Through statute, primacy documents, water supply guidance, annual work plans, policy and procedures, and formal audits, MDH carries out its regulatory responsibilities of the SDWA. These regulatory processes are ongoing and dynamic. Not static. MDH works collaboratively with US EPA in the implementation of the Lead and Copper Rule (LCR). To ensure that MDH meets regulatory equivalency in achieving the public health goals and regulatory requirements of the LCR, MDH consults with the US EPA on all implementation procedures related to sample collection, compliance and enforcement determination, and consumer awareness.

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

MDH utilizes EPA guidance on LCR sampling protocols and procedures for optimizing corrosion control. MDH will provide copies of sampling protocols and procedures to the EPA.

Reevaluation of optimized corrosion control treatments may be necessary so that current staff have an adequate understanding of the decisions that were made. MDH maintains electronic case files on systems which contain historical water quality parameter data, case notes, recent feedback to systems, and treatment information. MDH compliance staff review historical files on a case by case basis when results of lead and copper samples are sent to systems. Except for larger systems, the trigger for adopting Optimal Corrosion Control Treatment (OCCT) is the lead action level. Some systems operating consistently below the action level may not be truly optimized, although they're in compliance. MDH provides guidance and feedback to systems on an ongoing basis to make sure that the systems with corrosion control are maintaining optimal treatment.

Near Term Action #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).

MDH is working to revise all guidance documents currently posted to match the elements covered in the Grevatt guidance memo of February 29th, 2016. Due to recent changes to EPA's website some links are now broken. MDH did not historically have LCR sampling protocols posted, however sampling protocols have been routinely shared with water systems during

periodic mailings on monitoring requirements or included with sampling instructions from state contracted labs when sample kits are provided to systems.

While guidance on the selection of tier 1 sites can be shared, it is still up to the water system to follow these and select appropriate sites. MDH can ask the water systems to certify to the state that this process was done correctly. As with selection of treatment, the staff at the water system who made initial decisions on sample site selection may no longer be around. Even though many of the sites may still be in use, the basis for their original selection may not be known. MDH has ongoing presentations on LCR rule planned throughout 2016 to suggest that systems verify that sample sites meet tier criteria.

Near Term Action #4: Work with PWSs – 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:

MDH is working with the large systems in our state to increase transparency. MDH has met with our largest systems (Minneapolis and St. Paul) to discuss methods to improve transparency and will be working with them to profile lead from service lines during flushing events, and provide better guidance to homeowners utilizing the “let it run” guidance.

- ***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.***

MDH does not maintain a database containing an inventory of lead service lines. This information was not previously required to be maintained. For this reason, posting this information will have to primarily be at the water system level – or, alternatively, MDH will need to collect inventory data in a readily sharable format to post on a state site. State posting in that case will be a major challenge and not easily accomplished in a short period of time. In addition, the level of detail necessary to identify specific locations of all lead service lines may not have been present in the original materials inventory, further complicating the process of sharing these data. Extensive and more detailed inventories will be required for many water systems. MDH is working to prepare a survey for water systems to assess where systems are at with respect to knowledge of both customer and system owned lead service lines and their standard operating procedures when lead service lines are encountered during maintenance.

MDH is also considering possible approaches to home owner disclosure similar to (radon and lead paint disclosures) to inform homeowners and potential homebuyers of lead service lines. This will require a database of lead service lines be created and conversations with water systems to help will be an integral part of this discussion.

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

MDH maintains all compliance sample results collected by water systems and is working on developing a way to post this data. MDH does not allow invalidation of samples after results are analyzed.

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.

MDH has a process in place to assure that residents receive lead sampling results from their homes in accordance with the LCR. MDH provides water systems with the LCR results and educational materials so that they can be quickly distributed to residents. MDH will review the work processes and educational information we provide as part of our continuous improvement efforts and look for ways we can improve the speed of results reporting.