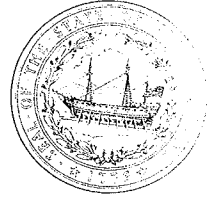




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 31, 2016

Sent Via Regular Mail and Email

United States Environmental Protection Agency
Office of Water, 4101M
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Implementation of the Lead and Copper Rule

Dear Deputy Assistant Administrator Beauvais:

Thank you for your letter concerning the implementation of the Lead and Copper Rule (LCR). The New Hampshire Department of Environmental Services (NHDES) shares your belief that there is no higher priority than protecting public health and ensuring the safety of drinking water. Recent events in Flint, Michigan have prompted NHDES to review our current LCR procedures and data and to look for program enhancements that could improve public health protection. The staff of NHDES welcomes the opportunity to partner with your staff and others to further strengthen the implementation of this important rule. Reducing exposure to lead in drinking water will only be accomplished by joint efforts that include participation of water systems, consumers and all levels of government.

Below please find our responses to your requests regarding near-term actions. Also attached are the NHDES's response to an in-depth information request from EPA Region 1 and a March 11, 2016 memo from NHDES to non-transient water suppliers and water system operators which clarifies recommended and required LCR practices.

Response to Requests:

1&2. "Confirm that the state's protocols and procedures for implementing the LCR are fully consistent with the LCR and applicable EPA guidance." and "Use relevant EPA guidance on LCR sampling protocols and procedures for optimizing corrosion control."

NHDES's current protocols and procedures for implementing the LCR are consistent with the LCR and applicable EPA guidance. Further, any discrepancies that did exist have been addressed by the attached March 11, 2016 memo which clarifies recommended and required LCR practices.

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)."

There is a LCR web page on the NHDES website that contains all guidance and information relevant to the LCR. The attached March 11, 2016 memo, which incorporates all new or clarified guidance from EPA, has recently been posted to this page.

4. "Work with public water systems- with a priority and 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"

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

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

NHDES is committed to working with water systems, prioritized by greatest population served, to document and make information available to the public regarding the location of lead service lines and goosenecks, sample site plan rationale, and the extent of sampling at systems serving sensitive populations (i.e., schools and daycares). NHDES has hired a part-time engineer who will be dedicated to this work. In addition, the NHDES website will be thoroughly reviewed and modified as needed so that the public can readily learn how the rule is implemented, where samples are being taken and what the water quality results are, including information on any samples invalidated in accordance with the criteria specified in the LCR.

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."*

NHDES effectively tracks and ensures that residents receive lead sampling results and public education that provides information on lead risks and how to abate them. The attached March 11, 2016 memo from NHDES to water suppliers requests that water systems provide results and public education as soon as possible if any lead is detected and suggests immediate outreach if levels are elevated to near or above 15 ppb, rather than utilizing the "within 30 days" for consumer notification and "within 60 days" for public education that is currently specified in the LCR. Previously described improvements to the NHDES website should increase the ability to provide information promptly to the general public on high lead levels in public water systems.

I look forward to our continued partnership with EPA on this matter and on all aspects of safe drinking water. Please do not hesitate to contact Sarah Pillsbury (Sarah.Pillsbury@des.nh.gov, 603-271-1168), Administrator of the Drinking Water and Groundwater Bureau, or me (Tom.Burack@des.nh.gov, 603-271-2958) should you have any questions.

Sincerely,



Thomas S. Burack
Commissioner

Enclosures (2)

cc: Sarah Pillsbury, Administrator, DWGB, NHDES
Eugene Forbes, Water Division Director, NHDES
Clark Freise, Assistant Commissioner, NHDES
Jane Downing, Drinking Water Branch Chief, EPA Region 1