



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 19 2016

OFFICE OF WATER

Mr. Ken Norton
Chairman, National Tribal Water Council
c/o United South and Eastern Tribes, Inc.
711 Stewarts Ferry Pike
Nashville, Tennessee 37214

Dear Mr. Norton:

As you know, the U.S. Environmental Protection Agency has been working with our state and tribal partners to identify ways to strengthen implementation of the nation's drinking water programs, with a particular focus on the Lead and Copper Rule, in light of concerns raised in Flint, Michigan and other communities. I am writing you today to share LCR implementation information recently gathered from primacy agencies and to ask you to encourage tribal utilities to implement best practices that have been identified to protect public health and provide customers with information on drinking water safety. The EPA appreciates the opportunity to work with the National Tribal Caucus to share this information broadly with tribal entities and utilities.

As described in my March 15th letter to tribal leaders on actions the EPA is taking to strengthen the implementation of our safe drinking water programs, I sent letters to the Navajo Nation and state primacy agencies asking for continued partnership in implementation of the LCR. Under the Safe Drinking Water Act, the EPA has primary responsibility for the implementation and enforcement of drinking water regulations in almost all of Indian country; the Navajo Nation maintains primacy for most systems on the Navajo Reservation. In this letter, I requested their help in identifying opportunities to improve transparency and distribution of public information.

The EPA received responses from every primacy agency, and some identified practices and policies that enhance implementation of the LCR beyond the required rule provisions. Some of these highlighted practices included:

- Promoting transparency with public water systems by posting individual lead compliance samples and 90% percentile values on their public websites;
- Shortening reporting and notice timeframes by providing notices to consumers as quickly as 48 hours after sampling;
- Enhancing rule implementation by requiring public water systems to update their "materials evaluations", to increase understanding of lead service line (LSL) locations to ensure an adequate pool of "Tier I" locations; and
- Working with local school boards to sample and replace old drinking water fountains and fixtures at schools.

Although many primacy agencies have provided examples of best practices that go beyond the minimum rule requirements, others have identified challenges with some of these same activities. In particular, a number of primacy agencies identified problems with posting individual lead samples because of limited information technology resources and/or concerns with privacy and security. However, the substantial number of agencies that are posting individual sample results indicates that these challenges can be overcome. The EPA believes that posting of individual sampling results is important for public transparency and encourages tribes that are not yet posting individual samples to enable them to adopt this practice.

The EPA is concerned with challenges related to LSL inventories. Improving knowledge of LSL inventories is important in ensuring that systems are taking lead samples from valid Tier 1 sites, as required under the LCR, as well as for effective management of risks associated with LSL disruption, and for providing information to customers on how to assess and mitigate risks from these service lines. We are encouraged that some agencies have identified examples of systems providing on line searchable databases of lead service lines, or have committed to working with systems to develop updated inventories. The EPA will continue to work with tribes to ensure that identification of the locations of LSLs remains a priority for implementing the LCR.

For your information, the communications to and from primacy agencies may be found at <https://www.epa.gov/dwreginfo/epa-letter-governors-and-state-environment-and-public-health-commissioners>.

Thank you in advance for your support as we work with you to ensure safe drinking water is available throughout Indian country. The EPA strongly encourages tribes to continue to seek effective strategies and actions to minimize lead levels in drinking water and keeping the public informed. If you have any questions or suggestions, please contact me or Peter Grevatt, Director of the Office of Ground Water and Drinking Water at Grevatt.peter@epa.gov or 202-564-8954.

Sincerely,

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

Joel Beauvais

Deputy Assistant Administrator