



Maryland

Department of
the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

March 31, 2016

Mr. Joel Beauvais
Deputy Assistant Administrator
Office of Water
U.S. Environmental Protection Agency
Mail Code 4601M
Washington, DC 20460

Dear Mr. Beauvais:

Thank you for your recent letter regarding the safety of our nation's drinking water supply. The Maryland Department of the Environment (Department) appreciates your leadership and the Office of Water's continuing commitment to one of our nation's most precious resources.

The goal of protecting public health is a top priority of the Department, and ensuring that the public is provided with safe and affordable drinking water is of paramount importance in achieving this goal. Recent events in Flint Michigan highlight the importance of this priority. Upon learning of the situation in Flint, Maryland initiated a self evaluation of our regulations and programs in relation to the Lead and Copper rule to identify whether any potential blind spots exist within our operation. We are confident we have compliant and protective programs in place but are not complacent about the need for continuous improvement. Specific safeguards built within Maryland's regulatory and programmatic plan strengthen the current State's Lead and Copper Rule (LCR) implementation.

I am encouraged EPA wants to work with states, localities and other key decision makers and stakeholders to identify strategies and actions to better protect the safety of our nation's drinking water systems. We all need to learn from Flint and strengthen the relationships among the federal, state, local and public and private sector partners. Strong partnerships with a clear set of rules and transparent strategies make us better prepared to prevent and respond to potential public health emergencies.

In specific response to your near-term action requests:

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

Maryland's implementation of the LCR is fully consistent with the Lead and Copper Rule and applicable guidance. In addition, Maryland implements a number of regulatory and programmatic procedures that protect consumers from any shortcomings of the rule. They include requirements for the approval of new sources; construction permits for water systems; review and approval of any addition or removal of a chemical treatment; issuance of the certificates of potability for new sources;

tracking and responding to public water systems' customer complaints; and posting information and fact sheets for water systems and consumers on our website.

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

Maryland follows EPA guidance and federal regulations including LCR sampling protocols for Tier 1 sites. The Department sampling protocols do not allow removal and cleaning of aerators or pre-stagnation flushing. The Department is revising our procedures to mirror the procedures provided in the memo.

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)."*

The Department maintains a website for public water systems and consumers on current drinking water issues and regulations. The Department includes a link to EPA's website for guidance documents for each rule including LCR. The Department will post State LCR sampling protocols and guidance for identification of Tier 1 sites on our agency website.

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

In February 2016, the Department initiated a survey of all community water systems to update the current inventory of community water systems with lead service lines. Maryland's two largest water systems, that collectively serve 70% of the State's population served by a community water system, reported the systems have no lead service lines. The Department intends to encourage the State's nine large public water systems to make appropriate information available on their websites.

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.*

The Department enforces the 30-day notification requirement for PWSs to provide a copy of the individual LCR test results to the residents, homeowners, renters, and employees who participated in the LCR sampling process. The systems are directed to provide the Department with a copy of the notification, and certification that these steps have been completed. The notice provides information on how to abate lead exposures. If a water system exceeds the action level (AL), the Department requires public education. If the lead AL exceedance occurs at a school or a day care facility, the

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Department requires that every student be provided a letter for their parents and guardians regarding the lead exceedances.

Thank you again for your letter. If you would like to discuss this further, please call me at 410-537-3084 or Lynn Buhl, Director of Water Management Administration at 410-537-3567 or by email at lynn.buhl@maryland.gov.

Sincerely,



Ben Grumbles
Secretary

Thank you!

cc: Lynn Buhl, Director, Water Management Administration