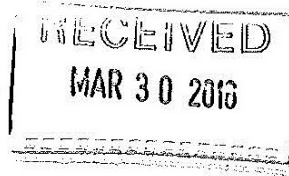


Department of Health and Human Services
Commissioner's Office
221 State Street
11 State House Station
Augusta, Maine 04333-0011
Tel.: (207) 287-3707; Fax (207) 287-3005
TTY Users: Dial 711 (Maine Relay)



March 28, 2016

Joel Beauvais, Deputy Assistant Administrator
United State Environmental Protection Agency
Washington, D.C. 20460

Dear Administrator Beauvais:

Thank you for your letter of February 29, 2016, regarding the implementation status of the Safe Drinking Water Act's Lead and Copper Rule (LCR) in Maine. Maine's Department of Health and Human Services (DHHS) is committed to working with EPA, public water systems, and the public to ensure proper implementation of the LCR and appropriate public education and notification.

As you requested, the following summarizes DHHS's planned or current near-term actions in relation to the areas of concern in your letter:

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

Near-Term Action: In September 2015, prior to the recent attention given to lead in drinking water, our staff began a re-evaluation of our implementation of the LCR. Our staff has developed a plan to review and revise, as needed, all implementation procedures and policies to ensure they are consistent with the LCR and applicable EPA guidance.

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

Near-Term Action: DHHS is currently in the process of updating sampling protocols based upon the February 29, 2016, memorandum from Peter Grevatt, EPA's Director of the Office of Groundwater and Drinking Water. Prior to this, DHHS' protocols for LCR sampling were based upon EPA guidance and training. DHHS has and will continue to use EPA guidance to evaluate corrosion control treatment to ensure that lead and copper treatment systems are appropriately optimized, including review and approval of corrosion control treatment, inspection of treatment systems, establishing water quality parameters and requiring appropriate ongoing water quality and lead monitoring.

- 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).*

Near-Term Action: DHHS has for many years posted documents related to sampling protocols on our public website. Updates to the sampling protocols will also be posted. DHHS will add additional guidance related to identification of Tier 1 sites and sample site selection.

- 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:*

- *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.*

Near-Term Action: Starting with the largest water systems, DHHS will work with water systems to update their materials inventory and post appropriate information on their websites when practical.

DHHS worked with systems in the early 1990s after the LCR was promulgated to ensure that materials inventories were completed. These inventories were used to establish sample sites. However, because there was no requirement for systems to submit the entire inventory to the state, DHHS does not have this information to post on its website. Water systems will need a reasonable amount of time to update their materials inventories before they are able to post this information on their own websites.

Public water systems in Maine have reported to DHHS that they have no known lead service lines. However, on rare occasions, a lead service line may be found when other construction activities are occurring. Water systems replace these lead service lines and inform the owner of the need to replace the home owner's portion of the service line.

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

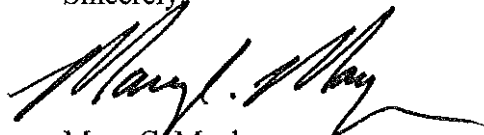
Near-Term Action: DHHS will work with systems to post sample result information on their websites. Sample invalidation occurs very seldom in Maine (only 22 samples in the last four years – most due to the samples not meeting the minimum 6-hour stagnation period). However, when invalidation is appropriate, Maine will work with systems to ensure the information is available to the public.

- 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.*

Near-Term Action: DHHS will enhance existing guidance and recommendations to water systems to provide prompt and clear notification of sample results and public education. DHHS currently requires systems to provide lead education within 60 days of the determination of a lead action level exceedance rather than 60 days after the end of the monitoring period as required by the LCR. DHHS has template lead education and customer notification forms to simplify the process. DHHS staff will be making improvements to these forms to provide better guidance to systems.

I would like to thank Jane Downing and her staff in EPA Region 1 for their continued support of DHHS' Drinking Water Program. DHHS is committed to working with EPA to ensure that public water systems are meeting the requirements of the LCR and all other rules under the Safe Drinking Water Act. Please contact me if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary C. Mayhew", with a long horizontal flourish extending to the right.

Mary C. Mayhew
Commissioner

MCM/klv