



## MISSISSIPPI STATE DEPARTMENT OF HEALTH

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March 29, 2016

Mr. Joel Beauvais  
Deputy Assistant Administrator, Office of Water  
United States Environmental Protection Agency  
1200 Pennsylvania Ave, Mail Code 4101M  
Washington, DC 20460

RE: State of Mississippi's Response to Near Term Actions with Lead and Copper Rule (LCR) Implementation

Dear Mr. Beauvais:

Thank you for your February 29, 2016, letter relating to the U.S. Environmental Protection Agency's (EPA) request for actions to strengthen drinking water protection in America. Similar to the EPA, Mississippi understands the critical importance of ensuring safe drinking water and the Mississippi State Department of Health's (MSDH) Bureau of Public Water Supply (BPWS) works hard every day to protect the health of Mississippians.

Your letter encourages states to take near-term action in five different areas and this letter is to provide information as to what the State of Mississippi through the MSDH is doing in the near term to address the associated risks from lead in the drinking water. The following are the Department's responses.

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

The Mississippi Safe Drinking Water Act under Section 41-26-6 of the Mississippi Annotated Code of 1972, requires us to adopt federal primary drinking water standards, criteria or guidance. Therefore, the Mississippi protocols and procedures for implementing the LCR are consistent with the EPA federal rule requirements. On August 25, 2014, EPA reviewed and approved Mississippi's primacy application to incorporate the Lead and Copper Rule Short-Term Regulatory Revisions and Clarifications. In addition, the EPA Region IV LCR rule manager has indicated that MSDH is properly implementing the LCR.

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

The Mississippi Safe Drinking Water Act under Section 41-26-6 of the Mississippi Annotated Code of 1972, requires us to adopt federal primary drinking water standards, criteria or

guidance. The BPWS uses EPA guidance on LCR compliance sampling protocols and procedures for optimizing corrosion control under the rule. On August 25, 2014, EPA approved Mississippi's primacy application to incorporate the Lead and Copper Rule Short-Term Regulatory Revisions and Clarifications.

Additionally, the Mississippi Safe Drinking Water Act under Section 41-26-8 of the Mississippi Annotated Code of 1972, requires water systems to maintain optimization of their corrosion control treatment. During annual inspections and sanitary surveys conducted by MSDH staff, water quality parameters are evaluated.

Item 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).*

Existing LCR sampling guidance both for the homeowner and public water system sample site selection is available on the MSDH website. LCR sampling protocols and guidance for identification of tier classifications can be found under the "Lead and Copper" section of our agency's website at <http://msdh.ms.gov/msdhsite/static/30,0,76,62.html>.

Item 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.*

To comply with the 1991 federal EPA lead and copper rule, Mississippi water systems completed a materials evaluation of the distribution system in order to identify the pool of potential compliance sampling sites for lead and copper. Over 20 years ago and to inform the development of their LCR compliance sampling plans, Mississippi water systems reviewed information that included material inventories, permits, municipal or county plumbing codes; building department records that may have indicated the plumbing materials installed in public and private structures; inspection reports of the distribution system that may have indicated materials used for service connections; and historical records of water quality parameter information that may have indicated areas of the water system that have experienced high lead or copper concentrations. While this information was utilized in the development of their LCR compliance sampling plan it was not required that they include these working papers as part of their compliance sampling plan submission. In most cases, the federal record retention period of 12 years for these 20 year old records may make cataloguing the information to web sites difficult or impossible.

As a step to strengthen transparency to communities on lead service lines and lead plumbing in systems, Mississippi is in the process of developing a letter to all water systems that are subject to the LCR to share information, including EPA's sampling protocol guidance and processes for notification to the BPWS for requesting source or long-term treatment changes. Additionally the BPWS will require that by June 1, 2016, and annually thereafter that all water systems subject to the LCR will submit a material inventory or map of lead service lines and lead plumbing in their system, LCR Compliance Sample Site Plan – Section Process or Rationale, and a spreadsheet listing their Compliance Sample Pool. MSDH will place the system material inventories or maps annually on the agency website as part of the state requirements for posting the Drinking Water Quality Report. MSDH will encourage water systems subject to the LCR post similar information on their websites if available.

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

LCR compliance sampling results can be found on Drinking Water Watch (DWW) on our agency's website at <https://apps.msdh.ms.gov/DWW/>. At present, DWW does not display sample results that have been invalidated or justifications for invalidation. Once the EPA creates this capability it may be possible to display invalidated sample results and the justification used for the invalidation of the result. However, the invalidation of LCR samples in Mississippi is done consistent with the LCR.

*Item 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.*

In Mississippi, lead and copper compliance samples are tested in the Mississippi Public Health Laboratory for most public water systems. Irrespective of when samples are received during the compliance monitoring period, once a public water system's expected number of compliance samples have been received, analyzed, and reported, the BPWS will calculate the 90th percentile and report the results to the public water system. The BPWS will set the expectation that public water systems provide lead sampling results together with information on lead risks and how to abate them within 48 hours of their receiving sample results. We would recommend that EPA revise the Lead Consumer Notice deadline to require notification within 48 hours instead of the current 30 days for all customers who receive water from a system whose compliance lead and copper samples result in exceedances of the lead or copper action level.

Currently, "Drinking Water Watch" is available on the agency website for the general public to view individual sample results and 90th percentile values for public water systems in Mississippi. Planning has started to make the most recent 90th percentile results above the EPA action level available on the agency website and to include this list in the weekly Public Health Report. The

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Public Health Report is MSDH's weekly electronic newsletter with public health news, disease statistics, and the latest public health information.

Additionally, MSDH offers lead and copper testing for homeowners for a small fee. These samples are not used to determine system-wide compliance. The Mississippi Public Health Laboratory sends these non-compliance sample results directly to the individuals as soon as they are available.

In conclusion, the Department is always adapting to the needs of its citizens to ensure that the public health is protected through the implementation of the Safe Drinking Water Act. The Department and EPA Region IV have a close working relationship. This ensures that the necessary information needed by both agencies is properly conveyed and that the citizens of the state can depend on their water supply to provide safe drinking water.

If you have questions please feel free to contact me.

Sincerely,



Jim Craig, Director  
Health Protection

pc: Peter Grevatt, Director, Office of Ground Water and Drinking Water, USEPA  
Leslie Royals, P.E., Director, Office of Environmental Health  
William F. Moody, P.E., Director, Bureau of Public Water Supply