



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

May 19, 2016

Joel Beauvais
Deputy Assistant Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

Dear Mr. Beauvais:

The Navajo Nation Environmental Protection Agency (NNEPA) received your letter of February 29, 2016 regarding the regulatory responsibilities of states and of the Navajo Nation regarding lead and copper. Please accept this revised letter as it replaces the original letter submitted during April of 2016.

In response to the questions posed by the U.S. Environmental Protection Agency (EPA) regarding compliance with the Lead and Copper Rule (LCR), the NNEPA's Public Water Systems Supervision Program (PWSSP) provides the following responses:

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

NNEPA's PWSSP adopted the LCR on May 23, 1995 and received primacy for these regulations in December 2000. The implementation of the LCR is consistent with EPA's protocols and procedures. PWSSP staff provides training to the owners/operators using the LCR guidances provided by EPA. PWSSP staff works with the owners/operators to develop Sample Siting Plans, which includes the selection of appropriate LCR sampling locations (e.g., Tier 1 sites). The protocols and procedures implemented by the PWSSP for LCR are consistent with the LCR and applicable EPA guidance.

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

PWSSP provides technical assistance and workshops to ensure the owners/operators understand corrosion control. The corrosion control protocols and procedures to address lead/copper are consistent with and are based on EPA guidance.

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).

PWSSP has drafted a webpage of the lead/copper sampling protocols and guidance. The Navajo Tribal Utility Authority (NTUA) posts sampling instructions on their website at www.ntua.com.

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; and
 - LCR compliance sampling results collected by the system, as well as justifications for invalidation of LCR samples.

PWSSP requests materials inventory information from the regulated entities, including lead-pipe replacement, on a routine basis. The compliance sampling results are shared with the homeowners and copies of those letters are filed in the system's files. Invalidation of sample results become part of the system's files and managed in the PWSSP database. The system is placed in a noncompliance status until a system samples for lead/copper appropriately. Results will be placed on the PWSSP's website along with the LCR sampling protocols and guidance for identification of Tier 1 sites.

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.

Customers of public water systems are notified by their respective public water system through an annual Consumer Confidence Report (CCR), where applicable, of the quality of water in the public water system. Each resident's lead/copper samples collected are provided copies of the analytical results by the public water system. NTUA also includes individual letters that explain the outcome of the results. PWSSP requires all public water systems to notify their customers of lead/copper results through the CCR and/or public notice.

If you have any questions, please contact Yolanda Barney, Environmental Program Manager of the Navajo Public Water Systems Supervision Program at (928) 871-7755.

Sincerely,



Donald Benn, PhD
Executive Director
Navajo Nation Environmental Protection Agency

xc: Ronnie Ben, Environmental Department Manager, SGWP, Navajo Nation EPA
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PWSSP files