

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Raul Pino, M.D., M.P.H.
Commissioner

Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

March 30, 2016

Mr. Joel Beauvais
Deputy Assistant Administrator, Office of Water
USEPA
1200 Pennsylvania Ave, Mail code 4101M
Washington, DC 20460

SUBJECT: EPA's Letter of February 29, 2016 – Safe Drinking Water Act's (SDWA) Lead & Copper Rule

Dear Mr. Beauvais:

The Connecticut Department of Public Health (CTDPH) is responding to your letters of February 29, 2015 to Connecticut Governor Dannel P. Malloy and myself. Connecticut is completely committed to assuring public health protection and ensuring that public drinking water consumed in the state of Connecticut is safe. That commitment and responsibility has been carried forward by our Department since 1976 when CTDPH first accepted primacy for the Safe Drinking Water Act (SDWA).

The CTDPH strongly echoes and praises the EPA's highest commitment to the protection of public health and ensuring the safety of public drinking water as supplied by over 2,500 public water systems in Connecticut. CTDPH staff work tirelessly to achieve this shared commitment despite the increasingly dwindling resources and funding. Overseeing over 100 contaminants for these 2,500 systems including the hundreds of thousands of water quality results associated with the 17 distinct and different federal rules (total coliform rule, radionuclides rule, Phase I VOCs, Phase II rule, Phase IIB rule, Phase V rule, IESWT rule, LT1 rule, LT2 rule, DBP Stage 1 rule, DBP stage 2 rule, Lead & Copper rule, GWR, RTCR, CCR, Public Notification, and Filter Backwash rule) along with each rules' massive web of requirements is a monumental task that is very demanding to implement even to the most experienced. We can overcome this challenge by providing adequate resources to States to retain a well trained workforce, continuing to strengthen the robust co-regulator partnership with EPA, and having responsible, professional and well engaged public water system owners and certified operators.

As you may know, Connecticut's sources of public drinking water only use the highest quality and most protected waters in the state. Our state's pristine public drinking water sources are guarded by numerous laws intended to protect public health and to minimize any unreasonable risk to health, such as the prohibition of wastewater treatment plant discharges within the state's public drinking water supply drainage areas. We encourage EPA to support Connecticut in maintaining this level of essential protection.



Phone: (860) 509-7333 • Fax: (860) 509-7359 • VP: (860) 899-1611
410 Capitol Avenue, MS#51WAT, P.O. Box 340308
Hartford, Connecticut 06134-0308
www.ct.gov/dph

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We concur that we all have to take a good hard look at how the Lead and Copper Rule was implemented to ensure that every step and every requirement of this challenging rule is met, and the best quality water is served to the public. In specific response to your near-term action requests:

1. The CTDPH implementation of the Lead & Copper Rule (LCR) is consistent with EPA regulations and applicable EPA guidance. We continue to review our protocols and procedures to ensure full adherence with the LCR requirements.
2. The CTDPH follows relevant EPA guidance on LCR sampling protocols and procedures for corrosion control. As a result, the CTDPH updated the sampling instructions to consider the changes recently recommended by EPA in a memorandum dated 02/29/2016, and notified all public water systems (PWSs) of the updated sampling instructions in a recently issued CTDPH Circular Letter 2016-07 (attached) and will be further discussed at a large public water system meeting in April.
3. The CTDPH made all PWSs aware of the sampling protocols and guidance for identification of Tier 1 sites, and has posted the guidance on the Department's website.
4. With recognition to any security, privacy or regulatory requirements, the CTDPH notified the large PWSs to make appropriate information on sampling sites, materials inventory including the location of lead service lines, sampling results, sample invalidation justification available on their websites, and further encouraged in a recently issued CT Circular Letter 2016-09 (attached) to large PWSs to promptly release lead education materials and consumer notices.
5. The CTDPH requires lead consumer notices, and includes a template of information on how to abate lead exposures. When a system exceeds the lead action level, the CTDPH requires public information and consumer education. The CTDPH tracks completion of follow-up requirements in the State Drinking Water Information System (SDWIS).

In addition, the CTDPH instituted the following:

- Issued a press release on the efforts undertaken in CT on the implementation of the lead and copper rule including publishing a list of systems actively out of compliance with the Rule (copy of the PR is attached).
- Preparing a circular letter to all PWSs notifying them of the availability of the updated protocols and procedures on the CTDPH's webpage which is dedicated to the lead and copper rule related information, and asking all PWSs to revisit the existing lead and copper sampling pool and verify the basis of the tier 1 selection at each identified site.
- Intend to meet with the operators of PWSs that had lead exceedances in the past 3 years to understand and learn about the operational process followed and the challenges encountered during the exceedance.
- Offered additional and focused training to all operators on the minimum requirements of the lead and copper rule on 2/23/2016.
- Strengthened the existing communications with the CTDPH Childhood Lead Poisoning Prevention Program and established a mechanism to notify the program of all lead sample results including exceedances.
- Added management review to all lead sampling invalidation decisions.
- Revised our response protocol to consumer complaints and established a tracking method to ensure that all complaints are properly addressed including adding a management review and close out.

Noting all of the above, CTDPH is fully committed to primacy under the SDWA and carrying out its responsibilities of the Act including the provisions of the Lead and Copper Rule for some 1,058 public water systems in CT. In order to assure a comprehensive public drinking water oversight program, financial resources and EPA program support from the highest levels are needed. Given the above, the State of Connecticut and CTDPH request that the EPA join us in support of the public health system that is responsible for public drinking water oversight by supporting the following:

1. ' Double the financial resources under the Federal STAG Public Water Supervision Grant. This grant is used in Connecticut specifically to fund DPH Drinking Water Section staff that assure compliance and oversee SDWA Rules. Presently CTDPH receives \$1.3 million; we are requesting \$2.6 million to assure adequate public drinking water program staffing levels.
2. ' Enhance EPA's commitment to source water protection of raw water sources by pledging that the high quality sources be utilized for human consumption. Assure the Clean Water Act and its funding under its Section 319 program is focused on this commitment and place it under a high priority category for use of this funding.
3. ' Create a one stop technology and assistance center for all state drinking water programs to utilize for treatment system review and provision of needed technical assistance. This would assist greatly with corrosion control treatment review and approval, assure consistency across the country and would work to enhance consistency with EPA Guidance documents and Tools.
4. ' Provide funding support for a robust Certified Operator Program. We presently have one state funded staff and need a minimum of four for an adequate program. Additional funding support for this program is between \$300,000 and \$400,000. Professional and adequately trained certified operators are part of the public health system that will continue to provide necessary system operation and first line compliance with the SDWA.

We welcome the EPA's offer to meet with our Drinking Water Program staff and use this opportunity to broaden our work to optimize the implementation of the Lead and Copper Rule. Also we look forward to working with EPA with a focus on public health to identify strategies and actions to continue to improve the safety and sustainability of our public drinking water systems in Connecticut.

Sincerely,



Raul Pino, M.D., M.P.H.
Commissioner

Attachments

Cc: Governor Dannel P. Malloy
Peter Grevatt, Director, Office of Ground Water and Drinking Water, USEPA, 1200 Pennsylvania Ave, Mail code 4601M, Washington, DC 20460
Ellen Blaschinski, DPH, RSB
Lori Mathieu, DPH

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Drinking Water Section

DWS Circular Letter # 2016-07

To: CWS and NTNC Public Water System Owners & Certified Operators

From: *L. Mathieu*
Lori Mathieu, Public Health Section Chief, Drinking Water Section

Date: March 14, 2016

Subject: EPA Clarification of Recommended Tap Sampling Procedures for Purposes of the Lead and Copper Rule

Recently, the EPA Office of Groundwater & Drinking Water issued a memorandum to all Water Division Directors regarding clarification on the recommended tap sampling procedures relating to the Lead and Copper Rule (LCR). The memorandum is attached to this circular letter for your reference.

In the near future, the Department of Public Health (DPH) Drinking Water Section (DWS) will be releasing a comprehensive LCR Guidance Document with a revised sampling protocol. In the interim, however, it is recommended that any PWS conducting routine lead and copper sampling review their current sampling protocol with respect to the attached recommended procedures. Please direct any questions regarding this matter to Carissa Madonna at 860-509-7333.

cc: Ellen Blaschinski, Branch Chief – DPH Regulatory Services Branch
State-Certified Laboratories
Local Health Directors



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Drinking Water Section

DWS Circular Letter # 2016-09

To: Public Water Systems serving a population of more than 50,000
From: *Lori Mathieu*
Lori Mathieu, Public Health Section Chief, Drinking Water Section
Date: March 14, 2016
Subject: Increasing Transparency in the Implementation of the Lead & Copper Rule & Enhancing Efforts to Notify Residents Promptly of Lead Results

Recently, the EPA Office of Groundwater & Drinking Water issued a letter to all Commissioners having regulatory authority for public water systems (PWS), which requested States to take near-term action to address risks from lead in drinking water.

Therefore, the Department of Public Health – Drinking Water Section (DPH DWS) requests all PWS to work together with DPH DWS to increase transparency in the implementation of the Lead & Copper Rule (LCR). The DPH DWS strongly recommends that PWS post the following information on your websites and submit a copy of this information to DPH DWS within 30 days of the date of this letter:

- The materials inventory that PWS were required to complete in accordance with the Regulations of Connecticut State Agencies (RCSA) Section 19-13-B102(e)(8)(A), 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
- At a minimum; the two most recent monitoring periods of lead compliance sampling results collected by the PWS in accordance with RCSA Section 19-13-B102(e)(8), should be kept updated regularly on your website, as well as justifications for invalidation of lead samples in accordance with RCSA Section 19-13-B102(e)(8)(F).

Additionally, DPH DWS requests PWSs to enhance efforts to notify residents promptly of lead results collected from their homes. PWSs should also provide clear information on lead risks and how to abate them. The general public should also receive prompt information on high lead levels in drinking water systems. These actions are essential to restoring public confidence in our shared work to ensure safe drinking water for consumers.

If you have any questions regarding this matter, please contact Lori Mathieu at (860) 509-7333.



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CC: Ellen Blaschinski, Branch Chief – DPH Regulatory Services Branch
Local Health Directors
Certified Operators



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 29 2016

Commissioner Raul Pino MD, MPH
Connecticut Department of Public Health
410 Capitol Ave., P.O. Box 340308
Hartford, CT 06134

OFFICE OF WATER

Dear Commissioner Pino:

There is no higher priority for the U.S. Environmental Protection Agency than protecting public health and ensuring the safety of our nation's drinking water. Under the Safe Drinking Water Act (SDWA), Connecticut and other states have the primary responsibility for the implementation and enforcement of drinking water regulations, while the EPA is tasked with oversight of state efforts. Recent events in Flint, Michigan, and other U.S. cities, have led to important discussions about the safety of our nation's drinking water supplies. I am writing today to ask you to join in taking action to strengthen our safe drinking water programs, consistent with our shared recognition of the critical importance of safe drinking water for the health of all Americans.

First, with most states having primacy under SDWA, we need to work together to ensure that states are taking action to demonstrate that the Lead and Copper Rule (LCR) is being properly implemented. To this end, the EPA's Office of Water is increasing oversight of state programs to identify and address any deficiencies in current implementation of the Lead and Copper Rule. EPA staff are meeting with every state drinking water program across the country to ensure that states are taking appropriate actions to address lead action level exceedances, including optimizing corrosion control, providing effective public health communication and outreach to residents on steps to reduce exposures to lead, and removing lead service lines where required by the LCR. I ask you to join us in giving these efforts the highest priority.

Second, to assure the public of our shared commitment to addressing lead risks, I ask for your leadership in taking near-term actions to assure the public that we are doing everything we can to work together to address risks from lead in drinking water. Specifically, I urge you to take near-term action in the following areas:

- (1) Confirm that the state's protocols and procedures for implementing the LCR are fully consistent with the LCR and applicable EPA guidance;
- (2) Use relevant EPA guidance on LCR sampling protocols and procedures for optimizing corrosion control;
- (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);
- (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:

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

(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.

These actions are essential to restoring public confidence in our shared work to ensure safe drinking water for the American people. I ask you for your leadership and partnership in this effort and request that you respond in writing, within the next 30 days, to provide information on your activities in these areas.

To support state efforts to properly implement the LCR, the EPA will be providing information to assist states in understanding steps needed to ensure optimal corrosion control treatment and on appropriate sampling techniques. I am attaching to this letter a memorandum from the EPA's Office of Ground Water and Drinking Water summarizing EPA recommendations on sampling techniques. We will also be conducting training for state and public water systems staff to ensure that all water systems understand how to carry out the requirements of the LCR properly. Finally, we are working to revise and strengthen the LCR, but those revisions will take time to propose and finalize; our current expectation is that proposed revisions will be issued in 2017. The actions outlined above are not a substitute for needed revisions to the rule, but we can and should work together to take immediate steps to strengthen implementation of the existing rule.

While we have an immediate focus on lead in drinking water, we recognize that protection of the nation's drinking water involves both legacy and emerging contaminants, and a much broader set of scientific, technical and resource challenges as well as opportunities. This is a shared responsibility involving state, tribal, local and federal governments, system owners and operators, consumers and other stakeholders. Accordingly, in the coming weeks and months, we will be working with states and other stakeholders to identify strategies and actions to improve the safety and sustainability of our drinking water systems, including:

- ensuring adequate and sustained investment in, and attention to, regulatory oversight at all levels of government;
- using information technology to enhance transparency and accountability with regard to reporting and public availability of drinking water compliance data;
- leveraging funding sources to finance maintenance, upgrading and replacement of aging infrastructure, especially for poor and overburdened communities; and
- identifying technology and infrastructure to address both existing and emerging contaminants.

As always, the EPA appreciates your leadership and engagement as a partner in our efforts to protect public health and the environment. Please do not hesitate to contact me, or your staff may contact Peter Grevatt, Director of the Office of Ground Water and Drinking Water at grevatt.peter@epa.gov or (202) 564-8954.

Thank you in advance for your support to ensure that we are fulfilling our joint responsibility for the protection of public health and to restore public confidence in our shared work to ensure safe drinking water for the American people.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joel Beauvais".

Joel Beauvais

Deputy Assistant Administrator

Enclosure