



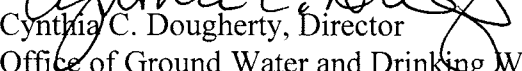
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 13 2006

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Lead and Copper Rule State File Review: National Report

FROM: 
Cynthia C. Dougherty, Director
Office of Ground Water and Drinking Water

TO: Water Division Directors
Regions I – X

I am writing to provide you with a copy of the final *Lead and Copper Rule State File Review: National Report*. In 2004, EPA began a national review of implementation of the Lead and Copper Rule (LCR) as part of its oversight responsibilities under the Safe Drinking Water Act (SDWA). The state file review was one of the components of the national review. Contractors looked at files in 10 states, one in each Region. In general, the file review did not find a nation-wide problem of high lead levels in drinking water, although it did identify some areas of concern in implementation. I ask that you work with all of your states to address these areas.

The attached report summarizes the findings of the state file review which focused on four main areas: accuracy of SDWIS 90th percentile data, appropriateness of sampling site selection and sample management, water systems' response to exceedances of the lead action level, and implementation of the LCR requirements by schools that are public water systems.

The review analyzed state file data from 483 drinking water systems in ten states in order to gain a national picture of LCR implementation. Contractors looked at LCR compliance data from 1992, the effective date of the LCR, through 2004. Most of the analysis of the report focuses on the time period 2000-2004 in recognition that implementation improvements have been made since the rule was finalized. Below are some of the major findings of the report.

- The state file review did not identify a widespread problem with elevated lead levels in water provided by public water systems.
- Information collected during the file review demonstrated that SDWIS data of 90th percentile lead values is accurate.
- The file review revealed a lack of system response to action level exceedances.

- The file review identified problems associated with carrying out the rule at schools that are also public water systems.
- The review identified a need for improved documentation in both SDWIS and in state files. Individual home sample results were not in state files for 21% of the systems reviewed. In addition, the national review identified that states had not been entering LCR milestone data nor 90th percentile results in SDWIS. With the support of your staff, states have greatly improved 90th percentile reporting, however, milestone data still needs to be improved.

The report includes a next steps section, which outlines the steps EPA will take to ensure continued oversight and effective implementation of the LCR. In addition to these steps, the Office of Water will be tracking 90th percentile exceedances and the completeness of LCR action level data under the FY 2007 National Water Program Guidance. In light of the findings, we are also modifying our data verification protocol.

The states that were reviewed identified many improvements that they have made in their programs either as a result of the file review or as part of their ongoing efforts. The LCR is a challenging rule to implement, and requires time and attention to do it well. To ensure LCR implementation continues to improve, I ask that you work with your states in the areas of training for water systems, data management (especially continued reporting of 90th percentiles and milestones), reviewing responses to action level exceedances and enforcement, and increasing focus on education materials for schools and child care facilities.

If you have any questions, you may contact me, or have your staff contact Ron Bergman, Chief of the Protection Branch, at (202) 564-3823.

Attachment

cc: EPA Regional Drinking Water Branch Chiefs
James Taft, Association of State Drinking Water Administrators