



March 11, 2016

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
Washington D.C. 20460

Joel Beauvais  
Deputy Assistant Administrator  
Office of Water  
U.S. Environmental Protection Agency  
Washington D.C. 20460

Re: Support for Transparency, Lead and Copper (LCR) Revisions and Request for Clarification of Compliance of Existing LCR Requirement (As Expressed in the Letters sent to Governors and state primacy agencies dated Feb. 29, 2016).

Dear Administrator McCarthy and Joel Beauvais, Deputy Assistant Administrator for Water:

Thank you for the recent outreach from EPA, and in particular from Peter Grevatt, EPA’s Director of the Office of Ground Water and Drinking Water, concerning the Agency’s recent correspondence to Governors and state primacy agencies about actions to strengthen safe drinking water programs, and in particular Lead and Copper Rule (LCR) compliance in light of the Flint Crisis. Rest assured that the Association of Metropolitan Water Agencies (AMWA) and its member utilities – the nation’s largest drinking water systems – stand ready to assist EPA and states to restore public confidence in the quality of their drinking water.

Although directed to Governors and state primacy agencies, your letters are of great interest to water utilities that will be working with the states to implement the recommendations therein. In particular, water systems are eager to do everything they can to help enhance public transparency to ensure that the public has the information needed to address lead risks and to ensure compliance with all LCR regulatory requirements. Your recommendations are taken very seriously and utilities will work with states to make them a reality.

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**CHIEF EXECUTIVE  
OFFICER**

Diane VanDe Hei

## **Support for Transparency and Necessary Revisions to the LCR**

The Association strongly supports revisions to the LCR. We support the Safe Drinking Water Act (SDWA) provisions that require regulations to be evaluated every six years and revised as necessary based on new scientific evidence and advances in knowledge. We are actively engaged on improving the LCR in light of the Science Advisory Board's caution regarding partial lead service line replacement; the National Drinking Water Advisory Council's recommendations regarding long-term LCR revisions; and the Center for Disease Control's recently revised lower blood lead levels of concern.

With that goal in mind, we also support the Agency's goal/recommendations to enhance transparency and to educate the public on the risks posed by lead.

## **Clarification of Existing LCR Requirement**

AMWA is requesting clarification of an existing compliance and enforcement related LCR "requirement" outlined in your letter, which although perhaps unintentional, could have larger ramifications than intended. Bullet (4) in the letter to state commissioners relates to development of a "mandatory inventory" of lead lines within the existing LCR. The letter states: "Work with public water systems – with an 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...**" [emphasis added].

We have received feedback from our member utilities that as currently written this statement could certainly create a false impression of the data that many utilities have on hand, resulting in unrealistic expectations from states, customers and the media. The LCR rule language calls for a "materials evaluation" and the use of the phrase "materials inventory" can be misleading and/or confusing to the public, utilities, state, federal regulators and others.

The direct experience of several of our member utilities has been that the incorrect use of the word "inventory" as a regulatory requirement (i.e., "...the materials *inventory* that systems were *required* to complete under the LCR.... [emphasis added] results in the expectation for more precise and comprehensive accounting of lead service lines and fixtures than is required to locate Tier 1 sampling sites (the purpose of doing the "materials evaluation" under the LCR). It's for this reason that we are requesting a clarification of the current regulatory requirements with regard to the "materials inventory," with a focus on how a more comprehensive "inventory" may fit in to that interpretation (i.e., some utilities may have more comprehensive inventory on hand, but is not required by the LCR).

Thank you for your attention to this matter and we look forward to partnering with EPA, the states and our communities to further our common goals of protecting public health and restoring the public's faith in drinking water.

I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink that reads "Diane VanDe Hei". The signature is written in a cursive style with a large initial 'D'.

Diane VanDe Hei  
Chief Executive Officer  
Association of Metropolitan Water Agencies

cc: Peter Grevatt, Director, EPA Office of Ground Water and Drinking Water, Scott Potter, AMWA President and AMWA Board of Directors