



March 8, 2018

Peter Grevatt
USEPA Headquarters
Office of Ground Water and Drinking
Water, Standards and Risk Management
Division, (Mail Code 4607M)
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Re: Docket ID No. EPA-HQ-OW-2018-0007, Public Comments for the Lead and Copper Rule
UMRA/Federalism Consultations

Dear Mr. Grevatt:

The Association of Metropolitan Agencies (AMWA) is an organization representing the largest publicly owned drinking water utilities in the United States. EPA has requested comments from AMWA for the Lead and Copper Rule UMRA/Federalism Consultations. AMWA appreciates the opportunity to help inform EPA's decision-making process. The association has been involved with the Lead and Copper Rule since its inception and values all the work that EPA has done to decrease the risk of lead and copper to public health. These revisions are an important next step and AMWA supports EPA's efforts. Any changes in the development of national primary drinking water regulations will significantly impact our members.

Due to the importance of this rulemaking AMWA is pleased to submit these comments for the Lead and Copper Rule UMRA/Federalism Consultations. Our specific comments are provided as an attachment. If you have any questions, please contact Stephanie Hayes Schlea (schlea@amwa.net), AMWA's Manager of Regulatory and Scientific Affairs.

Sincerely,

Diane VanDe Hei
Chief Executive Officer

Attachment

CC: Eric Burneson; Iliriana Mushkolaj

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**CHIEF EXECUTIVE
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Diane VanDe Hei

I. Lead Service Line Inventories

- a. AMWA's members support EPA's goal for lead service line inventories and agree that this is a crucial step for informing the public as to the extent and scope of the lead service lines within their community. Information on LSLs is also important to water systems in order to target those areas for potential lead service line removal. AMWA has the following comments to help EPA ensure that this goal is achievable and practicable:
 - i. EPA should clarify what constitutes a "lead inventory" and what would be deemed sufficient.
 - ii. The key principles for creating useful inventories are flexibility and time. Not all systems are alike and will need the ability to work within their own limitations and capabilities. AMWA cautions against EPA mandating that accurate lead service line inventories must be completed within a relatively short timeframe. The agency needs to give adequate time particularly for older systems that lack accurate records. EPA should recognize that any inventory that is completed might not take into account what is on the private side. For example, there are cases where the public portion of the line is not lead, while the private side may be. Utilities may not have the proper authorities to determine the material through the entire length of the service line.
 - iii. EPA should clarify that an acceptable inventory at the onset of the rule should be built on the information that the water system has at hand with the expectation that the water system will make efforts to improve this inventory over time through its normal maintenance, operations, or other outreach to determine the materials. As a result of this improvement, these inventories will improve. EPA should consider doing a cost-benefit analysis regarding LSL inventories. How much time and resources should be spent on inventories versus LSL removal or corrosion control?

II. Lead Service Line Replacement

- a. AMWA's members support EPA's objectives for full lead service line replacement (not partial) and agree that the end goal should be for the entire lead service line to be removed. AMWA asks EPA to consider the following when developing any requirements for full and complete service line replacement:
 - i. EPA needs to fully consider the realities of dealing with unwilling customers in regards to partial LSLR. Defining sufficient outreach to unwilling customers will be the critical aspect to determine how implementable this will be. AMWA

would be interested in further discussion with the EPA on this point.

- ii. Utilities need flexibility with the requirements for when partial LSL replacements are allowed, specifically when the LSLR is due to failure of the line or necessary replacement of the main. In general AMWA agrees that partial replacements should be discouraged, but there will be times when a partial is necessary such as with an emergency repair, or when a customer refuses to participate.
- iii. AMWA cautions EPA from mandating a specific schedule for replacing LSLs. Not all systems are alike, particularly in regards to size and the number of LSLs within their system. These utilities need the flexibility to work within their own limitations and capabilities. Extended and flexible schedules can also help with affordability issues that arise with LSL replacement.

III. Pitcher Filters

- a. AMWA understands and is appreciative of the public health protection goals that EPA is attempting to achieve through providing point of use (POU) filters, but there are significant concerns to be considered if proposing a mandate for utilities to provide pitcher filters.
 - i. EPA should be aware that it can be difficult to get unwilling customers to agree to using POU filters.
 - ii. There are issues and concerns with the current pitcher filter available. Only two manufacturers produce pitchers which are NSF certified to remove lead, Dupont and Zero Water. . These manufacturers will not be able to handle the national need if EPA mandates utilities provide pitcher filters. For example, in April 2016 the Northern Kentucky Water District determined that 576 lead filtering pitchers were needed based on the number of water main projects they had planned which could have involved the replacement of a LSL. The district ordered the pitchers along with 2 replacement cartridges for each. They could only find one supplier that could meet this volume, and it took two months to receive the order.
 - iii. EPA should be careful when considering proposing any mandates that would require utilities to enter private property for the installation or maintenance of filters. These requirements can put significant liability on the utility, increase staffing requirements (since more than one technician would need to be on-site) and may not be received well by the general public.

IV. Corrosion Control Treatment

- a. AMWA fully supports the use of corrosion control treatment for managing lead exposure and maintains that comprehensive and optimized corrosion control is the best way to manage lead exposure. If EPA is contemplating changing the current requirements for optimized corrosion control, AMWA offers the following insights for EPA to consider:
 - i. EPA must fully consider the impacts to making a change to the corrosion control requirements under the LCR. Unintended consequences can occur when a utility makes changes to its corrosion control techniques. Making changes to CCT is not easy and must be carefully thought through. Each water system has unique pipe scales and water conditions both past and present. A default CCT seems unwise.
 - ii. EPA should consider that the studies currently being used (pipe loops, etc.) to optimize CCT are very expensive and difficult and may not be necessary for determining the outcome of minor changes to CCT.
 - iii. AMWA has concerns with the possible requirement for states to do periodic reviews of a utility's CCT. AMWA agrees that re-evaluation should occur whenever a significant change is made, which in the rule is defined as the addition of a new source or a long-term treatment change. However, if EPA intends to require reviews outside of these parameters, states will not have the capability to review all of these reports on a regular basis.
 - iv. EPA should leave corrosion control treatment re-evaluation to the states to determine what is the best path forward for their local utilities.
 - v. Plumbed-in POU Devices
 1. AMWA strongly discourages EPA from requiring plumbed in point of use treatment devices for households with lead service lines.
 2. This is an extremely difficult program to accomplish. See Flint, Michigan as an example. Flint is a town of approximately 100,000 residents and a study by the University of Michigan estimated that over 29,000 residences had lead or galvanized steel service lines as of December 2016.¹ After the lead crisis, the city employed 80 CORE (Community Outreach and

¹ City of Flint, Michigan. (2016, December 1). *Number of Service Lines that Need Replacing in Flint Rises to 29,100, According to Study* [Press Release]. Retrieved from <https://www.cityofflint.com/2016/12/01/number-of-service-lines-that-need-replacing-in-flint-rises-to-29100-according-to-study/>

Education) teams to knock on the doors of Flint homes and install POU devices on residents' faucets.² According to the City of Flint, this outreach program has completed 22,800 visits between August 2016 and February 2018.³ With this many staff and the financial support and guidance of both state and federal programs, Flint has still been unable to reach all residences that may have lead or galvanized pipe after 18 months. There is no data that AMWA is aware of that states the success rate of this program in convincing residents to allow the city to install filters within their homes, but according to the program's FAQ, the CORE members must be allowed into the homes to install the devices, they do not allow people to pick them up or install them themselves.⁴

AMWA encourages EPA to extrapolate the level of effort seen in Flint, MI to a larger utility with a population of a million or more. The financial and staff burden of a program of this magnitude would be prohibitive to most utilities, large or small.

3. Most utilities implementing optimized CCT have relatively low levels of lead except in extraordinary circumstances.

V. Tap Sampling

a. If EPA decides to change the way in which compliance samples are collected in order to be "more representative of exposure" the agency needs to evaluate the method with respect to what levels could systems practicing corrosion control treatment expect to achieve using a new sampling pool, sampling technique, sample volumes, etc. The 15 ug/L action level was established by taking into consideration first draw 1 Liter samples from Tier 1 locations consisting of lead service lines or 50/50 leaded solder. There is no existing information on what levels of lead could be achieved by a system using a different sampling regime so changing the sampling for compliance monitoring is not appropriate.

² Smith, L. (Host). (2017, April 25). 3 Years After Lead Crisis, Flint Residents Still Need Water Filters [Radio Broadcast Episode]. <https://www.npr.org/2017/04/25/525516761/3-years-after-lead-crisis-flint-residents-still-need-water-filters>

³ Flint Water: CORE Outreach Completed (February, 2018). In Flint Action Tracker. Retrieved February 23, 2018, from <https://flintactiontracker.michigan.gov/stat/goals/qeju-ke58/jp36-uumi/w46t-6c9d/view>

⁴ CORE (n.d.). In City of Flint. Retrieved February 23, 2018, from <https://www.cityofflint.com/wp-content/uploads/FAQ.pdf>

However, maintaining the flexibility for customer requested sampling is in the best interest of public health. The intent of customer requested sampling is to inform the customer as to what their exposure is and should remain separate from the compliance sampling. AMWA suggests that the EPA develop guidance on alternative sampling techniques that may be more indicative of normal exposure, highest exposure etc. This guidance could then help guide the utilities to the best techniques to address individual customer needs without having to use that method to evaluate corrosion control effectiveness.

VI. Public Education and Transparency

- a. AMWA supports EPA's efforts to improve public education and transparency. Effective education and outreach is paramount to managing lead risks and concerns in a community. AMWA has the following recommendations and concerns for EPA to consider:
 - i. AMWA requests that EPA clearly define the phrase "on-going targeted outreach".
 - ii. EPA needs to be aware of the different limitations utilities face if the agency decides to require extensive and large-scale outreach. Current staffing and resources levels of some utilities may make these requirements difficult.
 - iii. AMWA suggests EPA consider allowing utilities to stagger outreach throughout the year in order to alleviate strain on staff and resources.
 - iv. If EPA plans to implement the 24-hour notification required within the 2016 WIIN Act it should be for individual households only. Testing results from one household is not a reliable indicator of lead levels in other households. Rapid notification of an entire water system based on one household's result would be confusing and possibly misleading.
 - v. AMWA is concerned with how an EPA initiated household action level would be received by the public considering their understanding of EPA's stance that "there is no safe level of lead" and CDC's stance that "no safe blood lead level in children has been identified". AMWA encourages the EPA and CDC to work together to develop outreach materials to educate the public and manage public expectation that a level of "zero" lead is a goal and not a regulatory standard.

VII. Copper

- a. If EPA were to require separate sampling sites for copper AMWA suggests the agency consider the following:
 - i. The appropriate homes for copper testing are newly built. This makes finding willing homeowners more difficult since they are new and don't yet have an established relationship with the utility.
 - ii. The 2015 National Drinking Water Advisory Council (NDWAC) meeting summary mentioned support for separating lead and copper, but there was some concern over whether the discussed sampling methods were too extensive based on the health effects.⁵ Has EPA done any cost-benefit analysis regarding separating sampling sites for lead and copper?
 - iii. The 2015 NDWAC's final report stated that members supported separating copper from lead for sampling, but keeping the focus on "where there may be a problem with copper without increasing the burden on systems where there is not a problem."⁶ AMWA supports this statement and encourages EPA to find a suitable exemption for utilities that have proven water treatments and/or sources, which provide water that is non-corrosive to copper.
 - iv. EPA should consider allowing businesses to be included in copper sampling as these may be easier than homes to identify possible locations and obtain permission to enter the premises, and will increase the sampling pool.
 - v. EPA should clarify how long a water sample would need to be stagnant within the pipes if sampling for only copper. A shorter stagnation time may make finding sampling sites easier.

VIII. Lead in Drinking Water in Schools

- a. While not mentioned within the materials provided by EPA, AMWA would like to discourage EPA from including school sampling within the LCR revisions, as it does not inform CCT effectiveness.
- b. The appropriate entities to address lead in schools are the school department and local public health agency. Utilities can be involved as advisors or may choose to take on a bigger role within their community, but this should be entirely voluntary.
- c. Instead of mandating a sampling program for schools, EPA should review and consider revising and updating the 3Ts for Reducing Lead

⁵ U.S. Environmental Protection Agency, NDWAC Lead and Copper Working Group. Meeting Summary. June 24-25, 2015.

⁶ National Drinking Water Advisory Council. Final Report of the Lead and Copper Rule Working Group To the National Drinking Water Advisory Council. August 24, 2015.

in Drinking Water in Schools and Child Care Facilities guidance and updating as needed to help local communities.

IX. Other Comments

- a. AMWA would like to re-iterate that the term “optimized” in relation to corrosion control is within the context of simultaneous compliance with other drinking water rules. Utilities should strive to minimize lead as much as possible while taking into account other issues, such as the impact of phosphorus on wastewater.