



April 30, 2026

Dr. Jennifer L. McLain
Director, Office of Ground Water and Drinking Water
Office of Water
U.S. Environmental Protection Agency
1201 Pennsylvania Avenue NW
Washington, DC 20460

Submitted electronically via email.

Re: Public Input on Lead and Copper Rule Improvements (LCRI) Draft Fact Sheet “LCRI Service Line Replacement Access – Tips” and “Service Line Inventories – Tips”

Dear Dr. McLain:

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to provide feedback on EPA’s draft Fact Sheets Fact Sheets titled, “LCRI Service Line Replacement Access – Tips” and “Service Line Inventories – Tips.” AMWA member water systems have been working diligently to understand and prepare for the LCRI since its proposal and are grateful for EPA and primacy agencies’ continued dialogue surrounding implementation of various elements of the rule. AMWA appreciates EPA’s solicitations to date on the guidance, the Agency’s work with primacy agencies to develop the guidance, and the Agency’s willingness to share the document publicly for water systems and their stakeholders to review before finalization. AMWA recognizes that express guidance from EPA significantly clarifies direction for primacy agencies and water systems. The Association is eager to provide the following additional questions, proposed edits, and considerations to EPA as it finalizes both guidance documents, as we believe the considerations will be beneficial to EPA, primacy agencies, water systems, and the public, as all parties work to fulfill the obligations of the LCRI.

Sincerely,

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Chief Executive Officer

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AMWA Feedback on “LCRI Service Line Replacement Access – Tips” (April 2026)

AMWA appreciates EPA’s development of guidance on “access” under the LCRI. The Association offers the following recommendations as the Agency works to finalize the Fact Sheet.

A. Overall Considerations on Fact Sheet Content

EPA’s Fact Sheet should clearly state the agency’s position that a service line is under the “control” of the water system when it has “access” to the line. The draft Fact Sheet states that the LCRI requires water systems to replace “all lead and GRR service lines under the control of the water system unless replacement would leave in place a partial lead service line.” It then shifts to discussing factors that “can impact a water system’s ability to access service lines,” without clearly explaining that the agency interprets “access” as equivalent to “control.” As written, readers including primacy agencies, water systems of all sizes and resources, and the public, must consult cited regulatory text to discern EPA’s position that, where a system has legal or physical access to conduct a full service line replacement, the line is considered under its control. EPA should assume that readers of the Fact Sheet have no prior knowledge or understanding of LCRI provisions that equate service line “access” to “control.” For clarity and accessibility, the Fact Sheet should explicitly state this relationship at the beginning of the document, rather than relying on readers to infer or further research it. Doing so would better align the opening statement with the subsequent elements of the guidance and reduce potential confusion.

The guidance would benefit both the public and water systems by describing lead service line ownership realities. This information should be included in the “Factors that Can Affect and Prevent Access” section. While primacy agencies and water systems understand that ownership of a lead service line is often split between water systems and property owners, the public may not be aware of this reality and could therefore lack crucial context to understanding barriers to “access.” Including information about ownership of LSLs is essential to helping the public understand why property-owner permission is necessary for water systems to have “access” or to understanding why water systems may require property-owner financing for privately-owned portions of LSLs in certain cases. EPA has previously included a diagram demonstrating the delineation between water system-owned and private-property owner-owned portions of the line in LSL inventory template instructions.¹ The Fact Sheet would benefit from the inclusion of this or a similar graphic.

EPA should amend the draft Fact Sheet to reflect the reality that water systems must determine whether they have access based on legal, physical, financial, and numerous other factors, rather than state that access is a matter of simple decision by a water system. As written, the first paragraph of the draft Fact Sheet confusingly suggests that “water systems make [the] *decision*” [emphasis added] of whether the system has “access” to a service line. This statement is at best

¹ U.S. Environmental Protection Agency, Region 8. (2023, August 2). *Lead service line inventory template instructions: For water systems in Wyoming and on Tribal Lands in EPA Region 8*. Exhibit 2-2.
https://www.epa.gov/system/files/documents/2023-08/R8_Lead_Service_Line_Inventory_Template_Instructions.pdf.

incomplete, and at worst misleading, and is not supported by the citations EPA includes in the guidance document.

The language in the first paragraph of the Fact Sheet [“The LCRI does not specify or limit the reasons that a system does or does not have access. Water systems make this decision”] is followed by a citation of 40 C.F.R. 141.84(d)(2). This section of the LCRI states that a water system has “control” of a service line when it has “access” to it. In instances where a water system does not have “access” to a given service line, it requires the water system to “document the reasons that the water system does not have access” to the line. It goes on to state that the subpart “does not establish the criteria for determining whether a system has access” to a line.

However, nowhere does 40 C.F.R. 141.84(d)(2), or elsewhere in the LCRI, contain direct language or evidence to suggest that a water system itself makes a “decision” on whether it has access to a service line. Instead, it indicates that water systems must make a “determination” on whether they have access to a line based on factors that include “specific laws, regulations, and/or water tariff agreements.” Importantly, a “decision” is not the same as a “determination.” A “decision” suggests wider discretion and an independent choice among several alternatives, whereas a “determination” represents a more formal, conclusive establishment of fact based upon defined criteria. It is therefore important for the Fact Sheet to be clear with its terminology regarding the responsibilities and authorities of water systems when evaluating their “access” to service lines.

It would be misleading to suggest that a water system simply “decides” that it has “access” to a service line. Alternatively, as described in the LCRI passage above and in AMWA’s comments on the LCRI, water systems must determine whether they have access to a LSL through an examination of ownership, financial capacity, property-owner permissions, and various other factors this guidance addresses. Without providing the public with this information, members of the public may mistakenly think their water system has “decided” it does not have access to certain LSLs without understanding the full legal, regulatory, or financial barriers imposed on the system.

AMWA therefore recommends that EPA rephrase the last two sentences of the first paragraph of the Fact Sheet as such: *“The LCRI does not specify or limit the reasons that a system does or does not have access, but notes that legal, regulatory, or other factors may limit access. Water systems must determine, and document to their State, whether any legal, regulatory, or other factors prevent it from having access to a given service line.”*

Following the examples, the Fact Sheet must clearly reiterate that a lack of “access” means a lack of “control,” which means that replacement of a lead service line is not required. While the Fact Sheet provides several examples of scenarios where a water system would not have “access” to a service line, the document does not explicitly tie this to the overarching issue of whether the LCRI requires these lead service lines to be replaced. Given that EPA has equated “access” to a line to “control” of it, and that replacement is only required where a water system “controls” the line, it follows that a water system is not required to replace a lead service line that it cannot “access.” This logic should be clearly stated in the Fact Sheet, so water systems are made fully aware of the implications of determinations on whether they have access to a given line.

B. Additional Barriers to Access Not Addressed in the Fact Sheet

The Fact Sheet should include the presence of a state or local law or regulation that prohibits the use of public funding on projects to improve private property under “Factors That Can Affect and Prevent Access.” While it is well-documented that federal funding assistance can be used to replace both the public and privately owned portions of lead service lines, many public water systems across the country are legally barred from using ratepayer dollars to replace privately owned service lines due to state gift clauses and other state or local laws limiting the use of ratepayer and municipal funds. AMWA appreciates that EPA later describes this scenario in Example 1 of the document, but we believe the information should be expressly included in the list of factors limiting access. Furthermore, this information is crucial context for whether a water system may require property owners to pay for private-side replacement, and it directly impacts a system’s “access” to privately-owned portions of lead service lines in cases where, due to local or state restrictions and a lack of additional funding, property owners must fund the replacement. Therefore, AMWA recommends that under the “Laws, ordinances, or water tariff agreements” subheading, the Fact Sheet should include a reference to state or local laws that prohibit the replacement of privately owned lead service lines with public dollars and a parenthetical reference to Example 1.

The Fact Sheet should also include considerations for deteriorated customer-owned plumbing conditions as a factor that can affect and prevent access. In certain cases where customer-owned plumbing is in significantly deteriorated condition, completing a connection at the property boundary may create a high likelihood of failure within the customer-owned system. In such cases, proceeding with replacement could expose the water system to unintended responsibility for repairs (internal to a property) beyond its ownership limits. Therefore, the situation should be treated as a documented lack of access until the customer addresses deficiencies in their plumbing.

The Fact Sheet could also benefit from specifically including street work moratoriums and similar local requirements as part of the first bullet point addressing in “laws, ordinances, or water tariff agreements.” Many municipalities impose these kinds of restrictions for a designated time period after a street is paved or significant construction finishes. While they do not prevent replacement overall, they could represent a temporary barrier to access.

C. Remaining Questions on Access

The Fact Sheet or subsequent EPA guidance must fully address how properties with documented barriers to access affect the replacement rate for the purposes of fulfilling the LCRI’s replacement rate requirements. The LCRI requires that water systems replace lead and GRR service lines under the water system’s control at an average annual replacement rate of 10 percent calculated across a cumulative period, unless a primacy agency determines a system can replace all lead and GRR service lines in less than 10 years or a system qualifies for a deferred

replacement rate. EPA's final guidance document on the replacement rate² instructs that "service lines that are not under the control of the water system" remain in the replacement pool. Many water systems may not be fully aware of the relationship between access to lines and the composition of the replacement pool. Specifically, the Fact Sheet should explicitly state EPA's position that lines where water systems do not have access must be included in the replacement pool, and include a link to the Technical Fact Sheet: Calculating Service Line Replacements.

The Access Fact Sheet also invites questions about how water systems should handle situations where they cannot achieve the average annual replacement rate of 10 percent calculated across a cumulative period *due to its replacement pool including lead service lines where the water system does not have access (i.e., control)*. It is difficult to reconcile how the LCRI can require water systems to replace all lead and GRR service *in its replacement pool* within 10 years if said replacement pool includes lead and GRR service lines that are demonstrated to be *not under the water system's control*. AMWA welcomes further guidance on the matter.

Relatedly, the Fact Sheet does not address property-owner barriers to identifying unknown line composition and the impacts on "access." Future versions of this Fact Sheet or other future guidance could also address is clarity on lack of "access" due to a property-owner's refusal to respond to water system efforts to identify an unknown line or allow water system onto a property to identify it. Water systems have expressed that they are not certain how EPA plans for these unknowns to factor into the replacement pool, and if there are a required number of outreach attempts to demonstrate the system does not have "access" to an unknown line.

D. Proposed Revision

Finally, AMWA suggests EPA revise the "Important Dates" box on Page 2. Where the document states "LSLR replacement plans due to State," it should be edited to "LSL replacement plans due to State," as the phrase "[Lead Service Line Replacement] replacement" is redundant.

² U.S. EPA. (October 2024). *EPA's Final LCRI Technical Fact Sheet: Calculating Service Line Replacements..*
https://www.epa.gov/system/files/documents/2024-10/final_lcri_fact-sheet_calculating-service-line.pdf.

AMWA Feedback on “Service Line Inventories – Tips” (April 2026)

AMWA appreciates EPA’s express inclusion of water system personnel experience, artificial intelligence and other predictive models, and validation flexibility using waivers as methods for completing service line inventories beginning in 2027. AMWA included these potential methods in our comments to EPA on the proposed rulemaking, and we appreciate the Agency’s thorough consideration and exploration of these methods in the guidance. The use of water system personnel experience, predictive models, and waivers for acknowledging prior modeling validation efforts are promising tools that can help water systems reduce costs while prioritizing efforts towards identifying and replacing lead service lines where they are present. We are pleased to offer the following additional questions and considerations for EPA’s review as it finalizes the guidance.

AMWA would like additional clarity on lead service lines that cannot be identified due to property-owner barriers to identifying lead service lines. With this guidance document, and the “LCRI Service Line Replacement Access - Tips April 2026” document, it remains unclear what water systems must do to adequately document the inability to identify an unknown service line due to property-owner barriers and if those unknowns are part of a water system’s required replacement pool. In some cases, a water system fully depends upon individual property owners’ willingness to cooperate with water system requests to inspect the line or otherwise document its composition. In cases where individual property owners do not agree to this review, the water system must classify the privately owned portion of the line as an “unknown” material and include it within the system’s lead service line inventory and replacement calculations. In either this guidance, the “Access” guidance, or forthcoming guidance, EPA should further delineate what happens after the 10-year replacement period if unknowns still exist in an inventory due to no fault of the water system, but due to the refusal of a property owner.

EPA should include a clear description of the possible materials or methods a water system could use to demonstrate and determine a galvanized service line is non-lead in the “Determining a Galvanized Service Line is Non-Lead (i.e., not a GRR) section. This document provides several helpful examples of sources of information that water systems may rely on in their determination, but the guidance does not expressly state the full requirements for water systems to determine that a galvanized line is non-lead. The current Fact Sheet uses an “If/then” statement to describe GRR determination using “operator documentation, modeling, or other methods,” followed by an additional paragraph describing the alternative use of a “record, such as a local ordinance.” This presentation may accidentally lead to confusion over whether water systems must have complete historical records of line composition.

AMWA therefore recommends altering the guidance to include a direct statement, rather than an “If/then” statement, to describe how a water system must demonstrate a galvanized service line never was downstream from an LSL. The guidance could rephrase to a statement such as, “A water system must show that there never were LSLs in all or portions of the distribution system to determine that galvanized service lines are not GRR service lines. Water systems may do this using any, or a combination, of the following methods and records: operator documentation, historical records, local

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ordinances, modeling, and *any other examples EPA may choose to include.*” This information can still be followed with a reminder that primacy agencies may have explicit guidance on how to classify GRRs.

Finally, under Validation Flexibility Using Waivers, EPA should consider adding “at” in this sentence on page 4 to read as follows: “If a system identified all or some of its nonlead service lines through modeling and completed visual inspections that were *[at]* least as stringent as the validation requirements (i.e., number of sites confirmed, visual inspection at a minimum of two points) before November 2027, then the system could seek a validation waiver.”