



**ASSOCIATION OF
METROPOLITAN
WATER AGENCIES**

LEADERS IN WATER

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April 9, 2021

Ms. Radhika Fox
Acting Assistant Administrator
Office of Water
U. S. Environmental Protection Agency

Re: Docket ID: [EPA-HQ-OW-2017-0300](#), National Primary Drinking Water Regulations: Lead and Copper Rule Revisions; Delay of Effective and Compliance Dates

Dear Acting Assistant Administrator Fox,

The Association of Metropolitan Water Agencies (AMWA) is an organization representing the largest publicly owned drinking water utilities in the United States. AMWA appreciates the opportunity to comment on the Environmental Protection Agency’s (EPA) proposed rule to delay the effective and compliance dates of the revisions to the Lead and Copper Rule (LCR). 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. All along, we have sought a rule that is achievable, practical, and enforceable. We believe the revisions that were originally scheduled to take effect on March 16 meet these criteria and represent an important next step for protecting public health from the risks of lead in drinking water.

AMWA has concerns that EPA’s proposal to delay the effective date of the revisions to the Lead and Copper Rule would postpone the significant public health improvements that will be achieved by implementing the rule as finalized. EPA’s reasoning for considering this delay is that it would allow the agency to seek further public input, “particularly from communities that are most at-risk of exposure to lead in drinking water.”

AMWA agrees that engagement with at-risk communities is critical. However, AMWA reminds EPA that the agency has been discussing options for the rule with these communities, other stakeholders, and the public since at least 2010.¹ This long series of engagements informed the publication of EPA’s proposed revisions to the Lead and Copper Rule on November 13, 2019, triggering a 60-day public comment period during which 79,645 comments were submitted.

AMWA appreciates that EPA has conducted this extensive, decade-long public engagement process that facilitated robust opportunities for stakeholders and members of the public to offer their input. While an additional delay could certainly allow for the collection of additional views, the benefits of this must be weighed against the costs of postponing the public health improvements that will be achieved when water systems begin to comply with the final rule in its current form. For example, the final rule will empower individual members of the public to direct their community water system to work with them on a timely

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replacement of the public and privately-owned portions of a lead service line serving their property. The final rule will also require public water systems to test the water of schools and child care centers for lead and mandate the completion of community lead service line inventories so the public can gain a better understanding of where lead lines are thought to be buried. If implementation of the current rule is further delayed, then all of these items will be put on hold.

For these reasons, the association urges EPA to rescind the proposal and not delay the timeline for implementing the Lead and Copper Rule Revisions beyond the agency's initial push back to June 17 of this year.

However, if the agency does adopt this proposal to delay the effective date of the rule until December 16, 2021, AMWA has suggestions for how the agency might best utilize this extra time for stakeholder engagement. First, EPA should engage with homeowners to determine their willingness to work with utilities to replace their privately-owned portions of the service lines, including this group's likelihood of paying for the replacement of their section of the pipe. Many water systems report that there is often significant homeowner resistance to cooperating with utilities on lead service line replacement projects – typically related to a homeowner's reluctance to pay for the private-side replacement or a refusal to allow utility staff to access the homeowner's private property. EPA should therefore use the opportunity of a longer public engagement period to quantify the scope of this problem.

Second, the agency should use this time to work with stakeholders, such as public drinking water utilities, to focus on the development of EPA's guidance documents that will direct implementation of the rule. The agency has highlighted in previous discussions with AMWA that guidance for lead service line inventories will be one of the first documents that EPA will work to develop. The association supports this prioritization, and AMWA would again like to emphasize our members' hopes to help inform this critical guidance.

Finally, if the agency does further delay the rule's effective date to December 16, 2021, AMWA agrees with EPA that the compliance date should be correspondingly delayed for nine months from January 16, 2024, to September 16, 2024. This will ensure that utilities do not lose any of the time they had been expecting to have available to implement the rule.

Thank you for the opportunity to comment. If you have any questions about these comments, please contact Stephanie Hayes Schlea, AMWA's Director of Regulatory and Scientific Affairs, at schlea@amwa.net.

Sincerely,



Diane VanDe Hei
Chief Executive Officer
Association of Metropolitan Water Agencies

Cc: Jennifer McLain, Office of Ground Water and Drinking Water

¹ Since 2010, AMWA is aware of the following meetings and efforts initiated by EPA to engage with the public and stakeholders on revisions to the Lead and Copper Rule:

- November 4, 2010: EPA holds a public meeting to discuss potential Long-Term Revisions to the LCR.
- March 3, 2011: EPA holds a public meeting to discuss environmental justice considerations for revisions to the LCR.
- July 27, 2011: EPA initiates consultations with Indian Tribes on the proposed LCR revisions.
- September 2011: Science Advisory Board provides a report on current scientific data to determine the effectiveness of partial lead service line replacements.
- 2014-2015: EPA engages with the National Drinking Water Advisory Council (NDWAC) to provide advice to the agency as it considered revisions to the LCR. The NDWAC forms a working group, which includes representatives from states, drinking water utilities, environmental advocacy groups, and children's health advocates, in order to provide the requested feedback.
- October 2016: EPA releases the Lead and Copper Rule Revisions White Paper to outline potential regulatory options for improving the rule and to help facilitate ongoing engagement with stakeholders and the public.
- January 8, 2018: EPA holds federalism consultation with state and local government officials on potential revisions to the Lead and Copper Rule.
- January 16, 2018: EPA again initiates consultations with Indian Tribes on the proposed LCR revisions.