

National Primary Drinking Water Regulations/Proposed Lead and Copper Rule Revisions: American Water Works Association Comments



Walter Wright, Jr.

wwright@mwlaw.com

(501) 688.8839

02/13/2020

The American Water Works Association (“AWWA”) submitted February 5th comments to the United States Environmental Protection Agency (“EPA”) on its efforts to revise the Lead and Copper Rule (“LCR”) revisions.

See National Primary Drink Water Regulations: Proposed Lead and Copper Rule Revisions – Docket No. EPA-HQ-OW-2017-0300.

EPA has addressed through its Safe Drinking Water Act authority lead in drinking water since 1991. The rule is applicable to water utilities and focused on the reduction of lead and copper in drinking water.

By way of introduction, AWWA states that the LCR revisions represent a step forward for public health protection. However, the 148 pages of comments seek what it describes as a number of improvements to the proposal.

A few of AWWA’s points include:

- Support for EPA’s incorporating recommendations from the National Drinking Water Advisory Council into the published proposal
- Encouragement for EPA to support water systems seeking policy changes at local and state levels to achieve regulations that facilitate full-lead service line replacement
- EPA and primacy agencies should allocate time and effort to:
 - Revising of plumbing codes
 - Expanding training and certification of professionals that communities can then draw on to implement lead identification and removal
 - Setting of public health codes for child care and school facilities
- Supporting rate commission filings
- Revising the EPA lead website
- EPA should address issues related to:
 - Inventory
 - Clarity
 - Corrosion control
 - WIIN Act Implementation
 - Fifth liter sample

- Find-and-Fix
- Pitcher filters
- Monitoring in schools and childcare facilities
- Timely notification of individual home results
- Documentation
- Ensure the LCR revisions are administratively sound
- Provide adequate guidance Address a trigger level
- Provide incentives
- Include National Drinking Water Advisory Committee's recommendations such as:
 - Preparation of lead service line inventories and replacement plans
 - Setting community specific goals for lead service line replacement over time, in collaboration with property owners, community leaders, state, and federal agencies
 - Greater utilization of water quality parameter data to ensure and improve ongoing corrosion control treatment over time
 - Ensuring that all water systems, not just the largest water systems, are fully aware of the corrosivity of their water and manage that corrosivity
 - Concern is expressed that EPA does not adequately provide:
 - Funding for intra- and extramural research on topics important to execution of the LCR
 - A high-quality, current, common resource on lead health effects and lead risk reduction
 - Guidance to support rule implementation, particularly implementation in the timeframes anticipated
 - Guidance for fit-for-purpose sampling
 - Regularly updated guidance for corrosion control, such as effective selection of treatment and successful case studies
 - Funding for training of EPA and primacy agency staff in corrosion control
 - Adequate funding for primacy agency LCR program implementation

A link to the AWWA comments can be found [here](#).