
State Water Resources Control Board

April 12, 2021

Ms. Radhika Fox
Acting Deputy Administrator Office of Water
USEPA Headquarters
1200 Pennsylvania Avenue, NW
Washington, DC 20009

RE: Proposed Delay of Effective and Compliance Dates of Lead and Copper Rule Revisions, Docket: EPA-HQ-OW-2017-0300

Dear Ms. Fox,

The California State Water Resources Control Board (State Water Board) thanks the United States Environmental Protection Agency (EPA) for moving to address lead in drinking water issues. The State Water Board appreciates the effort and time spent on the Lead and Copper Rule Revisions (LCRR), especially in light of the complexity of the original LCR. However, we believe EPA has missed an opportunity to simplify the LCR in a way that would make it more effective.

The State Water Board appreciates the opportunity to comment on the proposed delay of effective and compliance dates. **The State Water Board supports the proposed delay of the LCRR effective date to December 16, 2021, as well as the delay of the compliance date to September 16, 2024.**

The State Water Board would like to provide the following additional comments at this time:

Overall Framework

In general, the proposed language in the LCRR unfortunately does not simplify the 1991 LCR, which was an original stated goal of the revisions. The LCRR regulatory language and requirements proposed are more extensive, more difficult to follow, track, and implement for states and water utilities. Regulations that are simple to interpret and follow will ultimately be more successful in their ultimate goal of protecting public health. To this end, we recommend that the focus on LCRR should be the removal of lead from our drinking water infrastructure. This is already a goal for California, and we believe other states are capable of this as well. The EPA should consider the creation of two

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

tracks in the regulations that allow for a modified approach with less requirements for those states that are able to document the elimination of lead from their drinking water infrastructure.

If this more complex LCRR goes forward, the State Water Board requests that the EPA create the necessary guidance documents, training materials, templates, and data tracking systems necessary to support this difficult to implement rule for states and water utilities. EPA is relying heavily on state decisions throughout this proposed rule and has made no commitment to train states and water systems on this complex issue. A critical example is explaining the significance of action/trigger levels in relationship to a health-based number(s) or lack of health-based number(s). Water systems will be without guidance and communication to the public will vary dramatically. Development of health-based number(s) by EPA would be very beneficial and provide a backdrop for water systems when discussing lead impacts with consumers, schools and childcare facilities so they may make appropriate decisions.

Data Management and Economic Burden

The State Water Board is concerned that the EPA has not adequately considered the costs the LCRR will impose on state data management and implementation challenges state will face associated with this proposed rule. EPA needs to commit to develop an appropriate LCRR data management system prior to finalizing the LCRR since EPA itself will need such a system where it retains primacy, and this should be done with state involvement. The State Water Board also asks the EPA to continue to support SDWIS/State and build in the necessary tracking and management tools for the LCRR until a new strategic approach to SDWIS modernization is established, or development of SDWIS Prime resumes.

State primacy programs are chronically underfunded, which constrains the ability for state drinking water administrators to protect public health. Additional federal support from the Public Water System Supervision (PWSS) Program and the set-asides from the Drinking Water State Revolving Fund (DWSRF) are necessary considering the expanded workload imposed by the LCRR.

Lead Service Line Definition

The State Water Board would like the EPA to change the very confusing definition of a lead service line (LSL). The addition of a galvanized line downstream of a lead pipe, gooseneck or pigtail as an LSL is not clear. The LCRR does not consider lead fittings, goosenecks or pigtails alone an LSL and this is not justified. Lead fittings need to be considered an LSL. The State Water Board suggests that all lead pipe or fittings (goosenecks or pigtails) be considered an LSL in the LCRR since they clearly have the potential to contribute lead into drinking water. We also recommend that EPA clearly define galvanized pipe in a separate definition and clarify how it should be considered when downstream from an LSL.

The State Water Board recommends the final LCRR include regulatory requirements and mandatory LSL replacement rates for all water system. The State Water Board supports a 7% replacement rate for all water systems, no matter the size of the water

system or 90th percentile results. We also believe that a faster replacement rate of 15 percent is possible for water systems that have less than 25 percent of their total service line inventory as LSL.

The State Water Board supports the timelines for lead service line inventory requirements. However, the State Water Board recommends the final LCRR eliminate the annual requirement of an updated inventory when a water system has identified all user service lines, that is no unknowns, and has removed all lead service lines.

The State Water Board appreciates the opportunity to provide comments at this time. If you have any questions about these comments, please feel free to contact me at darrin.polhemus@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrin Polhemus". The signature is fluid and cursive, with the first name "Darrin" written in a larger, more prominent script than the last name "Polhemus".

Darrin Polhemus, Deputy Director
Division of Drinking Water