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SPRINGFIELD WATER AND SEWER COMMISSION

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February 12, 2020

Andrew R. Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101 A
Washington, DC 20460

Re: National Primary Drinking Water Regulations: Proposed Lead and Copper Rule Revisions

Dear Mr. Wheeler:

The Springfield Water and Sewer Commission (Commission) appreciates the opportunity to submit comments on the most recent revisions to the Proposed Lead and Copper Rule (LCR). The Commission writes in full support of the comments submitted in a letter collaboratively by the New England Water Works Association, the Massachusetts Water Works Association, and four other New England drinking water associations on this proposed rule. This letter serves to provide additional details unique to the Commission's on-the-ground experience to illustrate and supplement those comments.

The Commission provides drinking water to approximately 250,000 people, including retail service with 43,000 accounts in the city of Springfield and town of Ludlow, Massachusetts, and wholesale and peak/emergency service to eight additional regional communities. The Commission has always heeded the critical importance of mitigating the threat of lead in drinking water. In the 1990s, the Commission proactively worked to locate and remove all known lead service lines from its distribution system in Springfield and Ludlow, a process that was completed by 2005.

Protecting the public from lead in drinking water still remains a top priority for the Commission, particularly in an older city such as Springfield. The Commission commends EPA for working to update regulations that will further reduce the threat of lead in the nation's drinking water, and looks forward to working closely with the Massachusetts Department of Environmental Protection to implement these new standards. Below are comments by the Commission for consideration by EPA on the proposed LCR revision:

Tier 1 Notice

The Commission concurs with the New England Water Works Association, et. al. that 24-hour notification for a lead action level exceedance at the 90th percentile will create undue public alarm and needlessly undermine confidence in public water systems (PWSs). This is because, at the most basic interpretation, a 90th percentile action level exceedance among a sampling pool that purposefully incorporates high-risk homes and buildings does not necessarily indicate the entire water system is at risk.

In the case of lead, a 24-hour notification does not allow adequate time or space for the careful dissemination of risk communication – what the sampling results actually mean to the collective public health of the community – that will be necessary. The impression created by the scale and urgency of a Tier 1 notification will be that of immediate danger, when in reality the system water quality may be sound, and the results that led to the public notification were in fact collected days or weeks ago. In the wake of Flint, customers across the country are still wary of receiving erroneous information from public officials about their drinking water supply. Such an approach could have dire consequences for trust in public water systems and regulatory agencies. From its own experience with past Tier 2 public notifications, the Commission understands how quickly misinformation can still spread about drinking water despite adequate time and extra effort in risk communication. The Commission urges EPA to carefully reconsider the underlying health rationale in requiring a Tier 1 notification for lead.

Find-and-Fix

The Commission aligns with New England Water Works Association et. al. on their statement that, “We do not believe that an individual sample’s results should drive significant distribution system evaluations or treatment re-optimization.”

In the Commission’s experience in Springfield, where all known lead service lines have been removed and a robust corrosion control program is in place, past LCR sampling rounds have resulted in repeated lead levels above the action level at individual homes where owners have opted to not change out plumbing, even following a find-and-fix effort. That the premise of find-and-fix will now be expanded to an evaluation of the corrosion control system strikes us as a disproportionate response, which could result in expensive and time-consuming distribution system evaluations and treatment re-optimization for 250,000 people due to premise plumbing found in a handful of properties rather than system trends. The Commission believes that find-and-fix is a more effective tool deployed at the individual level to help property owners take action to remove the threat of lead from their homes.

24-Hour Notification

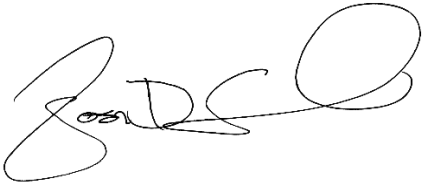
The Commission agrees with the New England Water Works Association that the requirement that elevated lead sample results must be reported within 24 hours to the individuals that submitted the sample is impractical and may result in gratuitous violations due to factors beyond a utility’s control. For example, the Commission often receives outside laboratory results after standard working hours at its on-site laboratory. For that reason the Commission supports requiring the reporting of results within two business days.

Schools and Child Care Facility Sampling

The Commission supports the New England Water Works Association, et. al.'s recommendation that allowances towards the 20 percent sampling goal should be made for school or child care facilities that decline to participate. In its 2018 LCR sampling round, the Commission encountered a child care facility that refused to test the water due to potential financial liability, and would only do so if the Commission "could guarantee good results," which of course it could not and would not. The Commission has no ability or authority in these circumstances to compel facilities to participate in sampling. As awareness of lead in drinking water issues increases due to national media stories, utilities such as the Commission could face increased barriers in securing schools and child care facilities willing to participate in sampling due to the potential for negative publicity and high remediation costs. For this reason, the Commission also supports the New England Water Works Association et. al.'s recommendation that EPA work with other federal agencies to create enforceable requirements that educational and child care facilities are responsible for sampling for lead.

We thank you again for the opportunity to submit comments on this important regulatory update.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Schimmel", with a large, stylized loop at the end.

The Springfield Water and Sewer Commission

By: Joshua D. Schimmel, Executive Director