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Peter Grevatt  
Director, Office of Ground Water and Drinking Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 4601M  
Washington, DC 20460

RE: Long-Term Lead and Copper Rule Federalism Consultation (Docket ID No. EPA-HQ-OW-2018-0007)

Dear Mr. Grevatt:

The Michigan Section of the American Water Works Association (MI-AWWA) appreciates the opportunity to offer comments to the U.S. Environmental Protection Agency as part of its federalism consultation on potential long-term revisions to the Lead and Copper Rule (LCR). We are an affiliate of the American Water Works Association, a participating association in this federalism consultation.

MI-AWWA is committed to helping our members to protect consumers of drinking water from exposure to lead. Improving the LCR to further reduce exposure to lead requires community-specific solutions that recognize the shared responsibility between consumers and water systems for managing exposure to lead in drinking water. We also recognize the importance of federal, state and community-wide investment in managing lead exposure from multiple sources including lead paint in housing, lead deposited in soils, sources of lead in schools, lead in other household items and lead service lines.

As EPA contemplates improvements to the Long-Term Lead and Copper Rule, MI-AWWA encourages a focus on actions that are feasible within current statutes so that we can move forward without confusion and additional delay. It is also critical that any requirement to change water chemistry provides flexibility to address local water quality and operational considerations. A federal rule that requires all water systems to use the same corrosion control treatment would be problematic. We hope that our observations assist in developing a protective rule within available resources while avoiding unintended consequences.

#### Lead Service Line Replacement

Our members have been evaluating lead service line replacement strategies. The current estimate is that there are more than 500,000 lead service lines in Michigan. Some of the challenges our members have identified include the following:

- Limited information on the pipe material in use on each customer's property.
- Customers who are unwilling to replace lead service lines or unable to afford the cost of lead line replacement.
- State limitations on the use of public funds to benefit private property owners.
- Replacement projects require coordination in order to minimize disruption to our community.

#### Responses to the evaluation document

- A physical verification of lead service lines would place a strain on resources. However, we agree that the inventory should be completed over time as part of a larger asset management program.
- Proactive replacement of lead service lines needs to align with a water system's overall asset management program that integrates with all infrastructure updates. Other infrastructure issues may pose a greater risk to public health and thereby be a priority over lead service line replacement when the action level has not been exceeded. A change in LCR sampling or a change in the action level may impact the schedule for infrastructure updates and may pull resources away from other needed projects.
- Partial lead service line replacement increases the risk of elevated lead levels and creates a public health problem that didn't previously exist. Mitigation measures used in partial replacements are an alternative, but require homeowner cooperation, which is not guaranteed. Both water supplies and individual property owners have challenges to overcome to make full lead service line replacement feasible. If the risk of partial lead service line replacement is to be avoided, it is imperative that funding for the premise piping be funded outside of the utility rate base, along with legislative solutions that compel the private property owner to act in conjunction with the local water supply to effect full service line replacement.
- MI-AWWA agrees in concept that some remediation after lead service lines are replaced is needed. However, the details of the remediation should be left up to the local water supply as details of the replacement and detectable lead levels may allow a variety of approaches. If the rule includes a period of remediation, the language should be broad enough to allow for the local water supply to make the determination of what specific action is needed (filters, filtered-pitchers, etc.).

#### Optimized Corrosion Control

Because EPA appears to be seriously considering phosphate addition as the gold standard for corrosion control treatment, we ask that you give consideration to:

- Coordination between water and wastewater treatment plants and regulated municipal storm water systems about the impact on meeting NPDES permit limits.
- Potential implications for managing iron and manganese release and the potential for colored water.
- Adjusting pH, which in turn affects disinfection contact time, the maintenance of an effective secondary residual, and disinfection byproduct formation.
- The need to consider other metals like stainless steel as well as concrete pipes.
- Uncertainty that using theoretical solubility and pilot studies alone will necessarily lead to significant lead reductions.

#### Responses to the evaluation document

- It may actually protect public health best to leave the threshold as is since lead service line replacement for a system with less than 50,000 people served may be a better use of the water

supply's resources and offer a greater impact to public health. The best available science should be used in setting any thresholds for action.

- The water supply should not be responsible for installing or maintaining any equipment to mitigate lead levels on private property. Access to private property can never be guaranteed. Any in-home treatment systems, faucet filters, or pitcher filters should be the responsibility of the property owner.
- A default corrosion control treatment program (CCT) may produce unintended consequences. For example, widespread mandated phosphate addition could increase the phosphorous loading to the water resource recovery facilities and hence impact receiving waters. Water chemistry has many complexities and variables that make a default standard potentially problematic. The details of any CCT should be determined by the local water supply working together with the primacy agency.
- We support periodic evaluation of CCT, and increased water quality parameter sampling. Any re-evaluation of a CCT should be based on changes in water quality and the best available science. No predetermined re-evaluation parameters or frequency should be set.
- Requiring investigation of CCT based on a single tap sample exceeding the action level is not appropriate. A single sample is not enough data to determine that there is a problem with CCT. A single sample exceeding the action level should trigger an investigation and evaluation process to determine the source of the elevated level and then mitigation if necessary.

#### Sampling Responses to the evaluation document

- If the intent of the LCR remains to evaluate the CCT, then more samples may not be meaningful. Any increase in sample numbers should be based on the best available science. If the sampling intent is to address lead exposure, consideration must be given to all sources of lead exposure and should not focus solely on drinking water as that may actually lead the public to be misinformed about their exposure risk.
- Currently, water supplies have testing sites dictated by specific criteria. Most supplies also test upon customer request but that testing does get incorporated into compliance calculations. The protocols are currently based on getting the best overall picture of the corrosion control treatment program. Introducing new/different protocols into the sample may no longer provide a good indication of the CCT's effectiveness.
- MI-AWWA believes that locations such as schools, daycares, hospitals, and other facilities, which are regularly occupied by populations sensitive to lead exposure, should be evaluated separately from requirements in the LCR. The needs and risks of these locations are different and should be separate from the water supply's normal course of water monitoring. These are a mix of public and private entities and so testing of these facilities should be a licensing or public health department issue with support as needed from the local water supply.
- Taking samples during a regular water draw from drinking or cooking may actually introduce other influencers into the sample and skew the overall picture of CCT. This goes back to the intent of the Rule. If it remains evaluating the CCT, this approach should not be undertaken. If the intent is to evaluate lead exposure, a water sample must be only a part of a home's evaluation.
- A household action level is a good idea but that level must be set based on scientific data. Moving from a measure of the effectiveness of corrosion control treatment to determining the appropriate Health Action Level would provide focus for appropriate remedial actions and investments.
- A screen for determining if a supply's water is aggressive to copper and subsequent action by the water supply is a great idea if the screen is based on available science. Having separate sampling sites

appears at this stage to be premature and more data is needed to provide input. For example, is there something being done to impact the copper results with current sampling?

### Public Communications

MI-AWWA recognizes the importance of regular and transparent communication that helps customers address risks from lead in drinking water. In addition to required language in consumer confidence reports, our members are taking other actions such as:

- Explaining what is known about the existence of lead service lines in the service area.
- Guidance on how to have water tested in the home, including free or low cost testing done by the local water supply.
- Discussion of how to identify and remove lead service lines, including financial assistance that may be available to them through the water supply.

### Responses to the evaluation document

- Ongoing outreach could have the potential to motivate property owners to replace their lead service lines if the water supply has the resources to develop or acquire clear and consistent education materials offered in multiple languages and media. EPA could assist in this regard by providing such materials.
- Water supplies should notify home owners of an action level exceedance but 24 hours is simply too short a timeframe. Although well intended, 24 hours may not be practical. There is also concern that a 24-hour notice timeframe may be perceived as a health emergency. MI-AWWA suggests that three days may be a more reasonable timeframe.
- Although not opposed, MI-AWWA doesn't see the benefit in making the results of the water quality parameter monitoring accessible to the public. Much of this information would not be understandable to the layperson and could be misinterpreted. Also, we have concerns about protecting a property owner's rights to privacy particularly with information they believe others may construe as devaluing their property.

We encourage the development of a national clearinghouse of information on lead to help water systems and other entities communicate effectively and consistently about lead risks across all media.

We hope that our comments help EPA develop sound rule options that further reduce risk posed by lead, recognizing the realities of local budgets and infrastructure renewal needs. If EPA has any questions regarding these comments, please contact me at [christine.spitzley@ohm-advisors.com](mailto:christine.spitzley@ohm-advisors.com) or our Executive Director Bonnifer Ballard at [bballard@mi-water.org](mailto:bballard@mi-water.org).

Sincerely,



Christine Spitzley  
Chair, Board of Trustees

cc: David Ross, Assistant Administrator for Water, EPA