



April 8, 2021

Ms. Radhika Fox
Acting Deputy Administrator Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20009

**Re: Proposed Delay of Effective and Compliance Dates of National Primary Drinking Water Regulations: Lead and Copper Rule Revisions (LCRR)
Docket ID No. EPA-HQ-OW-2017-0300**

Dear Ms. Fox,

The state and territorial primacy agencies are co-regulators with the Environmental Protection Agency (EPA) in the development and implementation of drinking water regulations. As such, ASDWA's members have a unique relationship with EPA when compared to other drinking water stakeholders such as the regulated community, i.e., the water systems. This relationship provides unique opportunities and challenges in the regulatory development process, especially for complex rules such as the Lead and Copper Rule Revisions (LCRR).

ASDWA's members appreciate the time and resources the Agency has expended on the LCRR, as it is a significant rulemaking that improves public health protection. The final LCRR as promulgated on January 15, 2021, has some areas that deserve some additional review and stakeholder engagement. **ASDWA 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.**

Three additional issues warrant comments at this time:

1. The date for the submission of primacy packages must be delayed by the same length of time as the delay of the LCRR effective date (six months). ASDWA recognizes the inherent challenges due to the regulatory language in §CFR 142.12(b)(1) and one possible solution is (there are likely additional solutions) a blanket six-month extension by EPA of the 2-year primacy package submission requirement – **(b)Timing of State requests for approval of program revisions to adopt new or revised Federal regulations.**

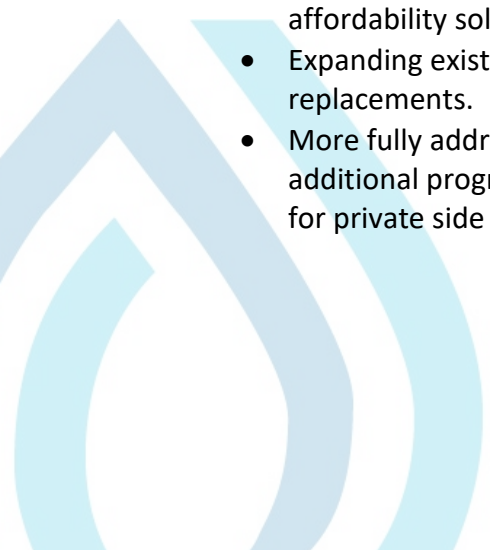
(1) Complete and final [State](#) requests for approval of program revisions to adopt new or revised [EPA](#) regulations must be submitted to the [Administrator](#) not later

than 2 years after promulgation of the new or revised [EPA](#) regulations, unless the [State](#) requests an extension and the [Administrator](#) has approved the request pursuant to [paragraph \(b\)\(2\)](#) of this section. If the [State](#) expects to submit a final [State](#) request for approval of a program revision to [EPA](#) more than 2 years after promulgation of the new or revised [EPA](#) regulations, the [State](#) shall request an extension of the deadline before the expiration of the 2-year period.

2. The proposed delay of the LCRR compliance date to September 16, 2024 results in the start of the initial LCRR compliance sampling period being January 1, 2025. Any potential additional changes being considered for the LCRR should also result in a January 1st start of LCRR compliance sampling. The LCRR is complicated enough as is, so additional complexity with partial year compliance periods should not be included in any potential changes being considered for the LCRR.
3. ASDWA supports EPA in its efforts to include galvanized service lines in the final LCRR due to the studies that have shown that a lead scale builds up on galvanized service lines that are downstream of a lead service line, and this scale can create increased exposure to lead in drinking water. However, the definitions in the final LCRR are problematic. The final LCRR is unclear about the different combinations of what might be upstream of a galvanized service line (lead service line, lead service line that was replaced 20 years ago, lead gooseneck or pigtail, or unknown) and how each combination would fit into the inventory, tiering for the compliance sampling plan, and the lead service line replacement plan. **A change in the definitions for lead service lines and galvanized service lines, or additional information and guidance is needed to clarify the requirements for water systems so that primacy agencies can provide appropriate oversight.**

"Getting the lead out" through full lead service line (LSL) replacement all the way to the building wall is the final solution for significant reduction in lead exposure from drinking water. The costs for full lead service line replacements are a shared responsibility between the water system and the property owner. These costs can be a significant burden for many residents, therefore, ASDWA recommends that EPA consider a broader range of affordability solutions, tools, and resources in its LCRR review including:

- The formation of a partnership with the Department of Housing and Urban Development (HUD) and other Federal agencies to broaden the spectrum of potential affordability solutions.
- Expanding existing EPA guidance on the financial issues surrounding full LSL replacements.
- More fully addressing the costs for full LSL replacements in this review, so that there are additional programs stood up or expansions to existing programs to address the costs for private side replacement for our most vulnerable populations.



There needs to be a clearer financial pathway for full LSL replacement as well as a stronger recognition of all sources of lead, in addition to lead in drinking water.

Additional issues for future comments and/or input to EPA will likely arise from EPA's planned stakeholder outreach on the LCRR later in 2021. ASDWA's members and staff will likely participate in EPA's public listening sessions on April 28th and May 5th, and we are looking forward to the co-regulator meeting that is planned for July. ASDWA appreciates the opportunity to provide this early input in the LCRR review process. If you have any questions about these comments, please feel free to contact me at aroberson@asdwa.org or at (703) 915-4385.

Sincerely Yours,



J. Alan Roberson, P.E.
Executive Director

Cc: Jennifer McLain – EPA OGWDW
Eric Burneson – EPA OGWDW

