



March 8, 2018

Ms. Iliriana Mushkolaj, PhD
Physical Scientist
Office of Standards and Risk Management
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460-0001

RE: Public comments - Lead and Copper Rules UMRA/Federalism Consultations, Docket No. EPA-HQ-OW-2018-0007

Dear Ms. Mushkolaj:

Thank you for the opportunity to offer comments to the U.S. Environmental Protection Agency as part of the Lead and Copper Rule (LCR) federalism consultation. The Great Lakes Water Authority (GLWA) is the provider of choice for water and wastewater services to 127 municipalities in seven Southeastern Michigan counties, serving 3.9 million customers. With the Great Lakes as source water, the GLWA is uniquely positioned to provide its customers water of unquestionable quality. GLWA has capacity to extend its service to other Southeastern Michigan communities. The authority offers a Water Residential Assistance Program (WRAP) to assist low-income residential customers throughout the system. The GLWA Board of Directors includes representatives throughout Southeastern Michigan.

We offer a number of solution-oriented approaches for your consideration. We are also communicating these approaches with the State of Michigan Department of Environmental Quality in response to their revised draft lead and copper rules.

First and foremost, addressing lead exposure is a collaborative responsibility between federal, state and local agencies. This responsibility extends across multiple state and local departments, not primarily water service providers. Without the coordinated actions across state and local health departments, water service providers and licensing agencies, the ability to identify and eliminate sources of lead exposure will continue in a haphazard manner. Investments must strategically address multiple sources of lead exposure, including paint and dust, soils, indoor plumbing, lead service lines and other household items. Furthermore, specific drinking water solutions at the local level must recognize the shared responsibility between consumers and water service providers.

With this background, we offer the following considerations as part of this federalism consultation:

- When a change in source water is proposed, a coordinated evaluation and technical analysis must occur to address potential corrosion control treatment requirements.
- A federal rule that requires all water systems to use the same corrosion control treatment does not address allow for flexibility for local water quality and operational considerations.
- Incorporate lead service line replacements as part of the community's asset management program. A community's asset management program facilitates strategic investments and

collaborative approaches to implement infrastructure improvements across multiple jurisdictions within the same public road right-of-way areas. Lead service lines are part of older water main systems that are likely in need of replacement; thus, these infrastructure improvements should be completed in a coordinated manner with the existing federal requirements as a backdrop to address priority areas.

- This asset management approach will allow state and local agencies to implement a lead and copper rule that is protective of public health and within available resources. It will also ensure that local governments have the ability to continue investing in needed drinking water, sanitary sewer, and stormwater infrastructure improvements so that a different set of public health problems does not arise from unintended consequences of newer, more stringent lead service line replacement requirements. We recommend you review the State of Michigan's 21st Century Infrastructure Report about the benefits of asset management programs in addition to the upcoming final report for the state's pilot asset management project.
- A multi-agency approach is critical to effectively reducing all lead exposure and identifying the exact source for each unique situation. A lead service line replacement requirement outside of the asset management approach fails to consider whether lead plumbing or fixtures within a house are sources of lead exposure. Likewise, state health agencies that respond to high blood level results in children primarily focus on lead exposure from paint, dust and soil. Aligning these agencies and programs will result in a targeted approach for all lead dangers.
- Within GLWA's service area of southeastern Michigan, there are various instances where state and local agencies coordinate to address individual cases of high lead blood level results. None of these cases have resulted in identifying water as a source of exposure. In fact, communications with our region's health departments have determined that lead paint and dust continue to be recognized as the primary source of lead exposure and resulting high lead blood levels. When those circumstances determine that a lead service line is a source of lead exposure, then water service providers should replace the public side of the lead service line; however, that must be complemented by coordination with the private property owner to pay for the private-side replacement.
- A multi-agency approach is also supported through the healthcare community. In 2016, the State of Michigan established the Child Lead Poisoning Elimination Board because "...there exists a need in state government for a coordinated effort to design and long term strategy for eliminating child lead poisoning in the State of Michigan."

Some key statements from their report, *Child Lead Poisoning Elimination Board, A Roadmap to Eliminating Child Lead Exposure*, include:

- "A greater focus on primary prevention will also require the recognition and coordinated targeting of all lead dangers.
- Health equity must be the foundation of all policy and funding recommendations, with areas of disparate lead exposure given higher priority.
- By far the most common identified form of lead exposure for children is through lead paint and lead dust in older homes...
- The board proposes that its recommendations be prioritized so that known sources of ongoing exposure (those houses, apartments, and other structures and areas where child lead exposure has been identified and where families continue to live or visit) are addressed first.

- The board further proposes that prioritization of its recommendations to eliminate exposure risk be based on the likelihood that a particular type and level of exposure will result in child EBLs.
 - The only way to truly eliminate child lead exposure is to test every child in Michigan and then target well-defined, high-risk areas to provide a comprehensive, targeted remediation approach.”
- Finally, sound data and science need to be used in drafting these rules. We encourage the EPA to continue working on the nationally, peer-reviewed process for setting health-based standards for lead in drinking water.

Additional considerations for the Key Areas for Rule Revisions are provided as follows:

1) Lead Service Line Replacement

- The State of Michigan estimates that there are approximately 500,000 lead service lines within Michigan. At a conservative EPA estimate to replace each service line, this would represent a \$2.35 billion investment. Michigan’s 21st Century Infrastructure report conservatively estimates an annual infrastructure investment shortfall of \$4 billion.
- A public-side lead service line material inventory can be developed over time, but as part of asset management programs. There is no single inventory of all lead service lines. The importance of creating this inventory through asset management programs will allow water service providers to refine inventory information in conjunction with other water system activities, and coordinate, when needed, during specific case management evaluations of lead exposure. The information about pipe material on private property is very limited and not part of any water service provider records.

A physical inventory of lead service lines requiring exposure of underground infrastructure that is not performed in conjunction with any infrastructure improvements is not cost-effective. While looking at the incremental cost may appear manageable for discrete requirements, taken in total these costs will exacerbate affordability issues for many Americans. Focusing on an ongoing records evaluation to develop a preliminary material inventory combined with lead service line replacement as part of asset management programs will incrementally work towards the ultimate goal of eliminating lead in these systems in the most cost-effective manner.

- Additionally, and as mentioned above, evaluating lead service line replacement as part of other collaborative lead exposure programs at the state and local levels will successfully integrate those critical timeframes to address the source of lead exposure.
- Furthermore, there are multiple opportunities to address lead service line replacement outside of the water rule. These include rental inspections, property transfers, licensing of facilities such as day care and retirement/senior centers, etc.
- Finally, the most critical consideration is related to the use of public funds on private property. While most recognize that partial lead service line replacement may increase lead levels within drinking water, the EPA must consider alternatives to successfully implementing full lead service line replacements. The private side of lead service lines must be funded outside of the water service provider rate base and likely in a manner that may require a private property to work in conjunction with the local water service provider.

2) Corrosion Control Treatment

- As noted previously, any changes in source water must be accompanied by an evaluation and verification for needed corrosion control treatment.
- Corrosion control evaluations should be in response to water quality parameter monitoring in conjunction with other distribution and water treatment process monitoring. Increased water quality parameter sampling should be a consideration.
- The details of corrosion control treatment programs should be developed by the local water service provider with review and coordination at the state level. When changes in water quality occur, then corrosion control re-evaluation should be a consideration. One overarching standard for corrosion control treatment and subsequent re-evaluation requirements does not take into consideration local water quality or operational conditions. Additionally, it may be more cost-effective for smaller water systems to focus on lead service line replacement and result in a greater benefit to public health.
- Providing in-home water filtration systems, faucet filters, etc. are not a function of a public water service provider. Any needed filters are the responsibility of the property owner. Water service providers do not have authority to access private property.
- Single samples that exceed the action level should not warrant an investigation of corrosion control treatment. A sample exceeding the action level should first trigger a review of the sampling techniques and procedures, followed by an investigation into the source of the elevated result and then actions to eliminate the source.

3) Tap Sampling

- As local communities develop and implement asset management programs that include a lead service line component, the tap sampling should occur in those areas and facilities that are regularly occupied by those populations sensitive to lead exposure. Targeting these areas will also work in alignment with the suggested multi-agency approach described above and will lead to enhanced source determination and ultimate abatement and/or remediation/removal.
- This comprehensive approach may also lessen the challenges associated with homeowner sampling that consistently lacks QA/QC procedures. Through this multi-agency approach, coordinated efforts can address all potential lead sources and communicate similar messaging to the public in these target areas, perhaps resulting in increased cooperation for tap sampling and other lead evaluations.

4) Public Education and Transparency

- There are already significant outreach materials regarding lead exposure from other sources. Those programs and materials could be enhanced with topics related to lead service line replacement. The EPA should lead the effort in developing these coordinated materials and making these materials available to states and local water service providers. Public Education efforts will be most successful with consistency in messaging that can be supplemented with local system specifics.

- The 24-hour notification timeframe regarding an action level exceedance is too short. A 3-day notification timeframe is suggested as a more feasible timeframe.
- Finally, making water quality parameter monitoring data accessible to the public does not recognize privacy of property owners and may very well result in negatively affecting property values. Additionally, data results are often confusing for the public to understand.

We thank you for the continued opportunity to provide ideas for a solutions-based approach to modifying the lead and copper rule. As we have indicated, this is a much larger public health challenge and one in which water supplies are committed to doing our share. Addressing only the lead and copper rule ignores the opportunities to collaborate with other existing lead exposure programs. Implementing these programs must be completed through asset management approaches that ensure we are protective of public health, without hampering the feasibility of continuing other critical infrastructure improvements (drinking water, sanitary sewer, stormwater and roads).

Please feel free to contact me with any questions regarding our suggestions.

Sincerely,



Sue F. McCormick
Chief Executive Officer

SM/CP/tna/dr