

US EPA ARCHIVE DOCUMENT

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Advisory
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APR 29 2014

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The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator McCarthy:

The proposed regulatory revisions to the Lead and Copper Rule (LCR) under the Safe Drinking Water Act are aimed at further reducing the adverse health effects of copper and lead in drinking water, certainly a valid public purpose for regulation. However, unlike most regulated drinking water contaminants, lead and copper are leached from the plumbing in homes, drinking water distribution systems, and lead service lines.

The LGAC appreciates that the LCR does not have any provisions to modify homeowners' plumbing and that EPA is not currently contemplating such a requirement. Any proposed regulation should be promulgated and carried out with caution to respect private property rights. (Note: Public water utilities have limited authority to enter private property to sample water or to replace service lines in response to a public water system exceeding the lead action level).

Because of the potential public health concern of contamination from plumbing fixtures, the role of the EPA should be to work in partnership with public water utilities to educate and facilitate the homeowner/consumer's understanding of the risks and alternatives available to address the potential contamination and exposure to elevated lead and copper levels in drinking water.

In addition, the EPA should work in partnership with municipal utility systems to ensure that consumers are aware of the tradeoffs and costs. For both the individual homeowner and the municipal utility system, resources are scarce and must be invested to maximize the return in terms of improving health and maximizing best practices to avoid contamination.

The LGAC appreciates the opportunity to provide comments and we look forward to our partnership with the EPA and continuing dialogue regarding this important public health issue and how to proceed in providing clean and safe water for our communities.

Sincerely,



Mayor Bob Dixon
Chair, LGAC



Sue Hann
Chair, Protecting America's Waters Workgroup



Mayor Lisa Wong
Chair, Environmental Justice (EJ) Workgroup

Enclosure

Cc: Nancy Stoner, Acting Assistant Administrator
Office of Water (OW)
Peter Grevatt, Director, Office of Groundwater and
Drinking Water (OGWDW)

Enclosure 1-LGAC Copper and Lead Letter of Recommendation

Highlights of the LGAC's Concerns and Recommendations on Proposed Revisions to the Lead and Copper Rule (LCR)

Areas of Concern:

- Situations where contamination occurs as a result of plumbing that is wholly within the privately and individually owned home
- Limited availability of public water utilities to enter a residence, collect tap samples, and replace the portion of a lead service line on private property
- Introduction of orthophosphates as a corrosion control may negatively affect TMDL measures

Recommendations:

- The role of the public water utility, in addition to reducing exposure to lead and copper in drinking water for their consumers, should be one of education and facilitation to assist the homeowner/consumer in understanding the risks and alternatives to address the potential contamination
- EPA should work in partnership with municipal utility systems to ensure that consumers are aware of the tradeoffs and costs
- EPA should carefully consider the goal of the regulation – reduced lead and copper in drinking water – with respect to the methodology proposed to achieve the goals – the additional regulation on municipal water systems
- Although EPA does not have regulatory authority for private wells, consumer information regarding lead and copper in drinking water is likely important to private well owners too. In those municipalities or rural areas with individual wells, at-risk citizens may be completely missed
- Strategic consideration of methodologies such as orthophosphate addition need to be made carefully
- Local utility companies working with EPA, already let the public know if there are risks based on local water analysis that shows lead or copper exceeding the action level. However, every homeowner whether part of a regulated utility or on a private well should know the health risks of lead and copper and what options they have to address, remediate, and prevent health effects, including making plumbing changes.
- Finally we recommend that local officials, working with their utility companies and in partnership with EPA, evaluate best practices in getting information to all homeowners, including those on private wells, on both lead and copper, especially in environmental justice and small communities. Communities know their best methods for disseminating information; this is especially important in small and EJ communities, where enhanced outreach may be necessary.