July 31, 2012

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RE: Comments in response to EPA’s July 17th Lead and Copper Rule (LCR) pre-panel outreach meeting.

Dear Ms. Bemebek Wiggins:

Thank you for the opportunity to participate on the EPA July 17th LCR pre-panel outreach meeting. We look forward to continuing to participate in the SBREFA process and the rulemaking for revisions to the LCR.

The vast majority of U.S. water supplies are small, 94% or 47,495 of the 51,651 community water systems serve a population less than 10,000 people. Small and rural communities often have a difficult time, due to their limited customer base, providing safe water and complying with federal standards. This is compounded by the fact that small and rural communities often have lower median household incomes and higher water rates compared to larger communities.

We urge the EPA to provide comments, findings, and data on the following questions regarding the LCR in the outreach materials for the upcoming Panel Outreach meeting:

- What is the justification for requiring the water supply to treat drinking water based on conditions that exist external to water supply’s owned distribution system?
- Is the agency consulting any professional or scientific organizations (i.e. the National Association of Corrosion Engineers) experienced with corrosion control in the development, documentation and testing methods under the rule?
- Should the rule allow a water system to invalidate or challenge a sample when a water sample has been improperly obtained, tampered with, or there are in home plumbing or electrical issues that would create spikes in test results?
- What is the historic compliance data for systems and what are the types and locations of systems that have had action level exceedances in the past? What was the goal of the rule when promulgated? Has this goal been achieved – to what degree?
• What are the results of the total lead line replacement numbers for systems who have to replace 7% of lines per year since the last rule revision? Has this lead replacement portion of the rule been effective?

• Has the tiered (building age) sampling requirement of the rule resulted in any correlation in sample results?

• Does the agency have an estimate or data on the increased costs for compliance due to additional personnel, higher-grade operator certification requirements?

• Does the SDWA prohibit the agency from providing a small system variance technology provision in the rule? Does the agency have any ability to supplant the variance technology affordability review to ensure the rule is not unaffordable for disadvantage populations? Does the agency believe the rule is constructed to be feasible or affordable for small communities?

• Are their alternatives to notifying the entire water system for violations when any water quality issues are limited to certain homes?

• Is flushing (at the tap) an effective action for reducing lead concentrations.

• Are any of the currently applied treatment technique chemical additives environmentally problematic when they inevitably reintroduced to surface waters in wastewater streams? For example, do phosphates become a problematic nutrient in wastewater streams and are any additional treatment removal costs considered in the drinking water rule?

• It would be helpful for the agency to explain (provide a finding) of the Constitutional and statutory authority for the agency to mandate local governments to enter private property/homes (or require the occupants) to perform tests.

• What are the sampling alternatives to entry into private dwellings to accomplish water quality analysis for lead and copper? How reliable are the alternatives?

• What is the agency’s definition of water system “control” and “ownership?” Are there any conflicts with these definitions and the rule’s reliance on testing at private taps?