

Lead in Drinking Water Workgroup Meeting - Minutes

January 16, 2024 1:00 pm EST

Zoom virtual meeting

[Meeting recording link](#) Passcode for recording link: MrZM!q2r

Workgroup Member Attendance:

Alicia Jacobs, KY DOW
Amy Stoffer, NKWD
Jennifer Burt, KDE
Jacob Northington, PWW
Sarah Gaddis, KY DOW
Brad Montgomery, American Engineers, Inc. (AEI)
Emily Fritz, LWC
Doug Kimbler, BGMU
Tom Rockaway, U of L

Absent Workgroup Members:

Obie Cox, Carroll Co. WD#1
Greg Heitzman, Blue Water KY
Justin Sensabaugh, KY American Water

Other Attendees:

Ethan Givan	Amber Agee
Jim Tackett	Kelley Dearing Smith
Mary Carol Wagner	Kay Sanborn
Sara Sgantas	Robin Hartman
Amber Agee	John Moor
Tekoyia Brown	Julia Harrod
Donna McNeil	Jordan Basham
Russell Neal	Gabe Tanner
Peter Goodmann	Steve Cole
Christy Twyman	Roy Gray
Cheryl Harris	Ben Hamm
Jennifer Whitaker	Sandy Williams
Eileen Miller	Kim Padgett
Arianna Lageman	Scott Young
Cortni Edwards	D. Willis
Sharmista Dutta	Bob Money
Maggie Neal	Chase Azevedo
James Noel	Sarah F.
Daren Thompson	P. Young
William Davis	
Chris Bobay	
Dan Lambert	

Doug Kimbler will be replacing Mike Gardner as a workgroup member; Mike Gardner has retired from BGMU.

Motion to approve the minutes from 12/18/23 made by Sarah Gaddis and seconded by Alicia Jacobs. One change was requested – retroactively replace Mike Gardner with Doug Kimbler as a workgroup member.

Two new employees from DOW were introduced – Eileen Miller and Cheryl Harris. They will be working on LCRR/LCRI projects, among other things.

Summaries of Subgroup Comments on LCRI:

SL Inventory and Replacements:

- Separate out LSL, GRR, and Unknowns for calculating replacement rate
- Separate identification of unknowns from replacement planning and deadlines
- Replacement rate of 10 years is very challenging
- Lead SLs and GRR SLs don't have equal lead risk, so should be considered separately
- Seek clarification on how documented customer refusals will impact replacement rate calculations
- Whether sampling effort and replacement requirements can have flexibility when customers refuse to cooperate.
- Need clarification on implementation timeline

Comments on seeking consensus vs. collecting all comments – the comments collected from the subgroups may not be in consensus, but should reflect all the viewpoints of the subgroup members and will be made available to water systems to use as/if they wish.

- Requested comments on interpreting LCRI statements about whether a water system has control over or access to a service line (focusing on collecting information on state/local laws or ordinances to define whether a utility can replace a privately-owned SL).
 - No comments or suggestions were put forth.
- Requested comments on concerns related to owners vs. tenants:
 - Subgroup discussed scenarios where 1) owner provides permission but tenant refuses access and 2) owner refuses to participate, but tenant allows access for sampling, etc.
- Suggest that people review the state regulations related to access of service line that were provided by the workgroup.
- New comments:
 - Recommending another option for replacement deferrals that should be provided for in the rule: take affordability into consideration for replacement rate calculations (e.g., supply chain, labor concerns, MHI, size of population served and income/poverty rate, local concerns)

Procedures:

- Discussions about EPA creating a new template/check list for the water systems that lists out the certification requirements, annual monitoring, public communication, reporting comments, and other requirements
- Concern for lab capacity when an increase of lead testing occurs from all utilities trying to meet new requirements.
- Risk Mitigation Filters:
 - Potential supply chain issues/storage concerns
 - Feasibility of providing filters to all customers- risk mitigation should only be applied to services that are at risk (lead/GGR)
- No stagnation time frame set for compliance monitoring (especially in homes when homeowners are completing the samples)-this could alter the results of the samples and not have true sample results
 - Recommendation is to follow the 3Ts method
- Threshold for WQP monitoring has been lowered; utilities who did not monitor water quality parameters in the past will now be required to. More cost on the system and more monitoring for the state to verify.
- Provide flexibility for previous data for CCT to be grandfathered in at the state's discretion
- Concerns discussed about the feasibility of having to notify all customers regardless of the value of the result in a 3-calendar day turn around. Utilities should comment on what reporting timelines are feasible for their individual systems.
 - Recommend a 7 day turn around for all notifications/reporting so there is more consistency in requirements
- New Comment:
 - If there are 3 ALEs within a 5-year period, we would recommend allowing flexibility for water systems that then have two monitoring periods with no ALEs to have a reduction in requirements including the provision of filters to customers.
- New comments:
 - Phase-in new sampling protocol based on water system size (based on population).

Corrosion Control Treatment Subgroup:

LCRI made corrosion control requirements simpler in general

Sub-committee concerns with EPAs approach to major items with only minor comments.

- Main concern: When the CCT requirements of the LCRI are triggered, there is no pathway for compliance with the LCRI for consecutive systems in Kentucky. The distribution system operator's license prohibits chemical treatment.
 - States licensing requirements are different so this comment may not be applicable to all states
- Minimum and maximum stagnation periods need to be set for compliance monitoring- should follow 3Ts for sampling for consistency and prevent inaccurate results

- Preamble may suggest a minimum stagnation period, but never made it into the regulation
- Discussion on there not being a prohibition on making interim changes before having a full-blown corrosion control study.

Schools and Childcare Subgroup:

- Change required language to adapt to schools/childcare centers for results and education material
- Benefit of grandfathering data from January 1, 2021- communication between state and utilities what the grandfathering of data requirements are and will the date be pushed back further.
- LCRI did not provide clarification on what a “registered” facility is, requirements for dual registered facilities, sampling requirements for home-based facilities, and waiver language requirements for facilities (partial waivers are not available, what documentation needs provided)
- Regulatory burden for addressing drinking water in schools is better placed on departments of education/public health rather than Safe Water Drinking Act
 - Make this a comprehensive effort between agencies/regulators
- Will the schools/facilities be required to provide the data to the parents? The water systems should not be required to communicate it to anyone besides the facility itself. Additional state regulations will be needed to ensure the massive amount of collected data is used (communicated to those at risk, and risk mitigation is enforced)
- New Comment: Drinking water utilities, with these requirements, are being asked to monitor in a way that is not required of any other type of utility (e.g.- electric, or gas utilities). This is not an appropriate request of a water system- it is better handled by other organizations.
 - Discussion that water systems provide the water, but are not responsible for how it is implemented on the users end

Small Systems Subgroup:

- Largest concern is disagreeing with a small system definition being lowered to 3,300. The definition of “small water system” no longer aligns with many of the provisions.
- Discussion about distrust between small water systems and the population with the increase in regulations – telling customers their water is so bad that it needs filters or replaced plumbing
- More time is needed to meet the requirements due to the immense amount of added burden on the small systems (training, personnel, facilities, etc.)
- Medium income level homeowners have few resources available. There are resources for very low income families, but systems serving moderate income areas will struggle to keep up with the requirements.
 - There should also be a way for homeowners to directly apply for grants/funding to work directly with plumbers rather than putting the burden for replacements on the water systems.

ASDWA Workgroup Comments:

- More “good-faith” flexibility for LSLR
- Consider having a deadline of 8 or 9 years for identifying all unknowns. This keeps a service from identifying additional LSLs all at the end of 10 years.
 - Could this be a percentage instead of a separate deadline
 - Is there a need to regulate it or will utilities naturally try to identify them earlier rather than later- smaller systems may wait due to lack of resources
 - SRF funding is available for assisting with the process of identifying/inventorying
 - not mandating a separate unknown deadline may allow them the flexibility to use this funding or other options that are still and will still be available
 - Use statistical method to narrow down true unknowns

General Discussion:

- Premise lead plumbing issue- Tier 1 sites should not include premise plumbing at all. Water systems should stay out of private side entirely- Feasibility/complexity of sampling plans having tier 1 sites that have premise lead plumbing
- Discussion of whether connectors should be included in the inventory table
 - Add it to the narrative rather than as a field in the inventory – system can choose to say if they are or are not aware of lead connectors in any system and the steps they will take after being made aware of any.

Next meeting: January 29, 2024 at 1:00 pm EST. It will be a hybrid meeting (in-person at 300 Sower in Frankfort and virtual via Zoom) with a focus on finalizing comments on the Proposed LCRI. Subgroups should meet before that time to discuss subgroup-specific comments.