

Comments on the Proposed Lead and Copper Rule Improvements (LCRI)

Collected during Lead in Drinking Water subgroup meetings January 4-12, 2024

Green text: EPA's request for comment

Black text: Lead in Drinking Water workgroup comment

Red text: areas in need of more information or further comment

Service Line Inventory and Replacement Subgroup	Location in LCRI or Federal Register
General Matters	
<p>Suggestions to reduce complexity, simplify the LCRI, and reduce the burden to water systems:</p> <ol style="list-style-type: none"> 1) Eliminate the requirement to use premise plumbing material for sampling tiers – this requirement adds complexity and would require a large effort to obtain 2) Change the 3-day customer notification of sample results requirement to 30 days 3) Generally, reduce multiple deadlines to fewer deadlines. Consolidate deadlines, certification documents (reporting to State), and customer communications 4) Large number of samples (and communications requirements) may lead to customer participation fatigue, further supporting the request to consolidate communications materials. 	FR Preamble, General Matters
<p>Suggestions about whether the proposed requirements of the rule are enforceable and promote compliance without the need for State or Federal enforcement action:</p> <p>Water systems need more time than 10 years for replacements. Because Kentucky has had no state-level requirements that are more stringent than the NPDWRs, water systems have in many cases not attempted system-wide LSL replacements before now, and will be challenged to meet a 10-year deadline</p>	FR Preamble, General Matters
Service Line Inventory and Replacement	
<p>All aspects of the proposed scope of the replacement requirements, including the criteria used to define a full service line replacement (e.g., cutting the pipe at abandoned properties, replacing the entire service line) and which lead sources are subject to replacement under the mandatory program. EPA is seeking comment on whether to prohibit reconnection of any disconnected LSL or GRR service line. EPA is requesting comment on whether the Agency should include lead connectors or galvanized service lines that are or were downstream of a lead connector as part of mandatory replacement.</p> <p>Replacing galvanized pipes that connect to premise plumbing (especially if premise plumbing is also galvanized) is riskier and more difficult; we request that this is taken into consideration and flexibility is provided.</p> <p>Replacement plans: The State needs time for planning and review of the many documents expected to be submitted starting on October 16, 2024.</p>	FR Preamble Section B. Service Line Replacement
<p>Has EPA considered costs related to post-flushing damage to premise galvanized line replacements – these costs may be compounded by the 10-year schedule (re: financial liabilities for PWS)</p>	FR p. 84924

<p>Regarding the proposed requirements to obtain property owner consent: Four times is sufficient, and we support using 2 methods. Take into consideration the annual notifications to customers with LSL/GRR/Unknown lines (and other required notifications) when making final determination. (For example, consolidating communications requirements, or allowing communications to have multiple messages in order to meet multiple requirements at once).</p>	<p>FR Preamble Section B. Service Line Replacement 5. Water System Access to Full Service Line</p>
<p>EPA request: Whether the proposed LCRI appropriately interprets “control” for the purposes of the mandatory replacement provision (i.e., require systems to conduct full service line replacement in situations where the system has access to conduct the full replacement).</p> <p>Workgroup response: No comments on this</p>	<p>B. Service Line Replacement 5. Water System Access to Full Service Line</p>
<p>Replacement rates: An earlier replacement deadline or faster replacement rates are not feasible in many cases. We would not support any more stringent deadlines or rates.</p> <p>We would not support shorter deadlines. Water systems would need financial incentives to implement any faster. The rule should provide flexibility to replace mains and service lines at the same time. This may require more time and expense / capital planning. Replacing SLs without replacing the main at the same time (when required) can add 40% to the cost. It is financially inefficient to replace SLs alone, but replacing all SLs (and mains when needed) within 10 years is not feasible time-wise or financially.</p>	<p>B. Service Line Replacement 3. Service Line Replacement Rate</p>

<p>We request more flexibility in calculating the replacement rate.</p> <p>Water systems need, at a minimum, the 3-year rolling average to have flexibility to coordinate with customers, transportation projects, funding resources, suppliers, etc.</p> <p>We would prefer a 3-year block rather than 3-year rolling average. However, it would be preferable to increase flexibility on calculating 10%/year or 3-year average. We anticipate that some systems will need the first three years to finish planning and gathering the needed materials, permissions, funding, staff and procedures, and flexibility to allow for a lower rate in the beginning and a higher replacement rate near the end of the 10-year period would be preferred.</p> <p>Add flexibility to the replacement rate for documented customer LSLR refusals: Water systems need guidance and flexibility about what to do if customers refuse to replace or allow replacement of SLs for the duration of the 10-year replacement timeline. We anticipate that as the 10th year approaches, water systems will be faced with the fact that the majority of remaining LSLs are at residences that have refused replacement. Will these systems be in violation, even if they have been very proactive in replacing LSLs within the required timeframe?</p> <p>Clarify the statement: “Where a water system has legal access to conduct full service line replacement only if property owner consent is obtained, the water system must make a “reasonable effort” to obtain property owner consent. If such a water system does not obtain consent after making a “reasonable effort” to obtain it from any property owner, then the water system is not required by this rule to replace any portion of the service line at that address” (40 CFR 141.84(d)(3)). Does this mean the service line in question may be removed from the replacement rate calculation, and removed from the replacement plan?</p> <p>Request that if customer refuses to allow replacement after all attempts and changes in ownership – there be flexibility to remove that site from replacement plan.</p>	<p>B. Service Line Replacement 3. Service Line Replacement Rate 40 CFR 141.84(d)</p>
<p>LSL vs. Unknown SL in the Replacement Rate Calculation:</p> <p>We request that the rule have two separate calculations for 1) the identification of Unknowns and 2) the replacement of LSLs (i.e., decouple Unknowns from the replacement rate calculation). Water systems that have been proactive in replacing LSLs may have many Unknowns and few known LSLs; the larger number of Unknowns will bias the replacement rate if it’s required that they are included in the calculation. Consider also that there are often two separate workflows doing identification of Unknowns vs. replacements of LSL/GRRs, so separating identification of unknowns from replacing LSLs would be easier for some systems to manage.</p>	<p>B. Service Line Replacement 3. Service Line Replacement Rate 40 CFR 141.84(d)(6)</p>

<p>LSL vs. GRR in the Replacement Rate Calculation:</p> <p>We request decoupling GRR replacements from LSL replacements in the calculation of replacement rate – i.e., have separate calculations for GRR replacement rate than for LSL replacement rate. There is less information demonstrating that a GRR service line poses the same risk as a LSL, and the new definition of GRR (which would categorize many more galvanized lines as GRR, even if there is no evidence they were ever downstream from lead) further reduces the likelihood that the “average” GRR will pose a high lead risk.</p> <p>If separated from LSLs, we suggest allowing a longer timeframe to replace GRRs than to replace LSLs (e.g., 20 years).</p> <p>Alternatively, we suggest that GRR replacements be treated completely differently from LSLs, so their replacement could be more easily coordinated with routine work.</p>	<p>B. Service Line Replacement 3. Service Line Replacement Rate 40 CFR 141.84(d)(6)</p>
<p>Tenant/owner considerations: Some potential situations that water systems will need guidance on: Owner provides permission/agrees to replace but tenant doesn’t allow access; owner does not support replacement →how to support tenant.</p>	
<p>We envision the initial 3-year period as being necessary to continue identifying Unknowns, build resources and planning capacity, and begin replacements. We would not support a minimum replacement rate during this time period that is more stringent than the 10%/year 3-year rolling average; in fact, a required replacement rate lower than that would be preferred, providing flexibility that allows for a lower replacement rate in the beginning and a higher rate near the end of the 10-year period.</p>	<p>B. Service Line Replacement 3. Service Line Replacement Rate</p>
<p>A system’s existing authority to access the service line and complete the full service line replacement might provide the system with the legal authority to conduct the service line replacement over the objection of the property owner or resident. However, as some stakeholders noted, requiring service line replacement at properties where customers object to their replacement could create potential safety concerns for utility staff. EPA is seeking comment on whether the proposed LCRI should either allow systems to treat those service lines as not under the control of the system and forego replacement of the lines or require systems to conduct full service line replacement in situations where the system has legal access to conduct the full replacement but property owners or residents deny physical access.</p> <p>We support any flexibility in general that allows for the safety of utility workers when working with customers, for communication, SL identification, and SL replacement. Applies to LSLR, ID of unknowns, and disturbance notification and mitigation. As noted above, in some rural areas there is distrust of government which extends to water system staff, making work on private property dangerous.</p>	<p>FR Preamble Section B. Service Line Replacement 5. Water System Access to Full Service Line, p. 84923</p>
<p>The overall approach and basis to offer deferred service line replacement to systems with a high proportion of LSLs and GRR service lines in their distribution system relative to their total number of households served. EPA is requesting comment on its proposed threshold of 0.039 average annual number of replacements per household served, which is used to calculate the number of years that systems can defer.</p> <p>No comments.</p>	<p>B. Service Line Replacement 2. Feasibility of Proposed Service Line Replacement Requirement and Deferred Deadlines</p>

<p>Whether there are additional data on service line replacement rates achieved by systems in proactive programs (i.e., excluding programs that only replace service lines in coordination with main replacement or emergency repair). We would be interested in using these data for planning purposes.</p>	<p>B. Service Line Replacement</p>
<p>The proposed use of a maximum threshold of 10,000 annual service line replacements for systems with atypically high numbers of LSLs and GRR service lines as well as seeking comment on the alternate threshold of 8,000 annual service line replacements. EPA is also seeking feedback on other thresholds and supporting data. Does not apply in Kentucky</p>	<p>B. Service Line Replacement 2. Feasibility of Proposed Service Line Replacement Requirement and Deferred Deadlines</p>
<p>EPA is also seeking feedback on if there's data available that would inform if the maximum threshold for annual service line replacement could increase after ten years, such as if replacement rates could double. No comments.</p>	<p>B. Service Line Replacement 2. Feasibility of Proposed Service Line Replacement Requirement and Deferred Deadlines</p>
<p>Whether systems conducting deferred service line replacement should be subject to any additional requirements beyond those for systems that are not replacing service lines in accordance with a deferred deadline. No comments.</p>	<p>B. Service Line Replacement 2. Feasibility of Proposed Service Line Replacement Requirement and Deferred Deadlines</p>
<p>The requirement for systems to install a dielectric coupling when conducting a partial replacement of an LSL or GRR to separate the remaining LSL or GRR service line and the replaced service line unless the replaced service line is made of plastic and other recommended risk mitigation activities. We support this requirement.</p>	<p>B. Service Line Replacement 6. Risk Mitigation Activities to Reduce Lead Exposures</p>
<p>We support flexibility to do partial replacements</p>	<p>B. Service Line Replacement 4. Scope of Mandatory Service Line Replacement Requirement</p>
<p>We oppose prohibitions on partial SL replacement – water systems need flexibility for partial replacements. They recognize that best practice is to conduct full replacements when possible, but need flexibility to do partial replacements when full replacement is not feasible. Trying to coordinate SL replacements with main line replacements and transportation projects (for re-paving), etc. is already challenging with the new 10-year timeline. Requiring no partial replacements will only reduce the ability for this coordination to occur and increase costs significantly. In addition, there are many other requirements that ensure all partially-replaced SLs will be mitigated when needed, and will be replaced eventually (e.g., the addition of dielectric couplings and additional flushing and risk mitigation requirements; public communication annually about presence of LSL/GRR/Unknowns; notification after change of ownership, OCCT reoptimizing, etc.).</p>	<p>B. Service Line Replacement 4. Scope of Mandatory Service Line Replacement Requirement</p>

<p>RE: EPA’s request for comments about the ability of the market to correct for potential shortages in workers and materials to conduct service line replacement, as well to provide sufficient quantities of filters to comply with the service line replacement and other relevant provisions in the proposal:</p> <p>There are definitely concerns with workforce and material availability. Often cited are concerns about availability of filters in the first years.</p> <p>Small systems in rural areas – this will take much longer for the market to adjust than in larger urban areas. Concerns are: travel time between homes and between communities and to buy materials; fewer people to complete the work; lower income/less funding to compete with higher-paying urban areas, etc.</p>	<p>B. Service Line Replacement 2. Feasibility of Proposed Service Line Replacement Requirement and Deferred Deadlines</p>
<p>Property owner consent and collaboration will delay and complicate full service line replacement in most circumstances. We know of no circumstances where utility operators in Kentucky can access and replace service lines on private property without property owner consent.</p> <p>Residents in rural areas often have more distrust of government/water system, making it more difficult to get owner consent. In addition, operators serving rural areas have to spend more time traveling between residences to gain access and perform replacements. Mountainous areas in KY have more challenging weather and terrain which limits access and takes more time.</p> <p>State regulations involved in private access (not an all-inclusive list):</p> <ul style="list-style-type: none"> • 807 KAR 5:066 Section 12 (PSC systems only) • KRS 74.012 • KY Constitution Sections 10, 13, and 242 • 401 KAR 8:010, Section 1 (31) 	<p>B. Service Line Replacement 5. Water System Access to Full Service Line</p>
<p>EPA request for comment: EPA is proposing a threshold of systems serving greater than 50,000 persons to host the inventory and plan online, which is the required threshold under the LCRR. EPA is seeking comment on the size threshold at which systems must host their publicly accessible inventory, inventory summary data, replacement summary data, and service line replacement plan online, and whether it should be lowered relative to the LCRR requirements.</p> <p>Response: The proposed requirement is reasonable</p>	<p>B. Service Line Replacement 7. Service Line Replacement Plan D. Service Line Inventory</p>
<p>Proposed validation method for non-lead service lines: Support using this method to validate non-lead service lines. Would not support validating non-lead service lines that were identified as non-lead by records.</p>	<p>D. Service Line Inventory 2. Inventory Validation Requirements 40 CFR 141.84(b)(5) and 40 CFR 141.90(e)(9)</p>

<p>EPA request for comments on establishing a deadline for systems to identify all unknown service lines prior to their service line replacement deadlines:</p> <p>It will take years for some systems to identify Unknowns, making it less tenable to plan and conduct full LSL/GRR replacement within the same time period.</p> <p>Support decoupling identification of unknowns from the replacement of LSLs/GRRs. Have a separate timeline for Unknown identification would be reasonable if Unknowns are removed from the replacement rate calculation for LSLs and GRR SLs (i.e., remove Unknowns from denominator on replacement rate calculation (see comments above)).</p> <p>Many systems may have more unknowns than known LSLs/GRRs, and could not manage replacement of more SLs than they have identified as needing replacement.</p> <p>Allow flexibility for predictive modeling.</p> <p>An earlier deadline for unknowns to allow more time to plan replacements would be supported for small systems; however, these systems also need plenty of time to finish identification due to very small staffs and limited availability of contractors.</p>	<p>40 CFR 141.84(c) FR Preamble p. 84934 (Note: see the “advantages of a consolidated deadline” described on this page)</p>
<p>Comment on a requirement for systems to update their service line replacement plans if there are any changes, such as changes to laws and policies applicable to full service line replacement. LSLR Plan is already updated annually; would not support any additional requirements.</p>	<p>B. Service Line Replacement 7. Service Line Replacement Plan</p>
<p>EPA is requesting comment on the expansion of the inventory reporting to include lead connectors and non-lead service lines. Water systems have few to no records of lead connectors. Because of this and because connectors are already required to be replaced when encountered, we do not see the benefit of including these in the inventory. The inventory may be misleading when information about lead connectors is absent (due to lack of records), in cases where lead connectors are actually in the distribution system. Public communication of this information will be confusing and/or misleading.</p>	<p>K. Reporting and Recordkeeping 1. System Reporting Requirements</p>
<p>Consider affordability when defining the replacement rate / 10-year deadline. Would request that EPA offer more flexibility to allow water systems to consider costs and their replacement rate. Provide more flexibility to accommodate local/regional circumstances.</p>	
<p>Compliance Dates</p>	
<p>Whether it is practicable for water systems to implement notification and risk mitigation provisions after full and partial service line replacement (§ 141.84(h)), notification of a service line disturbance (§ 141.85(g)), and associated reporting requirements (§141.90(e)(6) and (f)(6)) upon the effective date of the LCRI. This could be an area for early implementation.</p>	<p>FR Section VII(A); p. 84967-84969</p>

<p>Whether earlier alternative compliance dates for LCRI are practicable such that water systems transition directly from LCR to LCRI in less than three years (i.e., one or two years) based on the assumption that water systems would comply with the LCR until the LCRI compliance date.</p> <p>Response: No</p>	<p>FR Section VII(A); p. 84967-84969</p>
<p>Whether there are other LCRR provisions besides the initial inventory and notifications of service line material for which the October 16, 2024 compliance date should be retained.</p> <p>Response: We do support flexibility for early tap sampling and school sampling, but would not support making these a requirement. We would not support other areas being required for earlier implementation. Easier to communicate and achieve if deadlines are on the same date</p>	<p>FR Section VII(A); p. 84967-84969</p>
<p>Comments on Definitions</p>	
<p>EPA is seeking comment on all aspects of the proposed definitions, and specifically the following: b. EPA is proposing to define a two-foot maximum length of connectors. EPA proposes that “connectors” that exceed two feet in length be treated as a service line. EPA is requesting comment on the defined length of a connector.</p> <p>Kentucky water systems have reported that there are few records documenting connector material or length. Although the connector material will be added to the baseline inventory, the requirement is to use records to identify connector material; absent these records, it will be difficult to know anything about these connectors. Since connectors are required to be replaced when encountered anyway, don’t see the practicality of this distinction.</p>	<p>L. Other Proposed Revisions to 40 CFR Part 141 3. Definitions</p>
<p>A deadline for inventory completion that precedes the deadline for mandatory service line replacement could reduce the possibility of non-compliance with the replacement deadline, but it would not have the advantages of a consolidated deadline as described above. EPA seeks comment on its rationale for the consolidated deadline approach as compared to an earlier deadline for identifying unknown service lines.</p>	<p>D. Service Line Inventory 1. Timeline to Identify All Unknown Service Lines</p>
<p>Consider changing (reducing) sampling protocol / monitoring requirements in light of the high replacement rate, especially the requirement for eternal annual monitoring for large systems. Tie to verified ‘lead-free’ circumstances or completing replacement / documented refusal.</p>	
<p>Need better guidance on what to do for customer refusals/ignoring requests for participation</p>	

Procedures Subgroup	Section of LCRI or Federal Register
<p>Whether there are additional ways EPA could reduce the complexity of the regulatory approach</p> <p>Suggest setting a single compliance date by which water systems will report certification requirements to State. Create an EPA template for water systems that lists the certification requirements and all other annual monitoring, public communication, and reporting requirements.</p> <p>Simplify data management requirements and provide a data management system that can be used by both states and utilities.</p> <p>Simplify customer education requirements so water systems can send fewer annual communications to customers.</p>	FR p. 85035
<p>WQP/CCT assessment requirements related to the SS. In KY, SS is reviewed by inspectors; WQP/CCT requirements are reviewed by TAs with different qualifications. This would be difficult to effectively implement in KY, and would increase administrative requirements [State impacts more than utility]</p>	40 CFR 141.82(j)(1)(ii)(B) FR p. 85061
<p>Whether it is practicable for water systems to implement notification and risk mitigation provisions after full and partial service line replacement (§ 141.84(h)), notification of a service line disturbance (§ 141.85(g)), and associated reporting requirements (§141.90(e)(6) and (f)(6)) upon the effective date of the LCRI.</p> <p>Risk mitigation: feasibility of sufficient filters being available and storing them. Distribution-only systems especially may be stretched to meet this requirement.</p> <p>Provide alternative methods to be in compliance other than filters alone.</p> <p>Could filters be offered to customers, but not provided unless customer wants it (optional use)</p>	FR p. 85038
<p>Filtration after 3 ALEs: recommend only to buildings with LSLs or GRRs, not to entire community. The service line inventory processes, new tiers, additional CCT requirements and assessments, and other requirements in LCRR/ proposed LCRI reduce many risks to consumers related to lead in drinking water, making the requirement to provide filters to all consumers unnecessary and burdensome/expensive to water systems.</p>	40 CFR 141.85(j)(2)
<p>Lab capacity to process samples – short time frames and higher sample numbers reduce the ability of water systems to do additional, optional sampling such as follow-ups after remediation, additional school/childcare samples (beyond the 5 or 2 minimum), etc. Over-stressed resources limits ability to provide better customer service.</p> <p>Sample bottle shortage due to resin shortages.</p>	40 CFR 141.86

<p>Notification to consumers about standard or reduced monitoring results: Very difficult to get results communicated to customers within 3 calendar days. Water systems need at least 2 weeks, because 1) Customers do not consistently provide email addresses or phone numbers and water systems need to rely on paper mail and 2) Water systems will be increasingly reliant on consultants and partners to fulfill the administrative requirements of this rule – these consultants must send the results for multiple systems each sampling period and would need more time. In addition, 3-6 months may pass between sample collection and results notification from the lab to the water system, so it is difficult to justify the sudden need to rush the results notification to consumers.</p>	<p>40 CFR 141.85(d)(2)</p>
<p>Re: Requirement to contact homeowners within 6 months after change in ownership. Water systems do not have an easy way to identify or track changes of ownership.</p>	<p>40 CFR 141.84(d)(3)(ii)</p>
<p>Small system flexibility revision – If the small system flexibility section is reduced to include only systems serving fewer than 3,300 people, KY will have many water systems that will be losing access to flexibility that is greatly needed. 131 systems serve between 3,300 and 10,000 people (29% of State’s water systems, serving over half a million people, or 11% of state’s population). Of these, 114 (87%) serve populations with a MHI lower than the state MHI, indicating that these communities already have challenges.</p>	<p>40 CFR 141.93 preamble</p>
<p>This statement only allows/mentions triennial monitoring for small and medium-sized systems, and makes no allowance for large systems (>50,000 population) to reduce to triennial monitoring (except those that have 90th percentile below PQL of 0.005 mg/L). Request that large systems be eligible for reduced monitoring if there are no ALEs.</p>	<p>40 CFR 141.86(d)(2)(ii)</p>
<p>Large systems that have replaced all the LSLs/GRRs should be eligible for reduced monitoring.</p>	<p>40 CFR 141.86(d)(2)</p>
<p>Lead or galvanized premise plumbing dictating sampling tier level: this information is not routinely collected, and hasn’t been collected as part of initial SL inventory. Usually only customer or plumber has access to this information. Would like to remove this from the tier schedule and other requirements; consider suggesting it as an optional data collection.</p>	<p>40 CFR 141.86(a)(3-4)</p>
<p>WQP monitoring – medium systems (10,000-50,000) now required to do. This increases administrative requirements for PWS and State. KY has 91 medium systems and only 10 large systems; this would be a 9-fold increase in monitoring and reporting administrative requirements.</p>	<p>40 CFR 141.87 preamble</p>
<p>Provide flexibility to use data from previous CCT studies. Give state discretion re: dates for grandfathered data. Continue to allow opportunities for utilities to utilize previous CCT study data.</p>	<p>40 CFR 141.82</p>

<p>Whether the proposed requirements of the rule are enforceable and promote compliance without the need for State or Federal enforcement action. EPA also solicits comment on ways the rule could be modified to better promote compliance.</p> <p>Water systems need more time for planning and preparation, especially for those systems that have a large number (>50) replacements. Systems and the State need time to develop administrative and data management systems. Labs need time to build capacity (The first year alone will require at least 4-8x more samples, plus samples collected from schools and childcare systems. Kentucky has 731 public elementary schools and 1756 licensed childcare facilities – sampling 20% of those results in 731 samples from schools and 702 samples from childcare centers to be tested in the first year).</p> <p>Suggestions: provide waiver or extended time when replacing mains at the same time. Replacing mains and SLs at the same time is much less expensive, but is not feasible in a 10-year timeframe.</p> <p>Incentivize concurrent identification and replacement programs, so the programs can complement each other rather than compete for resources. (note: this conflicts with suggestions from LSLR/SLI subgroup)</p> <p>Provide alternative solution to identifying unknowns (e.g., “unpair” unknowns from LSLs; treating unknowns as LSLs is difficult; remove unknowns from LSL replacement rate formula)</p> <p>10-year timeframe is not feasible for most. Adding unknowns to the calculation in this 10-year period contributes to the unfeasibility of this.</p>	<p>FR Preamble; general matters; p. 85035</p>
<p>There needs to be more flexibility in choosing tap sampling locations. As more and more LSLs are replaced, it will become difficult for water systems to gain access to Tier 1 or 2 tap sampling sites. Many systems in Kentucky have only a few LSLs; requiring that they collect tap samples at all of these in order to be in compliance will be problematic because not all homeowners will cooperate. We request that there is flexibility in choosing tap sampling sites so that water systems can sample at lower tier sites when it is infeasible to sample at the higher tier sites.</p> <p>We also request that there be flexibility in selecting sample sites within the same tier, and moving a sample site when the original site’s homeowner refuses to collect the sample (or has not responded to sampling request). Need flexibility to use any sample sites within the pool (as long as they are of the same tier, with exceptions requested above) – why is it necessary to sample from the same sites each monitoring period?</p>	<p>40 CFR 141.86(b)</p>
<p>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).</p>	
<p>Consider phasing in / staggering the sampling protocol initial compliance based on water system population size. Large systems first, then medium systems, then small systems.</p>	

Corrosion Control Treatment Subgroup	Section of LCRI or Federal Register
<p>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.</p> <p>Kentucky has made a large effort to regionalize water systems, an initiative that has been encouraged by EPA. This means that there are many consecutive systems that buy treated water from wholesale water systems; these systems are distribution-only. Consecutive systems do not have the facilities, training, or capacity to add corrosion control treatments to water, and this rule does not enable them to request or require CCT adjustments from the wholesale water provider.</p>	40 CFR 141.82 (general)
<p>By only specifying a MINIMUM stagnation period for compliance sampling, this leaves the possibility of customers pulling routine samples from faucets that have not been used for months, possibly pushing a utility into unnecessary CCT/OCCT. We would propose that EPA align the sampling stagnation protocol for routine monitoring with the 3Ts guidance: minimum 6 or 8 hour stagnation with a maximum of 18 hours. We have seen several examples of homeowners deliberately sampling from a seldom-used bathroom sink just to “see how bad it is” and would like for these samples to not negatively affect compliance for the entire system, especially given the expense and labor involved in OCCT/CCT. A maximum stagnation period would alleviate this as an issue.</p>	40 CFR 141.86(b)(1)
<p>The subcommittee agrees with EPA’s determination that CCT is feasible, affordable and prevents known or anticipated adverse health effects to the extent feasible. However, the subcommittee suggests that EPA acknowledge that there are other methods for CCT beyond those listed in the LCRI (alkalinity/pH adjustment and addition of corrosion inhibitors) such as chloride-to-sulfate mass ratio (CSMR) adjustment. It is well established that the CSMR has a significant impact on lead corrosion. A higher CSMR under a certain range can dramatically increase lead leaching especially under the conditions of galvanic corrosion, which is ubiquitous in premise plumbing systems. Some water systems have used the reduction of CSMR (e.g., switching from a chloride-based coagulant to a sulfate-based coagulant) to successfully enhance their OCCT and reduce lead levels in their LCR samples. The subcommittee believes that the inclusion of CSMR reduction as a CCT option could provide water systems with more alternatives for cost-effective lead corrosion reduction with minimal impacts on existing treatment and simultaneous compliance needs.</p> <p>In general, water systems should have more flexibility in choosing corrosion control treatments, including combining treatments as needed.</p> <p>The subcommittee also suggests that EPA acknowledge that all impacts and costs, specifically for phosphate-based corrosion inhibitors, are not borne by the water system. There are documented impacts to wastewater treatment/water recovery facilities as well.</p>	40 CFR 141.82(c), FR Preamble Section E.1. p. 85036

<p>The subcommittee agrees with EPA’s approach to re-optimization in the proposed LCRI. There is no need to automatically require re-optimization again when the results would likely be the same. However, the subcommittee does suggest that EPA provide clarification on when re-optimization will be required. The current proposal places a significant burden on the States to make that determination, which in turn provides uncertainty to the water systems.</p> <p>Further, when water quality parameters are optimized, action level exceedances are potentially due to sampling error by homeowners or other concerns including laboratory issues. This is especially important in small or medium sized systems where the difference in exceeding action levels can be caused by a small number of homeowners or a minor exceedance.</p> <p>To re-emphasize a previous comment, consecutive systems in Kentucky are unable to re-optimize.</p>	<p>FR Preamble Section E.1.</p>
<p>The subcommittee agrees with giving systems the flexibility to delay OCCT pending replacement of all LSLs and GRR service lines within the first 5 years (20% per year) after the compliance deadline.</p>	<p>FR Preamble Section E.1. 40 CFR 141.82(f)</p>
<p>EPA request for comment: The treatment recommendation and CCT study process can take multiple years to complete. For systems with existing corrosion control, the system may be able to alter the existing treatment (e.g., increase pH and/or orthophosphate dose) without a new CCT study on a much faster timeframe rather than waiting for study results that may recommend that same change. EPA is requesting comment on whether there are situations and/or conditions where existing treatment modifications may achieve similar lead reductions rather than delaying new treatment for two and-a-half years while a study is underway.</p> <p>Subgroup comment: The subcommittee agrees that there are situations and/or conditions where existing treatment modifications may achieve similar lead reductions rather than delaying new treatment for two-and-a-half years while a study is underway. Treatment plant operators have been using their professional judgment and experience to make these decisions for years.</p>	<p>FR Preamble Section E.1</p>

Schools and Childcare Subgroup	Section of LCRI or Federal Register
Provide required language specific to schools and childcare facilities. The current required language about the health effects of lead (40 CFR 141.85(a)) is written for homeowners and residents and would be confusing to provide to schools.	40 CFR 141.92(c)(1)
Clarify whether private schools are required to be sampled and provide a definition of ‘private school.’ Does this include homeschool groups? Long-term child care facilities (e.g., orphanages)?	40 CFR 141.92(b)
Allow samples collected as early as 2014 to count towards compliance requirements, as long as all sampling protocols were followed and the utility completes the communication requirements with the school. Alternatively, suggest removing ‘January 1, 2021’ from this requirement. Instead, allow State to determine the starting date of this waiver.	40 CFR 141.92(h)(5)
For samples collected between January 1, 2021 (or earlier date, if revised) and October 16, 2024, allow the utility to provide the required communication materials to schools and childcare facilities later (e.g., between October 16, 2024 and the LCRI compliance deadline), even if the samples were collected previously.	40 CFR 141.92
Clearly define a “licensed child care facility.” Do “registered” home-based child care facilities count?	40 CFR 141.2
Regulatory burden for addressing lead in drinking water at schools and child care facilities would be better placed on departments of education and health than within the Safe Drinking Water Act. This is a huge financial and administrative burden on drinking water utilities.	40 CFR 141.92
Because Kentucky has regulations restricting the State from imposing requirements more stringent than federal requirements, it has limited capacity to reinforce the LCRI’s goal of reducing lead in drinking water at schools and childcare centers. For example, it will likely take additional State regulations to garner support from other agencies (public health departments, Department of Education, Division of Plumbing, etc.) to communicate with the public, garner public support, and perform remediation. Given Kentucky’s restrictions on implementing more stringent regulations, this will be extremely difficult and take time. This rule doesn’t allow enough time for that. Therefore, we project that the abundant monitoring and reporting requirements related to schools and childcare centers will be a very large burden on water systems with limited actual benefit to public health.	40 CFR 141.92
Limited effectiveness of this large effort, when the data from sampling at schools/childcares are not required to be provided to the public and/or children’s families. At the same time, many Kentucky water systems do not have the resources or skillset (nor do they have the resources to develop the skillset) to manage the administrative burden of communicating with the public about school sample results and remediation; this would better be handled by school/childcare administrative agencies.	FR Preamble Section J 40 CFR 141.92

Drinking water utilities, with these requirements, are being asked to monitor their “product” 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 water systems – it is better handled by other organizations. While water systems provide drinking water to end users, they are not (should not be) responsible for how it is implemented at the users’ end.	
Absent additional resources to support annual administrative requirements related to schools and childcare centers (including annual communications to the facilities, health departments, and the State, etc.), utilities are more likely to have M/R violations.	
Clarify whether list of schools/childcares submitted to State needs to include those built after 2014 or those that won’t be sampled because they have a waiver.	40 CFR 141.92(b)
Clarify whether waivers related to filters will exempt utilities from sampling, regardless of what state or local laws/regs/ordinances require or allow. I.e., can water systems issue waivers from sampling based on sufficient filtration, and who administers those or determines whether they are in compliance?	40 CFR 141.92(h)(1)(ii)
Laboratory capacity (timing, storage, instrumentation, staffing, etc.) is not likely sufficient to accommodate all the required samples, especially if systems decide to sample more than the minimum samples. Question whether 3 years is sufficient time for labs to increase capacity.	40 CFR 141.92
Facilities will need more training/guidance to target key sample locations (‘danger areas’), because 2 or 5 samples may not be sufficient to identify a problem at a large facility.	40 CFR 141.92(f)
In subsequent years after the initial five year period, suggest that utilities sample from different outlets than were sampled in the first 5-year period.	40 CFR 141.92(f)
Clarify requirements related to timing between sample collection and communication to schools. Results may not be provided until 6 months after samples are collected.	40 CFR 141.92(g)
Suggest grants be made directly to departments of education instead of water systems, since they will be doing the remediation (Lead SRF set asides?)	General comment
(Re: request for comments from EPA) If filters were provided to schools or childcares to meet compliance requirements, it would be difficult to manage/ supervise whether filters are functioning as desired or maintained/ changed correctly.	40 CFR 141.92(h)(1)
Develop language for water systems to present to customers that they are testing schools and customers should request info from the school.	40 CFR 141.92

Small Systems subgroup	Section of LCRI or Federal Register
<p>Loss of small system flexibility for systems between 3,300 and 10,000. There are now fewer options and more requirements, which will make compliance difficult. E.g., option to replace all LSL/GRR in 5 years to avoid CCT.</p> <p>KY has made an effort to consolidate/regionalize very small systems, but this lack of flexibility for small systems reduces incentive for regionalization.</p> <p>The definition of 'Small water system' no longer aligns with many of the provisions for small systems listed in the rule.</p>	<p>40 CFR 141.2 (definition of 'Small water system'); 40 CFR 141.93, 141.85(h), 141.86(g)</p>
<p>Loss of small system flexibility could force consecutive systems to begin adding treatment. This will be difficult or impossible to achieve because the purchase-only systems don't have the licensing, training, or facilities to do this.</p>	
<p>Too many administrative and reporting requirements for a small system to keep up with. The number of annual certification documents alone is overly burdensome. Partners often assist small systems to complete the monitoring and reporting (administrative) requirements, and they will struggle to manage so many requirements for 200+ systems within Kentucky.</p> <p>We perceive this will promote non-compliance with M/R requirements.</p> <p>While we recognize that additional funding is currently available, there isn't a plan for long-term funding to support the additional administrative requirements.</p>	<p>40 CFR 141.84, 141.85, 141.90</p>
<p>Kentucky has had several disaster-relief scenarios in the past few years; achieving the inventory, administrative, sampling, and replacement requirements for the small systems in these areas will not be achievable. Request more flexibility and support for systems affected by natural disasters.</p>	
<p>Small systems (those serving <10,000) need more flexibility and provisions for managing customer refusals for sampling and replacement.</p>	<p>40 CFR 141.84, 141.85, 141.86</p>
<p>There are very few resources available for moderate income families. There are resources for very low income families to manage the cost of service line replacement, but systems serving moderate income areas will also be struggling to keep up with the requirements of this rule (especially administrative and replacement requirements).</p>	
<p>Replacing GRR SLs that connect to galvanized premise plumbing is difficult and expensive, and sometimes must involve replacing parts of premise plumbing. This opens up water systems to liability concerns.</p>	
<p>PWS do not carry the staff or liability insurance to replace or connect to premise plumbing or private SLs at the connection to premise plumbing. Small systems have even less ability to manage these requirements.</p>	
<p>Requirements to provide POU filters or replace premise plumbing (for small systems) will erode public confidence in the water system, in addition to the infeasibilities of doing this. We anticipate panic situations in these communities if PWS try to initiate these requirements.</p>	

<p>There needs to be funding sources for homeowners, who can work directly with plumbers rather than putting the full onus of replacement on water systems.</p>	
<p>In small towns, if a tenant leaves a residence, they usually leave the town, making it difficult to get final water payments. Push to enact an ordinance to make landlords more liable for water responsibilities. Support requirements to communicate with tenants.</p>	
<p>Comments on the complexity of the rate construct: May be challenging for small systems when coupled with the large administrative burden from all sections of this rule. Many small systems are still trying to complete the inventory and identify unknowns. They also rely on contractors; in rural areas, there are fewer contractors helping more systems, so there is a lack of resources and staff time to fast-track these requirements as this rule requires. Need more flexibility in timing to finish identifying unknowns and develop contracts/plans for replacement.</p>	<p>FR Preamble Section B. Service Line Replacement 3. Service Line Replacement Rate</p>

Public Education Subgroup	Section of LCRI or Federal Register
<p>EPA request for comment: The proposed determination that the public education treatment technique is feasible and prevents known or adverse health effects to the extent feasible. Subgroup Comment: While the requirements help prevent adverse health effects; as they are proposed it creates a burden upon water systems with need for increased staffing, increased expenses, and overwhelming deadlines.</p>	<p>40 CFR 141.85(c) and FR p. 85037</p>
<p>EPA request for comment: Comment and supporting data on the capacity of water systems to conduct some or all the required public education activities in 30 days, or another period of time that is less than 30 or 60 days, after the end of the tap sampling period in which a systemwide lead action level exceedance occurs. Subgroup Comment: Keep the requirement within the 60-day sampling period as this allows systems the feasibility to get materials printed and sent out.</p>	<p>40 CFR 141.85 (b), 40 CFR 141.85 (c)(3), 40 CFR 141.85 (d), FR p. 85037</p>
<p>EPA request for comment: Data, analyses, and comments on the proposed determination that water systems can provide consumer notices of individual tap sampling results within three calendar days of obtaining those results, regardless of whether the results exceed the lead or copper action level, or if a longer time frame is needed. Subgroup Comment: 30 days would be a sufficient timeline.</p>	<p>40 CFR 141.85 (c)(3), 40 CFR 141.85 (d)(2), FR p. 85037</p>

<p>EPA request for comment: Whether the proposed requirement for water systems to offer lead sampling to consumers with lead, GRR, or unknown service lines in the notice of service line material is effective at reducing adverse health effects.</p> <p>Subgroup Comment: Yes, offering sampling is an effective way to reduce adverse health effects but there are concerns about the capacity for labs to take on the additional sampling and the turnaround time from a customer perspective. Potentially consider alternative testing through an EPA approved field-testing method.</p>	<p>40 CFR 141.85 preamble, 40 CFR 141.85 (c)(2), FR p. 85037</p>
<p>EPA request for comment: The requirement for water systems to deliver consumer-initiated test results within three days of obtaining those results.</p> <p>Subgroup Comment: 30 days for the sake of feasibility and consistency would be ideal.</p>	<p>40 CFR 141.85 (d)(2), 40CFR 141.85 (d)(4), FR p. 85037</p>
<p>EPA request for comment: Whether the types and timing of outreach activities proposed for systems failing to meet the mandatory service line replacement rate are appropriate and whether other activities should be considered.</p> <p>Subgroup Comment: Instead of having alternate education and outreach activities, provide a general list of approved methods for public education that systems can easily refer back to that meets the requirements for all.</p>	<p>40 CFR 141.85 (h), 40 CFR 141.85 (i), FR p. 85037</p>
<p>EPA request for comment: Whether EPA should require systems to annually notify consumers if they are served by a lead connector, in addition to notifications for sites with lead, GRR, or lead status unknown service lines.</p> <p>Subgroup Comment: If connectors remain part of the inventory, then include them into the annual communication, but make the letter include more general states that their service line might contain one of the above and that customers should reach out to the water system for net steps. This allows flexibility for water systems to better serve their communities.</p>	<p>40 CFR 141.85 preamble, 40 CFR 141.85 (e)(2), FR p. 85037</p>
<p>EPA request for comment: Whether EPA should require additional public education requirements to further encourage swift service line replacement faster than the 10-year replacement deadline. For example, should water systems that have LSLs, GRR service lines, or unknown service lines five years after the compliance date for the LCRI be required to increase the frequency of the notification of service line materials from annual to once every six months?</p> <p>Subgroup Comment: Keep it as an annual notification and consider funding options or other ways to incentivize the customer to replace their lines.</p>	<p>40 CFR 141.85 (e)(2) and FR p. 85037</p>
<p>EPA request for comment:</p>	<p>40 CFR 141.85(b)(1) and FR p. 85037</p>

<p>EPA is seeking information and data on when a system provides translated materials to consumers with limited English proficiency, what resources are used to translate materials (e.g., State resources, community organizations), and what barriers water systems may face in providing accurate translated materials.</p> <p>Subgroup Comment: Translated copies and resources should be provided by the EPA as most states and water systems do not have the capacity to handle these requests.</p>	
<p>EPA request for comment: Whether the Agency should require States, as a condition of primacy, to provide translation support to water systems that are unable to do so for public education materials to consumers with limited English proficiency.</p> <p>Subgroup Comment: Translation should not be considered a condition of primacy.</p>	40 CFR 141.85 and FR p. 85037
<p>EPA request for comment: EPA is also requesting comments on additional ways to streamline public education and associated certification requirements (e.g., combine deadlines for systems to conduct public education or submit information to the State).</p> <p>Subgroup Comment: Recommend EPA streamline and combine deadlines and reporting requirements as much as possible.</p>	40 CFR 141.85 and FR p. 85037
<p>EPA request for comment: The proposed public education activities after a system exceeds the lead action level multiple times. EPA is specifically seeking any information, data, or analysis on whether the proposed public education activities support preventing adverse health effects in this situation.</p>	40 CFR 141.85 (j) and FR p. 85037
<p>EPA request for comment: EPA is also requesting comment on whether systems should be required to conduct more than one (e.g., two or three) of the public education activities proposed.</p> <p>Subgroup Comments: Require at least one activity and allow for flexibility on what is feasible for a system/community.</p>	40 CFR 141.85 (j)(4) and FR p. 85037
<p>EPA request for comment: Health effects language</p> <p>Subgroup Comments: We would prefer to stick with the language from LCRR.</p>	Appendix B to Subpart Q of Part 141

Funding Subgroup	Section of LCRI or Federal Register
<p>Many communities do not have the available rate capacity (or the legal authority – e.g., 807 KAR 5:066 Section 12) to independently fund a comprehensive lead replacement program. BIL funding (and sustained funding post-BIL) is necessary for communities to comply.</p>	<p>B. Service Line Replacement 3. Service Line Replacement Rate</p>
<p>Consider expanding grant money as opposed to loan money. Consider making funding for lead replacement eligible through other agencies (i.e. HUD, HHS, USDA) with existing programs to allow qualifying homeowners to apply for lead service line replacement funding. Consider expanding existing eligibility requirements for these programs to provide some assistance to a larger portion of the population.</p>	<p>FR Section IV. Background G. Bipartisan Infrastructure Law and Other Financial Resources</p>
<p>Consider funding LSL replacement for homeowners through DWSRF programs through partnerships with NGOs responsible for coordinating financial terms with homeowners, with utilities ultimately receiving funding necessary to coordinate/replace LSLs. For example, water systems would appreciate a program that enables them to coordinate the work of replacing an entire service line, but provides grant funding that water systems can give to homeowners to pay for the replacement of the private section of the service line at the same time as the system-owned section is replaced. Alternatively, consider collaborating with other organizations to provide more funding options directly to homeowners.</p>	<p>FR Section IV. Background G. Bipartisan Infrastructure Law and Other Financial Resources</p>
<p>Connecting new service lines to old (especially galvanized) premise plumbing comes with a high risk of damage to the premise plumbing when the service line is repressurized. Funding to assist homeowners to replace premise plumbing in coordination with service line replacement would alleviate this risk.</p>	<p>FR Section IV. Background G. Bipartisan Infrastructure Law and Other Financial Resources</p>
<p>Consider collaborating with other organizations such as HUD, HHA, etc. to expand grant program eligibility to include replacing lead service lines and existing premise plumbing in cooperation with water system replacement of the utility-owned service line.</p>	<p>FR Section IV. Background G. Bipartisan Infrastructure Law and Other Financial Resources</p>
<p>Provide additional options for deferment from the 10-year sampling rate requirement. Water systems would like flexibility to coordinate planning with transportation and other infrastructure projects; provide options for systems that have clear replacement plans that maximize efficiency and replacement rates. For example, rate affordability, corrosion control treatment, etc.</p>	
<p>Consider another deferred replacement option based on a community’s holistic progress on LCRR/LCRI (e.g., considering tap sampling results, CCT, WQP, etc.).</p>	
<p>There are federal programs that have demonstrated the use of federal funds to be paid directly to homeowners. For example, the Low-Income Home Water Assistance Program could be modified to be used to provided federal assistance to homeowners that need assistance in paying for service line replacement. A direct line from federal funds to private citizens. This would alleviate pressure from utilities having to pay for the replacement of the private side and having to assert control over the private side's plumbing. SRF only allows for funds to be used for replacement of both sides and this places burden on water systems to pay for a portion of the system that is not within their control, as well as opens numerous doors to utilities paying for/nor controlling certain aspects of the private sides plumbing.</p>	