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February 11, 2020

Andrew R. Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Submitted via: Regulations.gov

Re: Docket ID No. EPA-HQ-OW-2017-0300
National Primary Drinking Water Regulations: Proposed Lead and Copper Rule
Revisions

Dear Administrator Wheeler:

The Kentucky Energy and Environment Cabinet, Division of Water (the Agency), has reviewed the proposed Lead and Copper Rule Revisions (LCRR). The Agency's review included in-depth discussions with the Lead Work Group of the Kentucky Drinking Water Advisory Council, which is comprised of regulators, system operators, and technical professionals, and discussions with the Association of State Drinking Water Administrators. The Agency firmly believes that the EPA should be particularly mindful of causing undue concern among consumers who have low risk of lead exposure from their drinking water.

General Comments:

1. The Agency supports the purpose and goals of the proposed Lead and Copper Rule Revisions that require affirmative action to address lead and copper in drinking water.
2. Lead ingestion is a well-recognized public health concern. The Agency recognizes the need for an updated Lead and Copper Rule (LCR), and supports its revision under the authority of the Safe Drinking Water Act (SDWA) in order to facilitate the Federal Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts (Dec 2018).
3. The Agency believes many water systems, large and small, will lack the technical, managerial, and financial resources necessary to implement lead service line replacement, installation of treatment methods, and staffing to communicate effectively with customers. Small systems will be especially challenged to meet the enhanced sampling and reporting requirements under the proposed LCRR. The Agency encourages the EPA to adopt revisions to the LCR that will allow flexibility when considering the water source, treatment capability, water system size,

compliance with the current LCR, existing state regulations, compliance with other drinking water regulations, community affordability, environmental impact, and other regional considerations. Revisions to the LCR should allow a “toolbox” approach based on best practices established by the EPA and leading U.S. water systems for replacement, treatment, and customer notification. The Agency suggests that the EPA give deliberate and due consideration to concerns regarding how the rule will be implemented, and work to address the concerns and comments that will be submitted related to this revised rule.

4. The Agency believes it will be critical for the EPA regions to work with their respective member states to the maximum extent possible in order to optimize rule implementation. While mitigating exposures to lead and copper in drinking water is the primary goal, the Agency will also pursue ways to streamline implementation in order to efficiently use state regulatory resources, and to minimize rate increases that may result from the proposed requirements. The Agency hopes that the EPA will support and partner with states in this regard while implementing any revisions to the LCR.

5. Over the past 30 years actions to reduce lead exposure in the United States have been successful, including the reduction of lead in drinking water accomplished under the SDWA. Based on laboratory data collected by Kentucky public water systems, in accordance with the SDWA, all water systems in the Commonwealth are currently in compliance with the LCR. Many Kentucky utilities are already active partners with state and local health and education officials to enhance lead awareness and to identify methods to reduce lead exposure. Lead reduction is a shared responsibility that requires a collaborative effort by water systems and their customers, as well as a cross-section of federal, state, and local agencies.

Specific Comments:

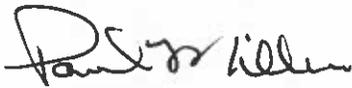
1. Corrosion control is a critical tool in managing lead in drinking water that must be taken into account with broader considerations than are reflected in the proposed LCRR. The EPA must allow water systems to identify and manage corrosion control using an array of tools to support timely and cost-effective decision-making, rather than the rigid framework proposed. Many water systems have optimized corrosion control treatment without the use of phosphates and some states regulate phosphate discharges into waterways. The Agency recommends that the EPA not exclude corrosion control treatment technologies that may be available now, or developed in the future, by adding language that would allow the state primacy agency or the EPA to approve other treatment options, such as when a water system can provide established optimum control treatment strategies with effective supporting data. To help with the economic burden, the Agency recommends allowing water systems with similar source and treated water to share and use the results from the corrosion control study.

2. The Agency has serious concerns with the proposal related to risk communication that may cause undue concern among consumers who have low risk of lead exposure from their drinking water. The Agency fully supports public notification when lead action level exceedances occur. Consumers have a right to know the potential for decreased quality of their water. The EPA should provide specific language for water systems to use in public notifications to explain the circumstances and to prevent confusion.

3. The proposed LCRR requires public water systems to provide a copy of the Tier 1 notice to the EPA and to the state no more than 24 hours after the public water system learns of the violation or exceedance, however, the proposal lacks clarity on how water systems should provide this notice to the state and EPA. Water systems are not normally in direct contact with the EPA, even at the Regional level. Their contact regarding drinking water regulatory issues is typically only with their primacy agency. Without more clarification regarding this notice, water systems will likely incur administrative violations as they navigate the challenges of this unfamiliar communication path.

The Agency appreciates the opportunity to comment on the LCRR. While the Agency recognizes and supports the need to modernize the LCR, there remain significant challenges that will require the EPA to collaborate with its stakeholders.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Miller". The signature is written in a cursive, somewhat stylized font.

Paul Miller, PE
Director
Division of Water

JPM/cjc