

# Lead in Drinking Water Workgroup Meeting - Minutes

January 10, 2022 11:00 am

Virtual GoTo Meeting

## Workgroup Member Attendance:

Alicia Jacobs, Kentucky Division of Water (DOW), Co-Chair  
Amy Stoffer, NKWD/KY-TN AWWA, Co-Chair  
Greg Heitzman, Bluewater Kentucky  
Jennifer Burt, Kentucky Department of Public Health (DPH)  
Mike Gardner, Bowling Green Municipal Utilities  
Sarah Gaddis, DOW  
Jacob Northington, Paducah Water Works  
Emily Fritz, Louisville Water Co.  
Justin Sensabaugh, Kentucky American Water Company  
Brad Montgomery, CDM Smith

## Absent Workgroup Members:

Obe Cox, Carroll County Water District  
Tom Rockaway, University of Louisville

## Other Attendees:

Donna McNeil, KWRRRI	Mary Carol Wagner, NKWD	Russell Neal, DOW
Arianna Lageman, KRWA	Elizabeth Danks, DOW	Maggie Mahan, RCAP
Gabe Tanner, DOW	Carole Catalfo, DOW	Jordan Basham, LWC
Ethan Givan, DOW	Julie Roney, FBP	Ross Guffey, HDR, Inc.
Annette Dupont-Ewing, KMUA	Todd Ritter, KRWA	Christy Twyman, BGMU
Ron Lovan, NKWD	Julia Harrod, DOW	Chris Bobay, LWC
Kay Sanborn, AWWA	Amber Agee, DPH	
Gary Larimore, KRWA	Johnathan Moor, NKWD	
Spencer Bruce, LWC	Pete Goodman, KWC	

Meeting called to order at 11:02 am, 10 January, 2022, and roll call taken.

Two people attended by phone.

Minutes from 08 November, 2021 approved with two modifications: list of workgroup members were changed to those listed at the top of this minutes, and Maggie Mahon's organization name was changed to RCAP.

Alicia Jacobs provided the following status update:

## DOW Talking Points:

In 1991 the EPA published the current Lead and Copper Rule (LCR). LCR minor revisions occurred in 2000 and 2004, and short term revisions were affected in 2007 – to enhance implementation of monitoring, treatment, customer awareness and education, and LSL replacement.

Dec 16<sup>th</sup>, 2021 – Lead and Copper Rule Revisions (LCRR) went into effect and EPA announced they will be working on Lead and Copper Rule Improvements (LCRI). At the same time, the Biden-Harris Lead Pipe and Paint Action Plan was also announced as a centerpiece to the Bipartisan Infrastructure Law.

**LCRR new compliance date is October 16, 2024. There are 3 things due by that date:**

1. Lead service line (LSL) inventory
  - This will be the main focus for compliance with LCRR, until we get further guidance from EPA
2. LSL replacement plan

- The EPA has indicated that they want to revisit the LCRR timeline and requirements for replacing LSLs, so this deadline may change with the LCRI
3. Tap sampling plan (new taps to be sampled according to new requirements in LCRR)
- This deadline may change with the LCRI as well

**LSL Inventories:**

- Required of all water systems
  - Water systems are exempt if they can conclusively document that they have no LSLs
- Due by October 16, 2024
- Every service line must be listed (not just lead, galvanized, or unknown)
- Inventory shall document public and private portion of SL
- Currently, there's no deadline to investigate all the Unknowns (service lines of unknown materials)
- After 10/16/2024, water systems must send in updates to DOW annually or triennially
  - Timeline is based on the water systems' tap sampling schedule
- LSL inventory must be publicly available
- EPA, Association of State Drinking Water Administrators (ASDWA), and DOW are working on developing guidance and data management options
  - EPA has said to expect guidance by May 2022
  - EPA is working to update SDWIS (the database DOW uses)
  - ASDWA workshops every week in February, open to public

**LCRI Focus areas** – Replacing all lead service lines, Compliance tap monitoring, Action and Trigger Levels, Prioritizing historically underserved communities.

**Additional actions to reduce lead in drinking water:**

*Additional infrastructure funds:*

The Biden-Harris Lead Pipe and Paint Action Plan was also announced as a centerpiece to the Bipartisan Infrastructure Law

**LSL Funding :**

- Kentucky will receive \$46,593,000 in 2022 for DWSRF Lead Service Line Replacement, in addition to \$29,587,000 standard DWSRF fund allotment.
- SRF funds can be used for:
  - Complete service line replacement – continuing from the publicly-owned portion to the point which it connects to the premise plumbing (definition of premise plumbing [here](#)) – the pipes found on the other side of the isolation valve.
  - Developing LSL inventories
  - Locating LSLs
  - Providing point-of-use filters and filtration systems
  - Costs of public communications about lead in drinking water, proper filtration, and options for replacing LSLs
  - Contracting another organization to assist with LSL inventories
- Water systems are now required to offer to replace private-side LSLs, and to cover the cost of LSL replacement for low-income homeowners
- SRF grants related to infrastructure resilience and sustainability only have a 10% match requirement, and there is a waiver program to cover that 10% in some conditions.

*Equality in the distribution of funds* - There are many places within the LCRR and the Bipartisan Infrastructure Law that discuss prioritizing disadvantaged communities for LSL replacement and for funding. The definition of 'disadvantaged communities' is not clear as of yet, but water systems should begin identifying these within their communities.

*Federal collaboration to address school and child-care lead in drinking water*

*Targeted technical assistance to communities with high drinking water lead levels* – EPA collaboration to provide oversight and assistance

*Improving risk communication tools* – guidance and templates from EPA to assist with communication of lead risk

*Discouraging partial lead service line replacements and encourage full replacements* - EPA will provide training, guidance, and tools on developing lead service line replacement programs, including how to ensure equitable implementation of removal projects. EPA will provide guidance on available methods for replacing full lead service lines as safely and efficiently as possible.

**Unknowns:**

Plenty – Corrosion control, school sampling, public notices....

**Discussion of LCRR Status Update and LCRI:**

- Will Kentucky re-evaluate or re-apply for WIIN funds? Short discussion of how the WIIN program could apply to new LCRR.
- Water systems are wondering about what guidance will be available for the LSL inventory. Discussed were: the DOW's hope to work with KRWA and interested water systems to develop guidance and a data-collection and management framework; EPA's guidance coming out sometime by May, 2022; need for water systems to have guidance on what service lines to prioritize identifying; ASDWA/EPA LSL inventory workshops coming in February (email with sign-up link has been sent out).
- EPA will eventually be updating their data management system (SDWIS), which DOW uses to store and transfer drinking water data, to accommodate LSL inventory data. DOW will inform this workgroup as needed/relevant as EPA sends more information.
- DOW will not be able to provide guidance on LSL replacement plans or tap sampling plans until the LCRI begins development; until DOW has more information, focus should be on LSL Inventories.

**Discussion: Subgroups and Roles**

- The LSL Inventory subgroup should start meeting at least monthly. Julie Roney and Brian Bourne from Frankfort Plant Board would like to join that group.
- Focus of the subgroup will be on data management and collecting information on how to prioritize identifying service line materials as it becomes available

**Other Discussion:**

- Consider working with pediatricians to identify communities that have increased lead levels, based on pediatric cases. CDPH has not documented lead level exceedances in children from drinking water.
- Suggestion to look into CBDG HUD 108 funds (new in 2021) for replacing roads and sidewalks related to LSL replacement. Available to communities that are HUD eligible.
- Still unknown is whether there will be an increase in the number of action level exceedances (ALEs) or trigger level exceedances once water systems start doing 5<sup>th</sup> liter sampling. Other states have had an increase in ALEs.

**Discussion / Speculations about LCRI (future changes to LCR):**

- Need to explore ways to identify and trigger action in communities most at risk of elevated lead levels – re: replacing private side of LSLs
- Ways to reduce complexity of regulation (trigger level/action level, small system flexibility)
- Inventory and service line replacement: need EPA guidance plans for:

- Use of models for LSL inventory, replacement plans
- Classification (and timeline) of unknowns, goosenecks and connectors, galvanized pipes
- Best practices for verifications
- Inventory form and format (use inventory to inform LSL replacement plans)
- Supporting development and strategy – what tools can be developed?
- How to prioritize LSL identification
- Tap sampling: EPA has looked at using both 1L and 5L samples for lead, like Michigan has done.
  - What responsibility (if any) does utility have if 1L (but not 5L) has ALE, indicating lead is a problem in internal plumbing and not in service line?
  - Should EPA consolidate action level/trigger level?
- What areas and when will EPA seek comments?
  - Delays of LCRR deadlines?
  - Implementation of LCRI earlier than 3 years?
  - Workgroup members discussed submitting comments during future comment periods on lead and copper rule changes. DOW reminds the group that any comments submitted shall be by individuals or subgroups of the workgroup, but because of DOW involvement and any potential for future conflicts of interest, the workgroup will not submit comments as a whole.
- DOW discussed interest in collaborating with Kentucky Infrastructure Authority and Water Resource Information System for guidance and assistance on LSL inventories and use of SRF funds.
- Discussion on working with the Kentucky legislature on:
  - Funding allocations for lead, to complement the SRF pool of funding
  - Discovering whether ARPA funds can be used for water infrastructure related to lead in drinking water
- Need more information about whether/how public funding can be used to replace privately-owned lead service lines

These documents were discussed during the meeting:

[Addressing Lead in Drinking Water with the Drinking Water State Revolving Fund, EPA 816-F-18-005, March 2019](#)

[Bipartisan Infrastructure Law: EPA 2022 State Revolving Fund \(SRF\) Estimated Allotments to States, Tribes, and Territories by Program](#)

[FACT SHEET: The Biden-Harris Lead Pipe and Paint Action Plan](#)

**Action items:**

- LSL Inventory subgroup will start having monthly meetings
- DOW will organize a meeting between Kentucky Infrastructure Authority and the DOW Director's Office

**Next meeting:**

May 9, 2022 at 2:00 pm via GoTo Meeting