

Lead in Drinking Water Workgroup Meeting

May 24, 2021 2:00 pm

GoTo Meeting

Workgroup Member Attendance:

Alicia Jacobs, Kentucky Division of Water (DOW), Chair
Greg Heitzman, Bluewater Kentucky
Jennifer Burt, Kentucky Department of Public Health (DPH)
Emily Fritz, Louisville Water Co.
Mike Gardner, Bowling Green Municipal Utilities
Ron Lovan, Northern Kentucky Water
Tom Rockaway, University of Louisville
Sarah Gaddis, DOW
Rengao Song
Brad Montgomery, CDM Smith

Absent Workgroup Members:

Amy Stoffer, NKWH/KY-TN AWWA, Chair
Obe Cox, Carroll County Water District
Justin Sensabaugh, Kentucky American Water Company
Bill Robertson, Paducah Water Works

Other Attendees:

Elizabeth Danks, DOW	Arianna Lageman, KY Rural Water Association (KRWA)
Ben Hamm, DOW	Chris Bobay, Louisville Water
Chris Fitzpatrick, EEC	Joe Burns, KRWA
John Lyons, EEC	Liz Natter, EEC
Carey Johnson, DOW	Gary Larimore, KRWA
David Billings, Frankfort Plant Board	Brian Bourne
Joseph Newberg, EEC	Carole Catalfo, DOW
Pete Goodmann, Louisville Water	Amber Agee, DPH
Autumn Young, Louisville Water	

1. **Call to order:** The meeting of the Kentucky Lead in Drinking Water Workgroup was started at 2:00 pm by new chair Alicia Jacobs. Co-chair Amy Stoffer was unable to attend due to a last-minute situation. The Agenda for the meeting and the Minutes of the May 3, 2021 meeting were presented. A roll call was conducted.
2. **Introductions:** A. Jacobs introduced Carey Johnson, the new Director of the Kentucky Division of Water.
3. **Minutes:** The minutes from the last meeting on May 3, 2021 were approved by Greg Heitzman and seconded by Mike Gardner. There were no comments or modifications at the time. Note: after the meeting, Brad Montgomery reported that his company name was written incorrectly in the minutes; the correct name is CDM Smith.
4. **Confirm Membership:** A. Jacobs contacted the Kentucky Department of Education (DOE); their response is that they will participate as needed. G. Heitzman will continue to communicate with DOE. Brad Montgomery will represent the consultants' perspective on lead in drinking water. Bill Robertson from Paducah Water is retiring; G. Heitzman will seek out a replacement. Justin

Sensabaugh did not respond to the meeting request, but it was confirmed during the meeting that he does want to continue to be involved. Rengao Song has confirmed his interest in being a member, even though he has retired. His current contact information has been provided. No other changes were made.

5. **Discussion:** Much of the discussion was based on a talking points list that had been provided by A. Stoffer; attached as an addendum to these minutes.
- General discussion on new LCRR implementation:
 - A. Jacobs: DOW does not expect to submit any comments on the LCRR during the current comment period
 - P. Goodmann: does not expect that very much will change in the regulation with the new round of revisions. Suggests that the workgroup focus on how the rule will be interpreted and implemented in Kentucky. He also wondered how the DOW will manage the additional quantity of data expected to be collected.
 - C. Johnson: emphasized that one of the goals of DOW will be to modernize data management. Also mentioned that providing pitcher filters as a short-term solution to lead removal from drinking water is not ideal.
 - M. Gardner: it's important to communicate information about the new lead rules to water systems and the public in a way that doesn't undermine public confidence in drinking water. Workgroup should spend time addressing communication.
 - P. Goodmann: agrees that appropriate and clear communication about the risks of lead in drinking water will be important.
 - Trigger levels:
 - G. Heitzman: the original workgroup preferred that the LCRR continue to use action levels instead of an MCL to trigger action
 - P. Goodmann: if an MCL were to become the trigger, entire LCR would need to be re-written; the current rule is designed for using treatment techniques to correct problems.
 - C. Bobay: LCRR sampling requirements will bring in so much more data, and the sample techniques will provide such different results compared to the current rule that it is difficult to plan for how to meet any triggers (whether MCL or AL). Louisville Water has spent time trying to plan for corrosion control changes and other changes, but find it difficult. The new processes will reveal a lot of new information and, likely, issues that are currently unknown, which makes it difficult to plan how to go forward.
 - M. Gardner: it's too late to expect that any comments submitted will make regulation changes that can address the major unknowns or foreseen issues.
 - G. Heitzman: emphasized that the comment period is still open, so there is time to submit comments and hope to see some of them addressed. He hopes utilities will use these talking points to develop and send in their own comments.
 - Corrosion control – no discussion
 - Inventory of service lines
 - C. Bobay: Louisville Water has focused a lot of effort identifying service lines of “unknown” materials. Strategies have included: age of construction (worked with realtors, PVA, others to identify age of structures), stratifying data (likely source of lead, less likely, etc.). Found there is no one-size-fits-all strategy. There are so many unknowns in Louisville Water's service area that 3 years may not be enough time to identify them all – so what then? Will water systems

have to start sampling or provide filters to all the structures where the service lines are of unknown material or history? Curious how many other water systems will have this problem.

- P. Goodmann: questioned how much flexibility the EPA will provide regarding issues of lack of information about service lines
 - M. Gardner: there are a lot of places in the state that have poor property history records, making it difficult to pinpoint the dates of construction. There needs to be a plan for how to identify and replace all the service lines needing replacement, that is less cost-intensive than digging up every “unknown” service line.
 - Not time in this meeting to discuss all the issues; G. Heitzman proposed longer meeting next time.
 - P. Goodmann: proposed that the group review these and other talking points and offer specific ideas to the group in advance of the next meeting.
6. **Next meeting:** June 7, 2 hours. Date proposed by A. Jacobs and seconded by G. Heitzman with no alternative dates proposed.

Addendum: Meeting Talking Points Provided by Amy Stoffer

1. General

- Is there a way to have input on guidance documents?
- We share a common interest in protection public health. Because many water systems lack the technical, managerial, and financial resources to implement the Rule, we have provided the following recommendations for action by EPA to avoid confusion and to help mitigate rate increases that will result from implementation of the Rule:
 - i. To clarify the Rule, develop guidance documents for states and water systems as soon as possible after the effective date of the Rule
 - ii. Identify a process to prioritize replacement of LSLs using criteria such as service line age, housing stock age, repair history, lead levels, building occupancy, or other factors impacting public health.
 - iii. Prepare training materials (written and video) to be used by water systems for proper identification of service line material
 - iv. Prepare training materials (written and video) to be used by water systems for customer tap sample collection
 - v. Develop specific language to be used by water systems for public communication including the impact of corrosion control treatment changes in customers with special water quality requirements such as aquatic life (aquariums), individual home health, and manufacturing.
 - vi. Develop training materials and fact sheets for school and daycare testing
 - vii. Identify funding strategies, particularly for replacement of LSLs of lower income customers, and funding for replacement of fixtures at schools and child care centers
 - viii. Provide grant funding to states for administration of the Rule, particularly for oversight of small and medium sized systems
- Requiring pitcher filters may disincentivize systems to replace meters, which could lead to reduced revenues through an increase in the number of inaccurate meters (can run slower as they age).

2. Trigger Level

- Lower trigger level or action level
- MCL vs action level

3. Corrosion Control

4. Inventory

- Status “Unknown”

5. LSL Replacement

- Pace – some suggest a 10-year schedule
- LSLR customer refusal

6. Small Systems

- Some suggest to eliminate flexibility to better protect customers

7. Public Education

- EPA assist with translating to other languages.

- Replace “exacerbate” in mandatory language (see page 152).
8. Tap Sampling
 9. Water Quality Parameter Monitoring
 10. Schools and Child Care Facilities
 11. Find & Fix
 - Local booster stations for pH adjustment
 12. Reporting
- SDWIS support module before implementation