Address 601 Dempsey Road, Westerville, Ohio 43081-8978 U.S.A.
Phone 800 551.7379 • 614 898.7791 Fax 614 898.7786
Email ngwa@ngwa.org Websites NGWA.org and WellOwner.org

National Ground Water Association

Comments on

National Primary Drinking Water Regulations:

Proposed Lead and Copper Rule Revisions

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SUMMARY

On November 13, 2019, the Environmental Protection Agency (EPA) proposed regulatory revisions to the National Primary Drinking Water Regulation (NPDWR) for lead and copper under the authority of the Safe Drinking Water Act (SDWA). The proposed rule provides more protection of public health by reducing exposure to lead and copper in drinking water. This proposed rule also expands procedures and requirements related to health protection and the implementation of the existing Lead and Copper Rule (LCR) in the following areas: Lead tap sampling; corrosion control treatment; lead service line replacement; consumer awareness; and public education. The proposal does not include revisions to the copper requirements of the existing LCR. In addition, the proposal includes new requirements for community water systems to conduct lead in drinking water testing and public education in schools and child care facilities.

COMMENTS OF THE NATIONAL GROUND WATER ASSOCIATION

The National Ground Water Association supports protection of public health by establishing national standards to reduce exposure of people to lead in drinking water. Notably, 76 percent of all community water systems and 95 percent of non-transient non-community water systems are groundwater-supplied. Additionally, 85 percent of community water systems having monitoring and reporting violations and having treatment technique violations were groundwater-supplied and most of these violations were at systems serving 10,000 or fewer

people. These small community water systems have limited resources and typically lack expertise to implement complex treatment requirements.

Reporting and Technical Capability of Small Water Systems

In § 141.80 General requirements, § 141.81 Applicability of corrosion control treatment steps to small, medium, and large water systems, § 141.82 Description of corrosion control treatment requirements, § 141.84 Lead service line inventory and replacement requirements, § 141.85 Public education and supplemental monitoring requirements, § 141.86 Monitoring requirements for lead and copper in tap water, § 141.87 Monitoring requirements for water quality parameters, § 141.88 Monitoring requirements for lead and copper in source water, § 141.90 Reporting Requirements, § 141.92 Monitoring for lead in schools and child care facilities, and § 141.93 Small Water System Compliance Flexibility, extensive reporting, complex evaluations and technical actions would be required that may be beyond the capability of many small water systems. NGWA asks that EPA examine ways to simplify these requirements and streamline small system participation in protecting their customers from high levels of lead and copper in their water systems.

§ 141.84 Lead service line inventory and replacement requirements

NGWA comments: All systems covered by this rule are required to have an inventory of lead service lines, a replacement schedule (with replacement to be completed in a number of years based on § 141.93 requirements), a pitcher filter program and a funding strategy. Many small water systems will need technical and financial assistance including loan forgiveness to be able to afford lead service line replacement and pitcher filters. NGWA asks that EPA and states carefully evaluate the income levels of small communities required to meet these requirements and prequalify them for loan forgiveness.

§ 141.85 Public education and supplemental monitoring requirements

NGWA comments: The revisions of this section prescribe education and outreach requirements relative different requirements elsewhere in the rule. Small communities lacking technical and educational expertise will likely need assistance in developing and delivering educational and outreach materials. EPA and states should provide materials for these communities and any training necessary to deliver the materials to customers.

§ 141.93 Small Water System Compliance Flexibility

NGWA comments: This section of the revised rule provides three options for compliance by small systems and non-transient non-community water systems: (1) Lead Service Line Replacement, (2) Corrosion Control Treatment, and (3) Point-of-Use Devices. All three options are to be maintained by the water systems. We support the options offered for small systems and NTNC systems. Maintenance of corrosion control and point-of-use devices may be beyond the technical and financial capability of these systems. NGWA asks that EPA and states carefully evaluate the income levels of small communities required to meet these requirements

and prequalify them for loan forgiveness. Additionally, EPA and states should provide a circuit rider program at no cost to low income communities to maintain corrosion control treatment and point-of-use devices programs if a community opts for one of those programs.

Basis for the Interest of the National Ground Water Association (NGWA) in Lead and Copper Rule Regulations

NGWA, the largest trade association and professional society of groundwater professionals in the world, represents over 10,400 groundwater professionals within the United States and internationally. NGWA represents four key sectors: scientists and engineers, employed by private industry, by the consulting community, by academic institutions, and by local, state, and federal governments, to assess groundwater quality, availability, and sustainability; water-well contractors responsible for developing and constructing water-well infrastructure for residential, commercial, and agricultural use; and the manufacturers and the suppliers responsible for manufacturing and providing the equipment needed to make groundwater development possible. NGWA's mission is to advocate for and support the responsible development, management, and use of groundwater.

Over 41 million people in the United States rely on private wells and 87 million are served by groundwater from community water systems. Seventy-one percent of groundwater withdrawn is for irrigated agriculture. Additionally, forty percent of baseflow of streams is contributed from groundwater discharge through streambeds.

NGWA views groundwater and the subsurface as significant natural resource that should be sustainably managed for current and future use. The subsurface environment should be considered from an integrated resource perspective. The natural resources extant in the subsurface environment with proper management can provide fresh groundwater for drinking, industrial and manufacturing applications, food production, and ecosystem support.

NGWA appreciates the opportunity to comment on this proposed rule.

For further follow-up, please contact:

Charles Job
Regulatory Affairs Manager
National Ground Water Association
202-660-0060
cjob@ngwa.org