



CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF PUBLIC WORKS

Eric Horvath, Director

March 5, 2018

RE: Long-Term Lead and Copper Rule Federalism Consultation
(Docket ID No. EPA-HQ-OW-2018-0007)

To whom it may concern,

I am writing as the Director of Water Quality for South Bend Water Works. Our utility is dedicated to providing the best quality of water possible to our customers, which includes protecting them from exposure to lead from drinking water. We agree that the Lead and Copper Rule needs revisions, but would like to share our comments based on the January 8th Federalism Consultation Meeting. Please consider my utility's comments on the potential long-term revisions to the Lead and Copper Rule.

Key Areas for Rule Revisions

Lead Service Line Replacement

- *Require systems to create an inventory of lead service lines –*
We have estimated that our system has 24,000 lead service lines (>50%) based on the age of the home. There are not adequate records to say the material of the pipe with certainty. We currently verify the service line material when repairs are done to the line through our insurance program, but will obviously not touch every line. Would an estimate fulfill this requirement or would we need to actually dig into everyone's yard to verify the material? Verification would be costly and would lead to unhappy customers.
- *Require proactive full lead service line replacement on a specified schedule (e.g., 10, 15, 25, 35 years from promulgation) –*
In our community, the entire service line is the property of the homeowner. We do not have the funding to replace these lines, nor can we freely use public funds to benefit private property owners. Our community also has a large percentage of the population living near or below the poverty level, so they would not be able to afford the replacement. In fact, the cost of the line replacement would at times be more than the value of the home. In addition, most of our consumers are not concerned about lead in the drinking water since we have always been in compliance with the LCR. Their main priority has been dealing with lead paint issues.
- *Allow partial LSLR only for emergency repair or "unwilling or unable customers" when conducting infrastructure replacement (e.g., main replacement)*
Where there are lead service lines in our community, only one portion of the line is lead. We have heard that galvanized pipe can cause issues as well after a LSLR and believe that the entire

line should be replaced in these cases if a partial is being done. We do wish that we could do a full line replacement when a LSL is in need of an emergency repair, but generally the customer would be unwilling or unable to pay for this. In addition, many of the actual homeowners do not live in our community. Some live in foreign countries. Protecting the actual residents may be another hurdle for this reason.

- *Require pitcher filters to be distributed and regularly maintained by the PWS for three months immediately following lead service replacement*

This seems like a great idea, but where would the funding come from? Not only would the funding for the pitchers and the filters be needed, but additional staff would also be necessary to tackle this task.

Corrosion Control Treatment

- *Require systems with lead service lines (regardless of population served) to install and maintain CCT?*

South Bend Water Works has very hard water with an average level of hardness as calcium carbonate of 364 ppm, an average alkalinity as calcium carbonate of 279 ppm, and an average pH of 7.5. These water quality parameters have been deemed adequate to prevent corrosion of pipes under normal circumstances. Should it be necessary to pay for this treatment for water that does not show signs of corrosivity? We currently use a polyphosphate at some of our treatment plants for iron and manganese sequestration. Would a change in treatment chemicals make it difficult to keep these metals in suspension? In addition, our wastewater treatment plant currently has to use a chemical to remove phosphorous and application of phosphorous to farm fields is likely to become an issue. If the chemical required is a phosphate and it must be used at all treatment plants, how would this affect our wastewater plant?

- *Require plumbed in point of use treatment devices to be provided to households with lead service lines and regularly maintained*

As mentioned with the three month requirement after a LSLR, this would require even more funding and additional staff to keep this organized. Maintaining the devices would be particularly challenging.

- *Prescribe a default CCT that must be maintained unless a system can demonstrate equivalent CCT to the state, or require the system to conduct a periodic re-evaluation of CCT to be reviewed by the state?*

We believe a periodic re-evaluation of corrosion control is a good idea.

- *Require system to find and fix problems in corrosion control treatment if a tap sample exceeds an action level?*

We currently resample at locations that have tap results above the action level and provide some guidance, but we feel it is the homeowner's responsibility to manage their own plumbing. Often, when a tap sample exceeds an action level it is because the customer took a sample from a faucet that has not been used for months or the sample was taken after water softener treatment. We encourage our residents to not over-soften their water by setting their softener

on the low side of the scale and to increase only if they feel it is not doing an adequate job. However, as stated above, our water is very hard and we have not found a lot of guidance literature on how to use a softener to maintain a level of hardness that is acceptable to consumers but will not cause any corrosion to their plumbing. In addition, this may consume a lot of time trying to pinpoint an issue in someone's home.

Tap Sampling

- *Changing where water systems are required to collect tap samples - At sites based on customer request or at schools served by the system*
We currently provide free lead testing to those requesting it, but only had 38 total requests in all of 2017. In fact, when we did our compliance sampling in 2016, we sent out 378 surveys to homes we believed had a LSL and/or lead plumbing. Only 95 of the surveys were returned by customers, of which only 65 qualified as a Tier 1 site or were interested in participating. We provided our schools with guidance on sampling, but if we followed the 3 Ts, it would be extremely costly for us. Our state is currently providing funding for public schools on a volunteer basis, but private schools are not included. Where do they fit in? There are at least 54 schools on our city water.
- *Change the way samples are collected to be more representative of exposure - Increase the number of samples required or instruct consumers to sample when they are drawing water for drinking or cooking.*
We believe that having customers take samples when they are drawing water for drinking or cooking would give a more accurate portrayal of the exposure they are getting. We also believe that one sample is not necessarily indicative of the situation at all times. Although it would be more costly, we believe more than one sample taken at different times would likely be more representative.
- *Establish a household action level that if exceeded would trigger a report to the consumer and to the applicable health agency for follow up*
This is an excellent idea. It is difficult to explain the current action level to residents. It is also difficult to answer their questions when lead is detected at their tap, but below the AL.

Public Education and Transparency

- *What do state and local governments think are the most effective ways for water systems to deliver educational information to consumers?*
South Bend Water Works firmly believes in providing education to our residents on ways to minimize their exposure to lead in drinking water. In April of 2017, we sent all residential customers a "Homeowner Guide to Managing Lead in Drinking Water" in their water bills. It is also posted on our website. The guide explains the health effects of lead, lists potential sources of lead that may come into contact with their drinking water, and gives tips on how to reduce their exposure.
- *Water systems to provide on-going targeted outreach with a special emphasis on all customers with lead service lines*

We agree that this is a good idea as well. While all bill receiving residents received our homeowner guide, we also provide a door hanger to customers having emergency repair done on their service lines that we believe may possibly contain lead. The hang tag explains that a disruption to the service line could cause an increase of lead in their drinking water for six months. It gives tips on how to reduce exposure including flushing and purchasing a filter certified to remove lead. We do not provide the filters, but do provide the education.

- *Water systems to provide notification to consumers within 24 hours of exceeding an action level (as required by the 2016 WIIN Act)*

We believe it is important to notify consumers at a higher risk of exposure within 24 hours of obtaining the results. In our last sampling event, we attempted to mail letters to the residents within 24 hours, even with low or non-detect results. In addition, we called the two residents that had results above the action level.

- *Water Systems to make information accessible to consumers on results of all tap sampling, results of water quality parameter (WQP) monitoring and the number and locations of LSLs*
This requirement is acceptable as long as the location of the sample taken remains confidential for the resident.

Copper Requirements

- *Establish a screen to determine if water systems have water aggressive to copper – If water is aggressive, require: – monitoring and/or – public education and/or – CCT.*

South Bend Water Works agrees that the current LCR is geared toward lead and may not adequately measure exposure to copper. An established screen would be great guidance and monitoring, education, and/or CCT should be required if the water is aggressive to copper.

- *Modify tap sampling to require separate sampling sites for copper*

As mentioned above, we believe the current LCR is not necessarily measuring exposure to copper and that different sampling sites would be required to do this adequately.

South Bend Water Works appreciates the opportunity to provide comments on the proposed changes to the Lead and Copper Rule. Please take our comments into consideration when determining the final rule language.

Regards,



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