

March 16, 2018

Submitted via LCRConsultation@epa.gov

Mr. Bob Rose
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 4101M
Washington, DC 20460

RE: Comments from the National Tribal Water Council on the Environmental Protection Agency's Lead and Copper Rule Revisions - Docket ID No. EPA-HQ-OW-2018-0007

Dear Mr. Rose:

The National Tribal Water Council (NTWC) is pleased to provide comments on U.S. Environmental Protection Agency's (USEPA/EPA) request for public comments on the Lead and Copper Rule Revisions (LCR) (Docket ID. No. EPA-HQ-OW-2018-0007). The NTWC's comments will address how the Lead and Copper Rule Revisions impact water quality for Indian Tribes, which is the focus of the NTWC mission.

Background

Across Indian country, it is widely recognized that a primary source of lead in drinking water throughout Tribal communities are lead pipes installed in the early 1900's through 1986, the year in which Congress enacted the Safe Drinking Water Act Amendments of 1986 (P.L. 99-339), prohibiting lead on use of pipes, solder, or flux in public water systems. In general, lead pipe was used for lead service lines, which extend from water mains to individual residences, schools and businesses. Other sources of lead contamination in Tribal household drinking water are faucets and fixtures with leaded brass and pipes with lead solder.

Even though federal agencies such as the Environmental Protection Agency (EPA) and Indian Health Service (IHS) are aware that lead pipes and plumbing fixtures containing lead pose a significant threat to Tribal water systems and public health, there are no nationwide assessments that quantify the occurrence of lead service lines or plumbing infrastructure to Tribal homes, schools and businesses.

The role of the lead industry in promoting lead pipe and related products, especially after their negative health effects were already known, has been well documented; see, for example *The Lead Industry and Lead Water Pipes “A MODEST CAMPAIGN”* by Richard Rabin (American Journal of Public Health, 2008, p. 1584–1592). Generally, Lead Service Lines (LSLs) extend from the water distribution system to individual facilities, businesses and residences. The NTWC believe that the occurrence of lead pipes within Tribal institutional facilities, such as schools and community facilities, needs to be thoroughly investigated. In an effort to document the magnitude of the problem, the NTWC has reviewed published research and conducted our own research. The results are summarized below.

In a recent article published in the Proceedings of the National Academy of Sciences (“*National Trends In Drinking Water Quality Violations*”, by Allairea et al., 2018), the study provides evidence that systems serving rural lower-income areas in the United States have a higher incidence of Safe Drinking Water Act (SDWA) violations. There is a preponderance of American Indian and Alaska Native populations in rural lower-income areas, it follows that these same American Indian and Alaska Native populations are at relative elevated risk across the board to health problems related to drinking water quality violations.

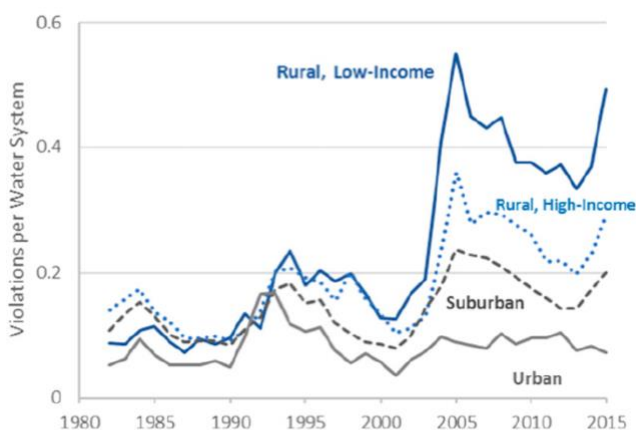


Fig. 3. Total violations per water system, by housing density category and income group. Low-income counties have median household income below 75% of national median household income. In year 2015, national median household income was \$55,775 and 45% of rural CWSs are located in counties defined as low-income.

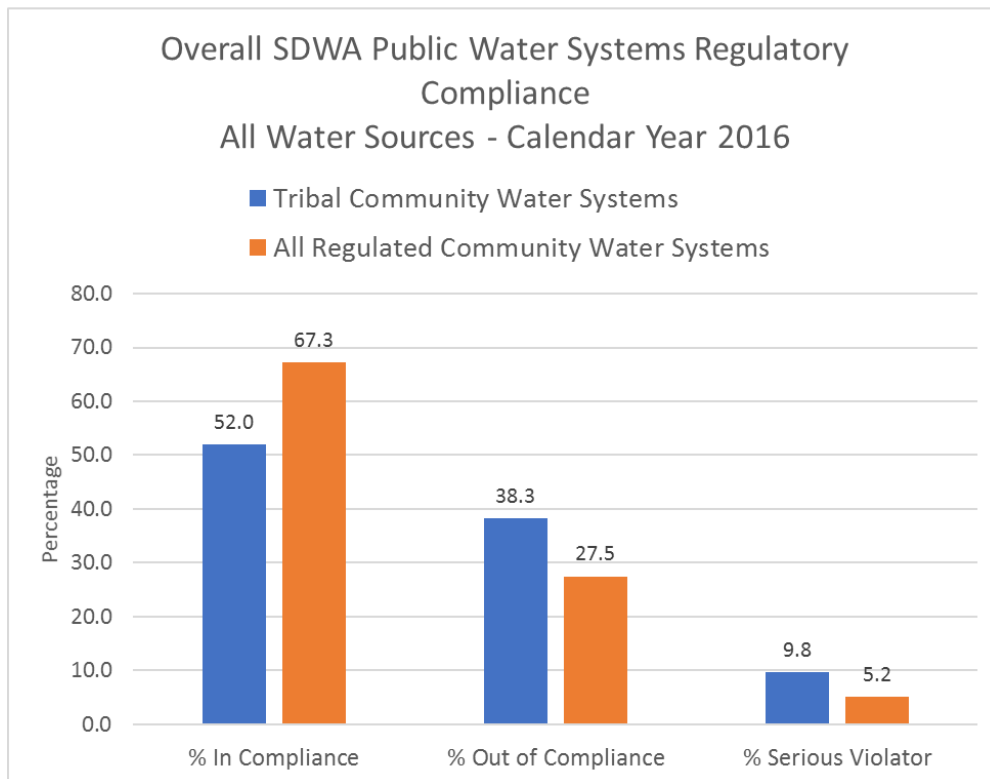
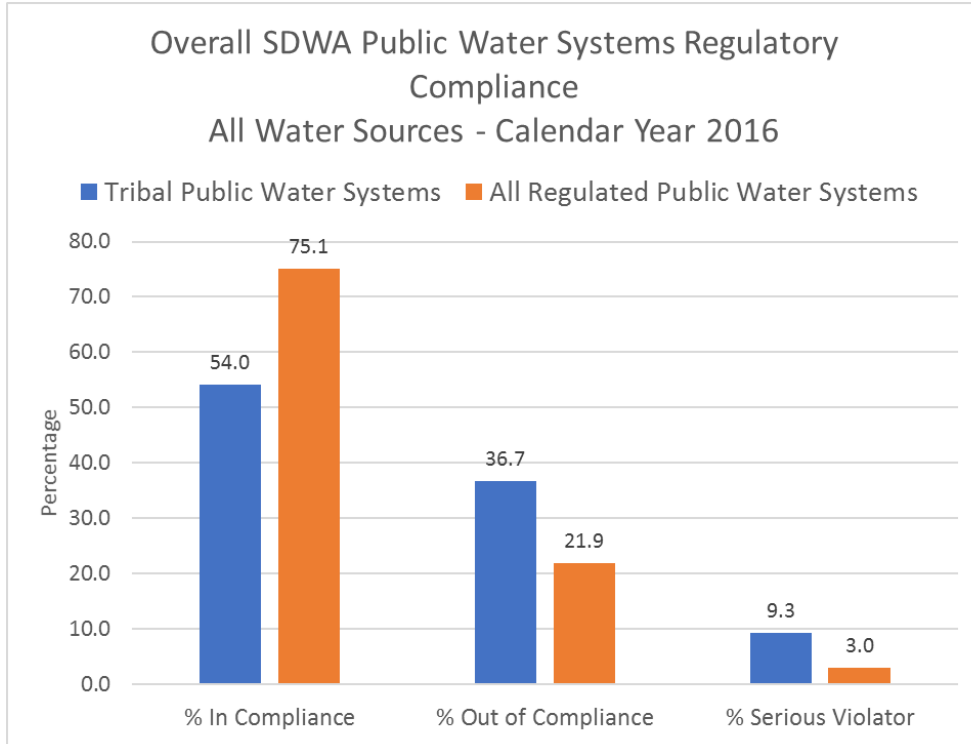
There is a preponderance of American Indian and Alaska Native populations in rural lower-income areas, it follows that these same American Indian and Alaska Native populations are at relative elevated risk across the board to health problems related to drinking water quality violations.

The above illustration is excerpted from the 2018 Allairea et al., study, which is cited above.

In examining the SDWA compliance data for Tribal water systems available at the USEPA Drinking Water Dashboard (<https://echo.epa.gov/trends/comparative-maps-dashboards/drinking-water-dashboard>), the NTWC found important summary statistics relating to Tribal Water Systems. For each of the Community Water Systems (CWS), Non-Transient Non-Community Water Systems (NTNCWS) and Transient Non-Community Water Systems (TNCWS), as well as for the totality of all Public Water Systems (PWS), the following statistics were proven: Tribal water systems, in comparison to Non-Tribal water systems, have percentages that are

- notably lower for SDWA compliance,
- notably greater for non-compliance; and
- markedly greater for serious violation.

This statistic is for all water sources, calendar year 2016.



Lastly, using the data in the “*National Survey of Lead Service Line Occurrence*,” (by David A. Cornwell, Richard A. Brown, and Steve H. Via, in the April 2016 issue of Journal AWWA), the NTWC’s estimate of the incidence of LSLs amongst individuals that report as one or both of American Indian or Alaska Native population was developed by taking the 2010 U.S. Census data on the numbers of American Indians and Alaska Natives (alone or in combination) for each state, and proportionately scaling the AWWA number of LSLs for each state by the ratio of American Indian and Alaska Native population for that state to the total population of that state (2010 census). Note that these are **preliminary and approximate** numbers based on limited data and several assumptions. Estimated numbers of LSLs associated with water service to American Indians or Alaska Natives are as follows:

The risk to these populations is elevated especially due to their presence in low-income rural areas.

- * 13,300 for water systems serving 10,000 or fewer people;
- * 34,000 for water systems serving 10,000 to 50,000 people;
- * 32,800 for water system serving over 50,000 people; and
- * 79,800 for all water systems.

Collectively, the above data and analysis results – while preliminary - substantiate the NTWC’s strong recommendation that lead drinking water contamination and potential contamination in areas with a preponderance of American Indian or Alaska Native populations (specifically on tribal lands and reservations and Alaska Native villages) should be a priority concern for USEPA.

National Tribal Water Council (NTWC) Priorities

The NTWC was established to advocate for the best interests of federally-recognized Indian and Alaska Native Tribes, and Tribally-authorized organizations, in matters pertaining to water. It is the intent of the NTWC to advocate for the health and sustainability of clean and safe water, and for the productive use of water for the health and well-being of Indian Country, American Indian communities, Alaska Native Tribes and Alaska Native Villages. The priorities that the NTWC believe are in the best interests of the health of Tribal communities are as follows:

- 1. Increase and improve training and technical assistance;***
- 2. The Corrosion Control Treatment Plan (CCTP) should be changed to encompass all water systems serving more than 100 persons and ensure proper nonbiased sampling techniques;***
- 3. Immediately communicate/educate the customer/community and filter before consumption in high risk areas;***
- 4. Improve/optimize treatment techniques for individual system;***
- 5. Require BIE and IHS fully comply with the LCR and replace all LSLs into and in their facilities;***
- 6. Replace all LSL that increase risk in Indian Country; and***
- 7. Promote effective Corrosion Control.***

- 1) The NTWC believes that when looking at the need for training and technical assistance to help Tribal operators, there are two areas in the forefront:
 - a. First is in training regarding best practices and treatment techniques to achieve a water chemistry that reduces risk; and
 - b. Second is technical assistance in developing treatment targets specific to the water system characteristics. This technical assistance would not be complete without the development of a plan to test the water, monitoring compliance with those targets in the distribution system.

However, the NTWC also strongly supports that training and technical assistance to adequately address these needs will require additional funding dedicated to these areas.

- 2) The NTWC contends that the requirement in the LCR for a system having a CCTP should be changed to encompass all water systems serving more than 100 persons. The CCTP should include a section on best practices for the approach used at each system that includes treatment changes that should not be taken and optimal operational ranges for key variables. The

NTWS supports a CCTP for all water systems serving >100 persons.

NTWC has found that determining whether treatment is optimized can be challenging for an individual system, given the wide variability in distribution system composition, source water characteristics and approaches to complying with other National Primary Drinking Water Regulations (NPDWR), such as the surface water treatment rules. While the impact of changes in some water quality parameters on lead and copper are well understood, such as fluctuations in pH or alkalinity, others are more complex, such as the quantity and type of disinfectant used or the chemical composition of the protective scales within the LSLs. Since most Tribal systems are small (serving < 50,000 persons), they are not required to commence development of a CCTP under the existing LCR unless they have a lead Action Level Exceedance (ALE).

- 3) The NTWC also believes there is an inherent responsibility to the customers and the community that a Tribal water system serves to protect health by providing safe drinking water. The corrective actions in communities that are having issues with lead and copper are often not swiftly implemented. This risk makes it imperative for operators to communicate the risks clearly to the customers while supplying information about immediate mitigating actions that can be taken to protect health. The NTWC recommends the USEPA immediately notify the impacted communities directly and to recommend filtering before consumption in high risk areas during these episodes.
- 4) NTWC recommends providing Tribal water operators with clearer and more prescriptive requirements for sampling and corrosion control protocols that reduce opportunities for systems to generate biased sampling results or improperly implement corrosion control procedures. These prescriptive protocols include: Improved Optimal Corrosion Control Treatment Requirements - Optimal Corrosion Control Treatment (OCCT) is frequently used by Tribal drinking water operators. However, Tribal operators face ongoing challenges of continuing to maintain optimal corrosion control while making necessary adjustments to

treatment processes or system operations unrelated to corrosion control to comply with other National Public Drinking Water Requirements (NPDWRs).

NTWS recommends that the BIE and IHS facilities fully comply with the LCR and replace all LSLs into and in their facilities.

5) The NTWC also reviewed and summarized USEPA Safe Drinking Water Information System (SDWIS) Data on lead water quality violations for Q4 2017. Considering systems that are Tribally-owned or that have Tribal Primacy, and excluding Tribal casinos, which have large transient populations, the data reveal 50 unique systems, serving a collective population of nearly 31,800, that were in violation for the reporting period. Depending on the nature of the violations, a lesser number of individuals may be at risk for drinking water lead exposure. To further add to the LSL

issues on Tribal lands and in Alaska Native villages, many facilities are owned and/or operated by the federal government. For example, the Bureau of Indian Education (BIE), within the Department of the Interior, operates over 180 primary, secondary, and high schools on Tribal lands. Most of these schools are decades old and in ill-repair. See Department of the Interior, Office of the Inspector General “*Condition of Indian School Facilities*” Report No.: C-EV-BIE-0023-2014 (Sept. 30, 2016). Additionally, the Indian Health Service operates or funds health care facilities on Tribal lands and in Alaska Native villages. While these facilities are connected to water systems on Tribal lands – and many of those systems operated by the Tribe – it is unclear what, if any, legal authority the Tribe or Alaska Native village may have over these federal facilities to meet the compliance requirements of the LCR. In order to safeguard the health of the children and all occupants of the BIE schools and IHS facilities, NTWS strongly supports that the BIE and IHS fully comply with the LCR and replace all LSLs into and in their facilities.

6) NTWC recommends full line replacement of all LSL in Indian country. NTWC believes that mandatory lead service line replacement (LSLR) will eliminate one of the primary sources of lead in drinking water and reduce reliance on corrosion control to reduce lead in drinking water at the tap. On Tribally owned lands, Tribal systems have the opportunity to contact the homeowner to implement a replacement schedule of LSLR. According to the EPA, replacement of homeowner LSLs is an eligible expense under the Drinking Water State Revolving Fund (DWSRF). EPA has determined that DWSRF would be available for LSLR activities. Tribal water systems would be more applicable to initiate LSLR activities as federal funds can be applied towards LSLR actions.

When conducting infrastructure replacement, Tribal water systems may be required to distribute pitcher filters that are capable of removing lead at the tap during the period immediately following LSLR. The requirement for drinking water utilities to update their distribution system materials inventory to identify the number and location of LSLs in their system. The NTWC finds this requirement contingent on available federal funding to Tribal water systems to update their

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distribution material inventories for both the Tribally owned and private portion of the distribution system. Finally, the NTWC contends the federal government has a fiduciary responsibility to provide Tribal communities safe and clean water. The NTWC recommends that federal agencies, such as EPA, must request additional DWSRF set-aside funds to address Tribal LSLR needs and actions.

- 7) The NTWC recommends that effective corrosion controls be implemented throughout Indian Country. The issue of corrosion control deals with many variables and characteristics that can be uniquely different from system to system, which can lead to a treatment change that would make a positive impact to one system and a negative impact to another. The promotion of educational resources, technical assistance, and peer collaboration are important measures to ensure the successful avoidance of unintentional adverse effects from treatment changes.

When looking at treatment techniques used to achieve the desired water quality, there are often financial restrictions that limit the ability to optimize treatment or replace infrastructure that poses a higher risk to the community's health, which often results in the addition of corrosion inhibitors as an affordable alternative to fixing the root problem and make impacts in an accelerated time frame. The unfortunate result is a treatment technique that is not easily removed or changed without a detrimental effect to water quality and the water system itself. The water quality is still frequently compromised from velocity changes due to hydrant operation or line breaks. When this corrosion barrier is stripped, it can release a plume of water that contains concentrated contaminants. The affected pipe will also suffer from premature wear and/or failure from this repeated process. These factors have led to the emergence of several priorities that could greatly affect the health impacts of this issue that disproportionately impacts Tribal communities. Special attention must be made for each individual Tribe to ensure effective corrosion control.

NTWC Align with EPA Key Principles

The NTWC's comments and recommendations align with EPA's key principles for LCR revisions to reduce exposure to lead in public drinking water and identify additional actions that will equitably reduce the public's exposure to lead and copper when corrosion control treatments (CCT) alone are not effective. The LCR Key Principles revisions that the NTWC support include:

- I. Focus on Minimizing Exposure to Lead in Drinking Water;**
- II. Clear and Enforceable Requirements;**
- III. Transparency;**
- IV. Environmental Justice and Children's Health; and**
- V. Integrating Drinking Water with Cross-Media Lead Reduction Efforts.**

- I. NTWC Support for NDWAC Recommendations Re: Focus on Minimizing Exposure to Lead in Drinking Water with Tribal Considerations**

The NTWC supports specific recommendations of the National Drinking Water Advisory Council (NDWAC) as effective reduction actions of lead in drinking water. Below, the NTWC addresses some of the recommendations individually in bold italics.

- Require proactive LSLR programs, which set replacement goals, effectively engage customers in implementing those goals, and provide improved access to information about LSLs, in place of current requirements that LSLs must be replaced only after a lead ALE.
- Establish more robust public education requirements for lead and LSLs, by updating the Consumer Confidence Report (CCR), adding targeted outreach to consumers with LSL and other vulnerable populations such as pregnant women and families with infants and young children, and increasing the information available to the public.
- Strengthen corrosion control treatment (CCT), retaining the current rule requirements to re-assess CCT if changes to source water or treatment are planned, adding a requirement to review updates to EPA guidance to determine if new scientific information warrants changes.
- Modify monitoring requirements to provide for consumer requested tap samples for lead and to utilize results of tap samples for lead to inform consumer action to reduce the risk in their homes, to inform the appropriate public health agency when results are above a designated household action level, and to assess the effectiveness of CCT and/or other reasons for elevated lead result.
 - ***NTWC supports modifying monitoring procedures for collection of tap samples. The system would collect samples from tap locations within the home where and when the customer requests that they be collected. Collection of samples from different locations and times would be more representative of potential exposure values.***
- Tailor water quality parameters (WQPs) to the specific CCT plan for each system and increase the frequency of WQP monitoring for process control.
- Establish a health-based, household action level that triggers a report to the consumer and to the applicable health agency for follow up.
- Separate the requirements for copper from those for lead and focus new requirements where water is corrosive to copper.
- Establish appropriate compliance and enforcement mechanism.
- EPA release a revised CCT guidance manual as soon as possible and update this manual every six years, so that PWSs and primacy agencies can take advantage of improvements in the science.
- EPA provide increased expert assistance on CCT to PWSs and primacy agencies.
- The LRC continue to require re-evaluation of CCT when a PWS makes a change in treatment or source water.
 - National requirement of water system to notify EPA and consumers of changes in treatment or source water.
- The LCR continue to require water quality parameter monitoring to ensure that the OCCT is achieving the treatment objectives and that EPA considers such monitoring on a more frequent basis with additional guidance on process control methods.
 - ***The NTWC supports promulgation of a national regulatory requirement that prescribes a default CCT that must maintain water quality parameters for each particular system.***

- Large systems review their existing CCT plan in light of current science in a newly revised guidance manual with their primacy agency to determine whether the WQPs reflect the best available current science.
 - *The NTWC recommends that for large systems that serve Tribal populations, EPA require oversight to conduct a periodic re-evaluation of CCT. Also, the affected Tribal community and public should be notified of new science and technology changes.*
- Requiring large water systems (serving > 50,000 persons) to evaluate and re-optimize CCT when EPA publishes updated CCT guidance. This option would provide a mechanism to ensure water systems are considering the best available science to inform treatment decisions.
- Given that CCT is also effective at reducing lead leaching in premise plumbing (not just LSLs), requiring all systems in the U.S. to implement CCT, regardless of system size, tap sampling results, or presence of LSLs; or alternatively, broadening the categories of systems for which CCT is required, requiring all systems to assume that their distribution system includes the presence of LSLs unless or until they provide the primacy agency with a robust distribution system material evaluation that demonstrates that this is not the case.
 - *The NTWC supports recommendations to make CCT criteria more focused on the presence of LSL within the distribution systems, and less emphasis on population served. The NTWC supports the development of regulatory criteria for small water systems to take action to implement their CCT options when LSL are present.*
- Requiring water systems that are already applying CCT that exceed the lead action level to evaluate and re-optimize CCT.
 - *The NTWC supports the implementation of “find and fix” protocols for CCT if a tap sample exceeds the action level. These protocols may include a comprehensive evaluation of the entire system under review.*

Full Line Replacement

EPA is considering proposing full LSLR Programs. NTWC supports EPA in moving forward in assessing the following options for LCR revisions. Below, the NTWC addresses some of the recommendations individually.

- Require all PWSs to establish a LSLR program that effectively informs and engages customers to encourage them to share appropriately in fully removing LSLs, unless the system can demonstrate that LSLs are not present in their system.
- Target outreach to customers with LSLs, with information about the risk of lead exposure, an offer to test a tap sample, and information about and encouragement to participate in the LSLR program.
- Specify date by which systems should have met interim goals and completed replacement of all LSLs and partial LSLs, without penalty to the water system for those homeowners who refuse to participate in the replacement program as long as the water system has made a meaningful effort to work with such a homeowner.
 - *On Tribally owned lands, Tribal systems have the opportunity to contact the homeowner to implement a replacement schedule of LSLR. According to the EPA, replacement of homeowner LSLs is an eligible expense under the Drinking Water State Revolving Fund (DWSRF).*

- Create incentives for understanding where LSLs and PLSLs exist, while making action on full replacement, rather than on investigation of the location of LSLs the priority.
 - *EPA has determined that DWSRF would be available for LSLR activities. Tribal water systems would be more applicable to initiate LSLR activities as federal funds can be applied towards LSLR actions.*
- Maintain ongoing outreach to homeowners where LSLs or PLSLs exist.
- Implement standard operating procedures (SOPs), either from EPA guidance or tailored to the systems, that helps define operations that disturb LSLs and practices to minimize disturbance and consumer exposure to lead.
 - *When conducting infrastructure replacement, Tribal water systems may be required to distribute pitcher filters that are capable of removing lead at the tap during the period immediately following LSLR.*
- Implement stronger programs to educate consumers, and to provide test results of tap samples at the request of consumers.
- Require drinking water utilities to update their distribution system materials inventory to identify the number and location of LSLs in their system.
 - *Requirement contingent on available federal funding to Tribal water systems to update their distribution material inventories for both the Tribally owned and private portion of the distribution system.*
- Address potential equity concerns with LSLR requirements and consumers ability to pay for replacement of their portion of the LSL. Identifying and evaluating incentives and creative funding mechanism are critical as is encouraging use of Drinking Water State Revolving Fund to the extent possible.
 - *The federal government has a fiduciary responsibility to provide Tribal communities safe and clean water. Federal agencies, such as EPA, must request additional DWSRF set-aside funds to address Tribal LSLR needs and actions.*
 - *Require the BIE and IHS to replace all LSL into and in their facilities.*

Household Action Level

- NDWAC recommendations request that EPA establish a “household action level” based on the amount of lead in drinking water that would raise an average, healthy infant’s blood lead level to greater than five micrograms per deciliter based on consumption of infant formula made with water. NDWAC recommendations would require a water system to notify the consumer and the local public health agency if this level were exceeded – with the expectation that individuals and local officials will use this information to take prompt actions at the household level to mitigate risk.
 - *The NTWC recommends a stronger role for USEPA in “household action level” follow up actions. The NTWC recommends including a requirement that EPA separately notify the public when it is aware of household action level exceedances from a public water system. EPA should provide a contact person at EPA for further information and recommend contact with the water system operator. This process provides a stronger approach*

Children’s and public health outweighs jurisdictional matters.

for notification which is needed because there have been situations in the recent past where system operators have neglected to inform the water users, including actively misinforming the public and thus preventing people from taking appropriate measures to protect their children's health. EPA was aware of these issues but did not step in to the breach due to state/federal jurisdictional concerns.

Requirement of Filter

- USEPA is considering potential requirement of filters in addressing risk from lead and copper at the household level. Potential rules include requiring point of use filters where there has been a disturbance of a LSL or where tap sampling indicates an exceedance of a health-based benchmark or action level. This is necessary. There's a time lag between exceedance and mitigating actions. In the short term, point-of-use filters are a reasonable protective step and should be required and provided at no cost to homes with young children. In cases where there will be longer delays in implementing corrective actions, plumbed-in filter systems are called for.
 - *The NTWC supports targeting procedures that focus on homes that are likely to have the highest risk for lead exposure.*

II. NTWC Recommends NDWAC Recommendations RE: Clear and Enforceable Requirements with Tribal Considerations

The NTWC supports USEPA recommendations for more clear and robust sampling requirements to serve the goals of: (1) providing appropriately robust information on how the overall system is performing in reducing lead levels; and (2) providing information on household levels that can be compared to health-based levels, to help guide actions at individual homes.

The NTWC also recommends EPA include specific procedures for tap sampling, such as the following:

- Require the continued use of “first draw” tap samples, sequential sampling to characterize lead levels in drinking water that has been in contact with premise plumbing and the LSL, random daytime samples, considering whether the rule should include a variety of tap sampling protocols to meet different needs for customers and the system, and considering whether the rule should provide for systems to sample customer's taps on request.
- Require mandatory sampling for schools that are not public water systems in the revised LCR, given the presence of vulnerable populations in the school environment and the ongoing challenges that schools continue to encounter with elevated lead levels in drinking water.
 - *The NTWC supports the mandatory requirement for state and Tribal systems to regularly collect samples from schools that the water system serves.*
- Recommend that EPA Office of Research and Development (ORD) partner with technology developers in industry and academia to identify available technologies that can be used to support real-time monitoring of water quality parameters for measuring the effectiveness of corrosion control in the distribution system.

III. NTWC Recommends NDWAC Recommendations Re: Transparency with Tribal Considerations

NTWC supports increased transparency with the public in implementing actions to reduce lead in drinking water. Greater transparency is critical to Tribal residents to better understand lead and copper levels in their drinking water and within the water system and to make informed decisions regarding actions they may take to reduce exposure from lead in drinking water.

NTWC support EPA's consideration of proposed stronger public transparency elements. Below, the NTWC addresses some of the recommendations individually.

- Requiring drinking water utilities to post all LCR sampling results and sample invalidation justifications on their publicly accessible website in a form that protects the privacy of customers.
 - *The NTWC recommends all information needs to be readily available, including information regarding private and Tribal properties.*
- Mandating shorter time frame for providing lead sampling to consumers.
- Mandating shorter time frames for providing the public with public health education when high lead level is detected in their drinking water system.
 - *Due to the fact that any value of lead in drinking water poses a health risk, the NTWC supports the enforcement of the Water Infrastructure Improvement for the Nation (WIIN) regulatory requirements in Indian country. The NWTC supports an accelerated two-tier timeframe notification requiring Tribal water systems to notify customers at sample locations of Action Level exceedance within a 48-hour period of the elevated lead level result. The Tribal water system would also be required to notify all customers served by the water system within a 7-day timeframe. This notification process is initiated only after the laboratory results are reported back to the water system management, thereby acting accordingly to mitigate potential increased exposure to the customer.*
- Implementing enhanced requirements for sharing the results of the materials evaluation conducted by drinking water system, including publicly identifying the location of LSLs within the community in a way that protects privacy of homeowners.
- Implementing enhanced requirements for states to publicly identify each system within their state that is currently or has recently experienced an ALE, along with the specific steps the system is required to fulfill and their progress in implementing these requirements.
 - *The NTWC supports requirements for state and Tribal water systems to publicly identify any levels of lead in their drinking water system.*
 - *The NTWC also supports clear language stating that when EPA is aware that a state is not complying with this requirement, EPA will immediately and directly notify the public.*
- Requiring systems to provide information on the number of lead tap samples collected, number of samples that exceed the lead action level, information about voluntary sample results and any recent changes to CCT or water quality parameters that might affect lead levels in their water.

- *The NTWC supports requirements for state and Tribal systems to make information accessible to customers on all tap sampling results, water quality parameter monitoring, and location of LSLs throughout the distribution system.*
- Requiring timelier electronic reporting of sampling results to primacy agencies and USEPA.

IV. NTWC Recommends NDWAC Recommendations Re: Environmental Justice and Children’s with Tribal Considerations

NTWC supports ensuring that Tribal communities have access to clear information on lead and copper risks in drinking water and how to mitigate them. The NTWC supports NDWAC recommendations that:

- EPA establish an easily accessible, national clearinghouse of information about lead in drinking water to serve the needs of the public and of public water systems.
- Require information be sent to all new customers on the potential risks of lead in drinking water.
 - *The NTWC strongly recommend that EPA take responsibility to step in and work with Tribal communities when EPA is aware of risks of lead in drinking water where action level exceedances from a public water system are evident.*
- Revise the current CCR language to address LSLs and update the health statements.
- Add requirements for targeted outreach to customers with LSL.
- Expand the current requirements for outreach to caregivers/health care providers of vulnerable populations.

EPA is also considering a number of potential public education requirements for customers with LSLs with a heightened risk for lead exposure in drinking water. The NTWC support the proposed requirements to help mitigate risk:

- Requiring water systems to provide targeted outreach to customers with LSLs and to provide these customers with invitations to have their water tested and to participate in a LSLR program, regardless of ALEs in the system.
- Requiring water system to provide public access for LSL inventories, which would include the locations of those service lines.
- Requiring that customers be notified of emergency or planned maintenance that may disrupt LSLs, therefore increasing lead levels, and be provided with information on actions that can be used to mitigate exposure.
- Requiring a standard operating procedure (SOP) be prepared and provided to water utilities who may disturb LSLs for maintenance or capital improvements.
 - *The NTWC supports that SOPs need to include requirements for installation of plumbed in treatment devices for households impacted from system maintenance or capital improvements.*

V. NTWC Recommends NDWAC Recommendations Re: Integrating Drinking Water with Cross Media Lead Reduction with Tribal Considerations

When considering the Potential Revised Copper Requirements, the NTWC supports the NDWAC recommendations including the following:

- Instead of basing action on the results of routine, in-home copper sampling, actions should be based on aggressiveness of the water to copper. Systems can determine if their water is aggressive to copper by doing WQP monitoring in the distribution system. All PWSs should be assumed to have water that is aggressive to copper unless they demonstrate that it is not.
- EPA should develop criteria to define water that is not aggressive to copper for the purpose of establishing whether a system falls into that category (or “bin”) for the purpose of the LCR. EPA should consider the accuracy and potential variability of pH and alkalinity monitoring as well as corrosivity to copper in establishing pH and alkalinity ranges. The criteria also should include considerations of passivation time.
- PWSs can choose one of several approaches to demonstrate that their water is not aggressive to copper.
- PWSs with water classified as non-aggressive to copper must continue to demonstrate that the water is non-aggressive. PWSs can choose to:
 - *The NTWC recommends maintaining those WQPs that demonstrate it maintains non-aggressive water, or*
 - *Conducting copper sampling at vulnerable homes (houses < 2 years old with new copper plumbing) to demonstrate that water chemistry is non-aggressive copper levels fall under the AL/MCL.*

Conclusion

The NTWC is very concerned with keeping lead and copper out of drinking water systems for Tribal and all communities. The NTWC acknowledges that the LCR has been an effective tool in reducing the levels of lead and copper in drinking water systems across Indian country. The NTWC supports the effort to evaluate and address revisions to this rule. While reviewing the comments from the NDWAC, as well as USEPA, it became apparent that there are several areas of consensus that should have a great impact in protecting the health and welfare of our Tribal communities. As progress is made in strengthening the LCR, it is imperative that adequate financial and technical resources are provided to Tribes to enact those health-based measures.

Sincerely,



Ken Norton, Chairman
National Tribal Water Council