



January 13, 2020

Office of Ground Water and Drinking Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW, Mail Code 4607M  
Washington, DC 20460

DELIVERED ELECTRONICALLY

**RE: National Primary Drinking Water Regulations: Proposed Lead and Copper Rule Revisions  
Docket ID No. EPA-HQ-OW-2017-0300**

The Association of Clean Water Administrators (hereinafter “ACWA” or the “states”) is the independent, nonpartisan, national organization of state, interstate, and territorial water program managers, who on a daily basis implement the water quality programs of the Clean Water Act (“CWA”). While the *Proposed Lead and Copper Rule Revisions* (the “Rule”) is a Safe Drinking Water Act (“SDWA”) rule, the Rule will affect surface waters under the purview of the CWA, specifically with regard to corrosion control technologies (“CCTs”).

States take issue with EPA’s promotion of orthophosphate over all other CCTs and that water systems conducting corrosion control studies would not be able to rule out orthophosphate “simply based on the increase in loading to wastewater treatment facilities”. The use of orthophosphate for corrosion control may impose additional costs on states as orthophosphate usage can cause many unintended downstream effects including phosphorus pollution effects (e.g., algal blooms and related toxin release, eutrophication, hypoxia, fish kills, etc.), increased biosolid production at publicly owned treatment works (“POTWs”), and downstream public water supply (“PWS”) disinfection byproducts compliance issues due to carbon increases in source water from boosted primary productivity. Further, the use of orthophosphate for corrosion control may put states in the position of violating water quality standards and/or cause NPDES permit violations for POTWs.

In the Rule, EPA recognizes the issues orthophosphate may cause stating, “When selecting the optimal CCT, States and water systems would consider phosphorus removal treatment that may be needed by the receiving wastewater treatment system to meet any phosphorus discharge limits or otherwise prevent impacts to water quality.” Therefore, ACWA requests that EPA allow for more flexibility in the Rule for usage of other CCTs and/or more flexibility to revise standards and permits, promote wastewater reuse, or implement variances where and when orthophosphate is used.

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Further, EPA should work with Clean Water Act and Safe Drinking Water Act programs at the state level to develop guidance on selecting optimal CCTs. Specific to large systems, ACWA recommends that EPA allow these systems to install CCTs that substantially reduce lead but avoid environmental impacts. This approach should include options such as accurately inventorying all lead service lines in system, removing all lead service lines within fifteen years, providing at-home filters to lead service line homes, utilizing alternative and less corrosive source water supplies, and conducting extensive public education and outreach efforts. In addition, ACWA requests that EPA provide relief to POTWs receiving drinking water where orthophosphate is used as a CCT in order to offset the impacts of removing excess phosphorous. Lastly, ACWA requests that EPA meet with states to discuss the wastewater aspect of this issue in the spirit of cooperative federalism.

Thank you for your consideration of our concerns. Please contact ACWA's Executive Director Julia Anastasio at [janastasio@acwa-us.org](mailto:janastasio@acwa-us.org) or (202) 756-0600 with any questions regarding ACWA's letter.

Sincerely,



Melanie Davenport  
ACWA President  
Water Permitting Division Director  
Virginia Department of Environmental Quality