

Summary of Stakeholder Process requiring Electronic Submission of Lead Service Line Inventory and Response to Comments.

The Georgia Environmental Protection Division (EPD) Watershed Protection Branch held a virtual stakeholder meeting on Monday, February 27, 2023, to discuss requirements for electronic submittal of Lead Service Line Inventory to EPD. EPD is seeking a rule change requiring all public water systems to submit a lead service line inventory as required by 40 CFR 141.84(a)(1) in the manner and form prescribed by the Director. Notice of the stakeholder workshops was posted on EPD’s webpage and distributed to individuals and organizations who had indicated an interest in participating in the rulemaking process requiring electronic submittal of Lead Service Line Inventory.

Comments were accepted at the meeting and through written communication. EPD set a comment deadline of March 6, 2023, and EPD received three comment letters. A summary of the comments received and EPD’s responses are provided in the table below.

Comments	EPD Response
<p>“We disagree with using a construction cut-off date of January 1990 for determining lead line presence. The national ban on lead plumbing went into effect in June 1986. <i>In 1986 Congress Amended the Safe Drinking Water Act, prohibiting the use of pipes, solder or flux that were not “lead free” in public water systems or plumbing in facilities providing water for human consumption.</i> We believe this date or certainly a date no later than January 1987 should be used as the construction cut-off date.”</p>	<p>As described in EPA August 1989 Document Titled “The Lead Ban: Preventing the use of Lead in Public Water System and Plumbing used for Drinking Water,” the 1986 Safe Drinking Water Act (SDWA) amendments prohibited the use of pipe, solder, and flux that were not “lead free” in new installations and repairs and directed states, as a condition of receiving grants for the Public Water System Supervision program, to enforce the provision effective 24 months after June 19, 1986, through state or local plumbing codes or other means (42 U.S. Code §300g-6(b)). The nationwide lead ban went into effect on June 19, 1988. EPD is including an additional 18 months in its recommendation to capture situations where a project was underway when the lead ban went in effect. January 1, 1990 is EPD’s recommended cut-off date; however, a water system can use any date after June 19, 1986, if the water system can document that lead pipes were banned in their jurisdiction after that time.</p>
<p>“The federal rule does not require that every single service line material be specifically identified. It required that the lines be identified as lead, nonlead, galvanized needing replacement (downstream of Lead or unknown material) or unknown (treated as lead). Lines that are galvanized not needing replacement (not downstream of a lead or unknown material) were not listed. Georgia should not require that</p>	<p>The Federal rule requires that every service line material be identified as lead, non-lead, galvanized requiring replacement, or unknown. EPD is providing an additional category of “galvanized not requiring replacement,” (GNRR) which provides useful data to the water system and the public for replacement and planning purposes. Water systems that do not want to use the GNRR category can choose to identify the</p>

galvanized lines not needing replacement be specifically identified.”	line as “non-lead” and provide documentation supporting that conclusion.
A commenter suggested that EPD’s required should easily accept bulk pasting or merging with Excel, Access, ArcGIS or other commonly used programs.	EPD will work with the selected software vendor to allow uploads of files from commonly used programs, such as Excel, Access, and ArcGIS.
The commenter expressed concerns about displaying public information and pointed to difficulties other states are facing in displaying public data as a local jurisdiction could prohibit displaying this information.	The Lead and Copper Rule Revisions require water systems serving populations greater than 50,000 to display the inventory on their website and water systems serving populations less than 50,000 to have the inventory available for the public at a centralized location.
<p>“It could be particularly helpful for a larger water provider to collect if the provider can demonstrate a specific portion of their service area is “disadvantaged” when the entire service area may disqualify the water provider from accessing financial assistance and/or principal forgiveness from the Georgia Environmental Finance Authority (GEFA) based on GEFA’s affordability criteria. For example, collecting this information could help a water provider like the City of Atlanta justify the need for federal or other monies to address a targeted portion of a larger service area. Admittedly the big question here remaining is: what metric should be used to define “disadvantaged?” The best place to start would be looking at GEFA’s affordability criteria for a metric (see here in GEFA’s call for projects letter: https://gefa.georgia.gov/document/document/2023-cwsrf-base-call-projects-letter/download), or consider using EPA’s EJScreen to corollate a location in a Census block with a selected socioeconomic metric: https://www.epa.gov/ejscreen ”</p>	<p>The Bipartisan infrastructure Law (BIL) did not provide definitions for disadvantages and underserved communities. EPA’s Drinking Water State Revolving Fund (DWSRF), which manages the BIL funds, indicated that defining those terms was best left to each state. The Georgia Environmental Finance Authority (GEFA) administers the DWSRF program in Georgia and uses affordability criteria, developed with data on median household income, unemployment rate, percentage not in labor force, poverty rate, percentage on Social Security, percentage on Supplemental Security Income (SSI), percentage with cash public assistance, percentage with Supplemental Nutrition Assistance Program (SNAP), age dependency ratio, and population trend from the U.S. Census Bureau’s 2019 American Community Survey. GEFA awards principal forgiveness to Georgia’s most disadvantaged communities, as identified by those affordability criteria.</p> <p>The GEFA affordability criteria apply to an entire water system. Georgia does not have a tool developed to identify specific portions of a water system’s service area that may be disadvantaged. Due to the lack of definition, EPD will not require water systems to track whether a service line is in a disadvantaged area; however, water systems may track this information, if they find it useful. EPD acknowledges that other tools exist, such as EJSCREEN and the Climate and Economic Justice Screening Tool (CEJST), for water systems that wish to track this information.</p>
“This could be critically important information for a water provider to collect. This data could help eliminate any question that water entering a school or childcare facility is traveling through a lead	EPD’s template requires identification of schools and daycare facilities for Tier classification.

<p>service line, and thus help isolate any sources of lead within a facility to the facility’s internal plumbing and fixtures.”</p>	
<p>“Asking a water provider to document how a system- and/or customer-owner portion of service line was verified is important.”</p>	<p>EPD’s template requires water systems to provide the basis of classification for each service line, such as built after lead ban, field verification, pot holing, tap cards, construction records, and operator knowledge.</p>
<p>“Collecting information documenting replacement is important for transparency. If a system documents the discovery of a lead service line, a system must document the replacement to comply with applicable laws and to build public trust.”</p>	<p>The EPD template will require water systems to provide documentation as a part of replacement. EPD’s selected software will have the ability to upload replacement related documents, such as pictures or contract documents.</p>