



AMERICAN PUBLIC WORKS ASSOCIATION

Your Comprehensive
Public Works Resource

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February 11, 2020

The Honorable Paul Tonko
Chairman
Subcomm. on Environment and Climate Change
2369 Rayburn House Office Building
Washington, D.C. 20515

The Honorable John Shimkus
Ranking Member
Subcomm. on Environment and Climate Change
2217 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Tonko and Ranking Member Shimkus:

I am writing you today regarding your Subcommittee hearing entitled, "EPA's Lead and Copper Rule: Failing to Protect Public Health." My name is Dominick Longobardi, and I am a member of the Board of Directors for the American Public Works Association (APWA). I currently serve as the Deputy Comptroller for the Town of Hempstead, New York, where I have worked for nearly 30 years, and I am the elected Mayor of the Incorporated Village of Floral Park, New York. Additionally, I am a member of the Board of Directors the Water Authority of Western Nassau County, NY and I am involved in several professional organizations related to public works, including the Long Island Sanitation Officials Association.

I am writing to you in my capacity as a member of the Board of Directors of APWA; I am the Regional Director for APWA representing New York, New Jersey, Pennsylvania, and Delaware. APWA is an organization dedicated to providing public works infrastructure and services to millions of people in small, large, rural, and urban communities across our country. Working in the public interest, APWA's more than 30,000 members plan, design, build, operate, and maintain our nation's vast infrastructure assets, which are essential to our nation's economy and the quality of life we all enjoy.

I'd like to begin by saying that APWA and its members are supportive of the efforts made by EPA to update and revise the Lead and Copper Rule. The membership of APWA is committed to reducing lead contamination in our nation's drinking water. Moreover, our members will work to provide EPA information and expertise on how to best proceed in achieving our shared goal in all communities.

PRESIDENT
William E. (Bill) Spearman III, PE.

EXECUTIVE DIRECTOR
Scott D. Grayson



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APWA has been an active participant in the process of revising the Lead and Copper Rule. We provided comments to EPA in March of 2018, and many of the suggestions we offered were included in the final rule released by the Agency in October 2019. These recommendations included requiring communities to make a full inventory of lead service lines and requiring the replacement of the public portion of a lead service line when a customer requests replacement of the privately owned portion.

While EPA made many improvements to the Lead and Copper Rule that will help communities protect public health, the Revised Lead and Copper Rule released by EPA in October of 2019 by itself does not fully meet the needs of communities trying to deal with replacing lead service lines in their drinking water infrastructure. In order to fully realize the benefits of the Revised Lead and Copper Rule, substantial additional federal funding is required, as well as continued support for appropriate infrastructure financing tools.

At the October 25, 2019 regulatory briefing, EPA officials encouraged the use of existing federal resources in lead service line replacement, including the Drinking Water State Revolving Fund (DWSRF), the Water Infrastructure Finance and Innovation Act (WIFIA) program, and grant programs enacted under the Water Infrastructure Improvements for the Nation Act. These programs, in tandem with local water rates, appear to be the only funding sources EPA recommends using for lead service line replacement. Simply put, existing federal programs at current funding levels are not enough to meet the need. EPA already estimates that the existing need for investment in water infrastructure is nearly \$744 billion over the next 20 years. These figures don't include the overall costs associated with the myriad water treatment techniques required to meet continually changing federal drinking water standards.

Replacement of lead service lines on a nationwide scale will exacerbate the funding problem. A conservative estimate of 6 million lead service lines replaced at an average cost of \$4,700 each would total \$28.2 billion. In a worst-case scenario, that cost would balloon to \$123 billion. These figures also may not account for the full cost of permitting, municipal oversight, EPA oversight, reconstruction costs, prevailing wage laws, future compliance costs, and economic impact of the construction itself. Simply put, unless federal funding is increased, communities will need to raise water rates substantially to fund lead service line replacement.

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I can provide you with an example from my experience. In October of 2018, the Town of Hempstead, where I am employed as deputy Comptroller, announced it would replace more than 500 lead service lines in the Point Lookout area of Hempstead. The replacement was funded through a \$600,000 grant from the New York State Department of Health. The Town of Hempstead was taking proactive steps to deal with potential future lead contamination. Yet, replacing 500 lead service lines only scratched the surface of the problem. The Town of Hempstead has over 250,000 households, several which will likely require replacement of lead service lines due to the era in which they were constructed.

The perspective I would hope that you will take away with you today is that of the public works professional tasked with managing all their varied infrastructure assets. Public works professionals, I'll toss in Mayors as well here, are unable to look at their infrastructure in silos. Separating drinking water, wastewater, and stormwater from surface transportation, transit, sanitation, emergency management, and the multitude of other services offered is nearly impossible. Yes, there are revenues from water rates that go directly into investment in water infrastructure. But municipal budgets are already stretched thin, and the federal government supplies a small percentage of the funding water utilities currently receive. According to the Congressional Budget Office (CBO), just 4% of funding for water utilities is provided by the federal government; the remaining 96% comes from state and local sources.

Based on the input from APWA members, APWA submitted the following recommendations to EPA:

- 1) EPA should request from Congress, and Congress should provide, substantial increases in federal funding and financing programs for investment in water infrastructure. The funding levels EPA has requested in previous years for programs that are recommended for use in the replacement of lead service lines are not sufficient to meet the needs for a nationwide effort to replace those lines.
- 2) EPA should make replacement of lead service lines a top priority by realigning the goals of programs for funding and financing investment in water infrastructure. Calibrating the project selection criteria and processes for these programs to give extra weight to lead service line replacement projects would signal the Agency's emphasis of the issue. Additionally, EPA should work with state primacy agencies with jurisdiction over drinking water to ensure that states make the same realignment.

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I am attaching APWA's full comments to EPA to this letter to be submitted to the record.

On behalf of public works professionals throughout the U.S., I thank you for the opportunity to comment and urge you to give serious consideration to the above comments. We are committed to working with Congress on our common goal of providing clean drinking water throughout our country. If you have any questions, please contact Sean Garcia in our Washington, D.C. office at sgarcia@apwa.net or at 202-218-6734.

Sincerely,

Dominick Longobardi
APWA Regional Director
Region II

*PRESIDENT
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*EXECUTIVE DIRECTOR
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