

Environment & Energy Report

EPA Lead Proposal, Derided as Weak, May Be Sneakily Strong

By David Schultz

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- Landmark update to lead standards requires full pipe inventory
 - Release of inventory results may spur faster lead pipe removal, utility industry watchers say
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A provision tucked within the EPA's proposal to overhaul the way it regulates lead in drinking water—initially derided as toothless—could have far-reaching consequences for public health, municipal policies, and even real estate transactions, water industry insiders now say.

The proposal would require all water utilities across the country to inventory the location of all of their lead pipes and then make that information public.

"If you were going to have to buy a house with a lead pipe on it, you'd probably say, 'Hey, you have to take that out,'" said Kurt Souza, an assistant deputy director within the California State Water Resources Control Board.

Initial Disappointment

The proposal disappointed many environmental and public health activists when it was unveiled this fall. They wanted a mandate that would force utilities to replace lead pipes, the primary source of the toxic metal in tap water.

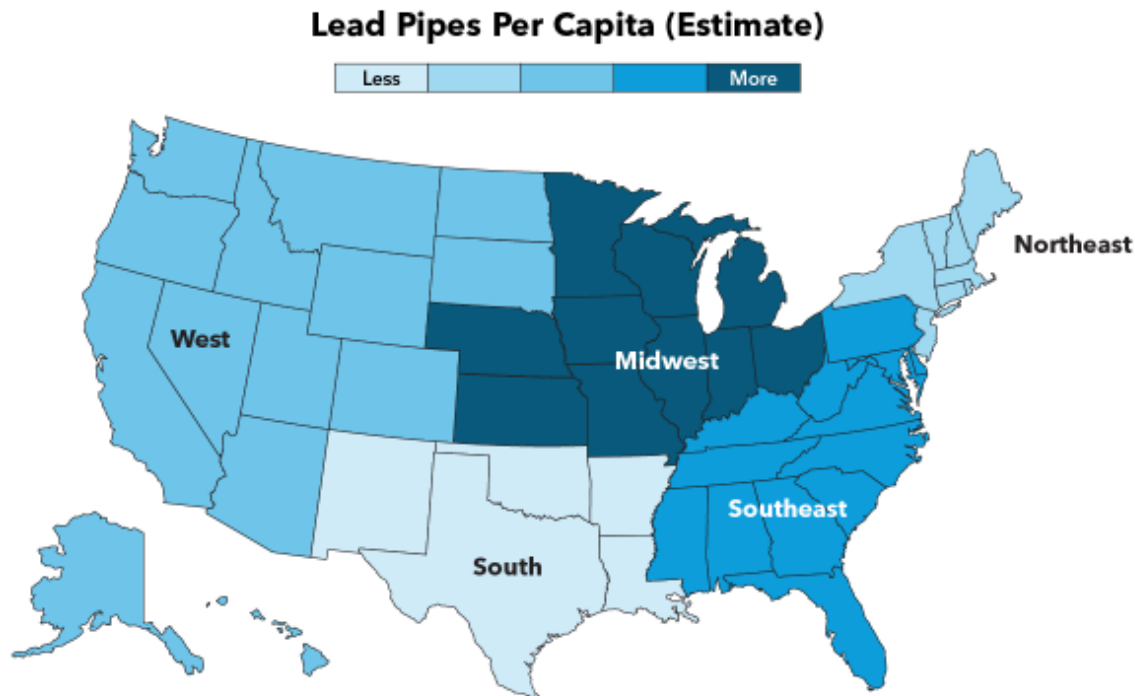
EPA overhaul of its lead regulations has been in the works since 2011, three years before the lead crisis in Flint, Mich., brought the issue to international prominence.

Karen Clay, an environmental economist at Carnegie Mellon University, said requiring the location of all lead pipes to be made public may be the Environmental Protection Agency's indirect way to get utilities to replace their lead pipes—without actually requiring them to do so, which would be a huge expense for municipalities.

A 2018 estimate from the EPA found that replacing lead pipes could cost up to \$12,300 per pipe. And the EPA said there are between 6 million and 10 million such pipes nationwide.

The Leaded Country

Nearly 200 utilities responded to a 2016 survey about how many lead pipes are in use, and the results varied from region to region.



Source: National Survey of Lead Service Line Occurrence, Journal AWWA, April 2016

Bloomberg Environment

“In the current environment, this is as much as the EPA can reasonably do,” Clay said of requiring that the location of lead pipes be publicized. “Certainly, it puts pressure on public utility commissions and state legislatures to do something. And I think there’s enough of a furor around lead at the moment that many of them probably will.”

The EPA, which is taking public comment on the proposal through Jan. 13, 2020, wouldn’t comment on the record for this story.

Knowledge Is Power?

Lead is a potent toxin that can cause irreversible neurological damage in children and in the prenatal stage. Though it can be found in paint, dust, and soil, exposure to lead from water has become a major concern since the crisis in Flint, when aging pipes leached lead into taps after the city switched to a more corrosive water source.

Despite this concern, current EPA regulations require utilities to rip out their lead pipes only if lead levels in their water spike for an extended period of time. Many activists had hoped the agency would change this and force utilities to remove all of these pipes, full stop, in the long-awaited regulatory proposal issued in November.

It didn't, opting instead to create a more complex set of conditions that, if met, would trigger wide-scale pipe replacement. For example, under this proposal, if samples show lead levels spiking, utilities would have to reassess their strategy for making their water less corrosive.

But the EPA also added in the requirement that utilities create a publicly available database of in-use lead pipes within three years and then update it annually.

'Right to Know'

It's not difficult to envision how this provision might play out, since some utilities already have mapped out their lead pipes.

The District of Columbia Water and Sewer Authority (DC Water) released an online map in 2016 that shows the location of lead plumbing at each of the more than 126,000 properties it services across the city.

Maureen Schmelling, director of water quality and technology at the utility, said DC Water created the interactive map because it was the best way to communicate with its customers. She said the map caused a significant increase in requests to DC Water to replace lead service lines, which run from under-street water mains into homes.

"We did put this information on the water bill, but most people don't read it," she said.

If every utility will have to do what DC Water has already done, "You're going to get a surge of requests," Schmelling said. "The utility has to be able to handle that in a timely manner."

On a much larger scale, California began requiring its water utilities to inventory lead pipes last year. Souza, the California water regulator, said he thinks more information can in itself spur meaningful change.

"I think the customer has a right to know," he said. "And I hope they push their water system to take action."

Impact on Real Estate

A publicly available database of properties serviced by lead pipes will become a factor in real estate transactions, said John Brady, deputy director of operations and engineering at the Central Coast Water Authority in California.

"That's going to have an impact on the property price," he said.

Brady used to work as an environmental analyst in the banking industry, and said he's seen first-hand how property owners react when they find out there may be a contamination problem that could hurt the value of their real estate. He said corporate clients who discover contamination on land they own are highly motivated to clean up that land to avoid having to devalue an asset.

In this way, the EPA's lead pipe inventory provision could be an elegant way to incentivize the private sector to help solve a problem that has bedeviled the agency for decades.

"By making this discoverable, you create a whole independent partner in remediating this," he said.

'Lead Is Bad'

Ultimately, though, the EPA's proposal would still allow lead plumbing to stay in place and in use—indefinitely, in many circumstances.

Even some within the water industry—a group that typically isn't enthusiastic about costly new federal mandates coming down on them—said they would have preferred the EPA had simply outlawed lead in plumbing.

"Lead is bad," Scott Borman, the general manager of a regional utility in northwest Arkansas, said to agency officials at a recent public meeting. "I'd much rather you come out with a rule that says, 'Hey, get the lead out. You have 10 years to do it.'"

But Carrie Lewis, general manager of the water utility in Portland, Maine, said fully eradicating lead from the nation's water delivery system is going to require more money and more authority than either utilities or the EPA has at its disposal.

"There are a lot of things water utilities can't make property owners do. There are a lot of things the EPA can't make property owners do," she said at the Dec. 4 meeting. "This may be a rule where we're trying to wiggle around that."

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