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The City of Poughkeepsie

New York

February 1, 2024

To: EPA, Division of Water
Re: Proposed LCRR Policy, October 16, 2024

The City of Poughkeepsie, NY herein submits formal comments regarding the proposed Lead and Copper Rule Improvements (LCRI) issued by the U.S. Environmental Protection Agency (USEPA), requiring nearly all water systems in the United States to replace lead service lines within 10 years, or by 2034. The Administration and the EPA have the city's full support to accomplish lead service line replacements in our community and in communities across our great nation. However, the 10-year timeline in the LCRI is unrealistic and infeasible with respect to anticipated funding and proposed scheduling. We estimate that using project estimates provided by EPA, our city of 31,000 people needs \$105M (in today's dollars) to replace over 6,217 lead service lines. Further, we estimate that full replacement will require 30+ years given anticipated levels of investment by federal and state governments, reasonable levels of investment using (our) city funds, and "muddy boots" assessments of logistics realities.

In a 10-year plan, the city will need to replace 621 lead services a year.

In terms of construction feasibility and logistics, the following issues will impact the proposed 10-year compliance:

- To avoid partial lead service replacements, as recommended by USEPA guidance, our city will need to replace lead services on private property in conjunction with municipal zone replacements. USEPA and NYSDOH LSL replacement guidance issued to-date does not provide discrete information on whether public or federal/state grant funds can be utilized for the required replacement work located on private property. If grant funds are not permitted to be used in the private zone, additional significant program funding deficits will occur. This will adversely impact the residents of this environmental justice community.
- To carry out work in the private zone, each property owner will need to approve the proposed work in advance of the replacements. This will require significant time to secure legal permission to work on the properties. This requirement will adversely impact construction schedules for full-block replacements, which are the most cost-efficient way of carrying out the work.
- Private utilities (gas, electric, and communications) exist within the lead service replacement zones and public streets. As a result, the utilities may need to replace or relocate their services to accommodate the LSL work which will represent a separate construction task and additional costs. This issue will require many utility coordination meetings and planning before any construction work can take place. This will adversely impact on the construction schedule for a 10-year replacement plan.
- The City of Poughkeepsie is in the northeast portion of the United States. As a result, LSL (lead service line) replacement work will need to take place outside of the winter months to avoid the risk of frozen water pipes due to frost and frozen subgrades. As a result, replacement work will be limited to a six-month construction window (May-October), or approximately 180 days. Based on the city's LSL inventory, there are 6217 lead services in the water system for all building uses. A 10-year mandate will require that the city complete approximately 621 LSL replacements per

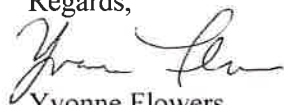
year. Based on our experience with LSL replacement work, performing the work on a block -by- block basis, each site will take at least one day for required construction and restoration work to be completed. Using that production rate (621 services x 1 days = 621 days). It should be noted that the construction window in our region is limited to 180 days. To meet the 10-year replacement rate of production, it will require at least 4 separate contractors to carry out work simultaneously at various city locations during the same calendar year. This will significantly impact residents in multiple neighborhoods representing a quality-of-life issue. Multiple LSL work sites pose significant challenges to the city to carry out emergency service responses and public works maintenance operations including sanitation.

In early discussions with state representatives, we were advised to expect grant funding equal to about 10% of total project costs. Funding sources from the federal government and the state of New York therefore appear to be wholly inadequate to support the full costs of replacing all lead service lines within the proposed 10-year schedule. Our implementation of the LCRI would require either an infusion of grant funds, or a much-extended timeline, more likely a combination of both. Implementation of the LCRI as written suggests that we make perilous trade-offs that vanquish other capital investment priorities in favor of a singular focus on lead service line replacement. Sound policy implementation should not require municipalities to subordinate maintenance of basic services that are required to govern.

The intent of the LCRI represents a much-needed policy tool. However, without real changes to LCRI policy guidelines, implementation costs coupled with the proposed aggressive timeline would levy unacceptable costs on our taxpayers who are just now beginning to recover from the effects of COVID and a historic inflationary environment. As a small city, the costs and scope of lead service remediation make it clear we cannot tax or borrow our way into a 10-year compliance window, however well-intended the policy mandate. Expenditures of scarce financial resources in favor of the LCRI would preclude planned investments in our city in other critical infrastructure, such as waste management, water pollution control and water production. The LCRI proposal could also force trade-offs for critical capital equipment, such as currently budgeted replacements for our aged core firefighting ladder and pumper trucks, and aged public works heavy equipment for snow removal that already have a high failure rate during emergencies. Without greater funding availability, the impacts of unaffordability would be magnified by an infeasible implementation timeline of 10 years, featured prominently in the proposed LCRI.

Thank you for the opportunity to provide public comment about this important issue. My points of contact in this matter are Richard DuPilka, P.E. (845) 451-4069, rdupilka@cityofpoughkeepsie.com, Brian Martinez, PhD (845) 451-4027, bmartinez@cityofpoughkeepsie.com, or feel free to reach out to me directly at (845) 451-4073, email yflowers@cityofpoughkeepsie.com

Regards,



Yvonne Flowers

Mayor, City of Poughkeepsie, NY

c Senator Chuck Schumer
 Senator Kirsten Gillibrand
 Congressman Pat Ryan
 Lieutenant Governor Antonio Delgado
 Assemblymember Jonathan G. Jacobson