



Sewerage and Water Board of New Orleans

8800 S Claiborne Ave.
New Orleans, LA 70118

February 1, 2024

Michael S. Regan
Administrator
US Environmental Protection Agency
Docket ID Number: EPA-HQ-OW-2022-0801
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Regan,

The Sewerage and Water Board of New Orleans (SWBNO) appreciates the opportunity to submit the following comments on the EPA's proposed Lead and Copper Rule Improvements (LCRI), which include a requirement for utilities to replace all lead water supply service lines within 10 years with limited exceptions.

SWBNO supports the EPA's sense of urgency to replace all lead service lines as quickly as possible; however, the feasibility of replacing 100 percent of the lead lines in New Orleans by 2037 is seemingly out of reach given the current circumstances. New Orleans is a 300-year-old city, and like many older cities, is simultaneously grappling with the impacts of climate change as well as aging infrastructure.

Expediting the replacement of lead service lines will shift funding away from other equally urgent infrastructure projects aimed at water quality protection. Additionally, the EPA's proposed timeline for lead service line replacement would adversely impact ratepayers, especially the financially disadvantaged that disproportionately make up New Orleans' population.

Recognizing the need to address lead across our system, SWBNO has already begun planning and investing in our Lead Replacement Program, including applying for \$84 million in Drinking Water State Revolving Funds. The troubling fact is this amount will cover less than one year of our Lead Replacement Program—the entire replacement program under the EPA's proposed timeline is estimated to cost upwards of \$1 billion. We believe direct grants will be required to fund lead service line removals necessary to achieve compliance while avoiding extreme rate increases for our customers.

In terms of cost estimates employed in the LCRI, the average service line replacement cost used to inform the EPA's Cost Benefit Analysis falls well below the average costs for New Orleans and other utilities across the U.S. When considering the costs of inflation, workforce limitations, hardscape impacts, and historical preservation, replacement costs can vary greatly. An American Water Works



Association (AWWA) report from November 2022¹ estimated lead service line replacement costs at more than double the EPA's economic analysis for LCRI.

Additionally, it is unclear if the EPA's economic analyses and newly proposed timelines account for the inevitable cost increases on materials or supply-chain issues that may result from municipalities across the country undertaking a lead service line replacement program simultaneously. Given all of this, SWBNO would ask that the EPA reallocate current funding and provide additional funding to adequately match the true costs of this major undertaking.

In addition to funding challenges, the process of investing public funds to replace lead service lines on private property is challenging for many utilities, including SWBNO. We would ask the EPA to aid utilities in overcoming these hurdles, particularly given the LCRI's requirement for full-service line replacement when a private service line is "under the control" of the utility. States and cities will need dedicated legal guidance from the EPA to navigate their unique situations, enable private side replacements, and allow the use of public funds on those replacements.

Regarding proposed revisions to the mitigation requirements, currently mitigation must be distributed to all customers after three action level exceedances in five years. For a city the size of New Orleans, this would cost upwards of \$15 million for the first distribution. Filters would then be distributed every six months until compliance is achieved. This is a heavy cost burden to ratepayers of a utility already burdened by the strict lead service line replacement deadline. SWBNO asks the EPA to consider revising the requirement that mandates providing pitcher filters to all customers after three action level exceedances in five years and, instead, consider optimized corrosion control treatment (OCCT) measures to remedy action level exceedances as already required per LCRI.

As a drinking water agency committed to public health, SWBNO recognizes the risk lead can present to our customers. We remain committed to actively taking steps to protect our community, and we appreciate the opportunity to provide this input for achievable and financially viable regulations.

Respectfully Submitted,

Ghassan Korban
Executive Director, Sewerage and Water Board

¹ *Considerations when Costing Lead Service Line Identification and Replacement*. American Water Works Association. November 2022. Prepared by CDMSmith.