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Adam Krantz

January 19, 2020

Mr. Gregory Sopkin
Regional Administrator
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202
Submitted via: regulations.gov

Re: NACWA Comments on Approval of Variance Decision Pursuant to the Safe Drinking Water Act; Alternative Treatment Technique for National Primary Drinking Water Lead and Copper Regulations for Denver Water (EPA-R08-OW-2019-0404).

Dear Mr. Sopkin:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to provide comments on the US Environmental Protection Agency, Region 8's approved initial variance to Denver Water published in the *Federal Register* on December 20, 2019 (EPA-R08-OW-2019-0404). NACWA represents the interests of over 330 public clean water utilities of all sizes and geographic regions, including the Metro Wastewater Reclamation District (Metro District), that are responsible for managing billions of gallons of wastewater every day to ensure the continued protection of public health and the environment.

NACWA applauds EPA Region 8's approval of Denver Water's variance request and proposed Lead Reduction Program Plan (LRPP). This positive outcome is the result of tremendous expert stakeholder input and collaboration that demonstrates a flexible approach that is both protective of public health and downstream water quality.

Appropriate public health protection from lead and copper exposure in drinking water supplies is critical and NACWA supports EPA Region 8's finding that Denver Water's LRPP components are "expected to provide equivalent or better public health benefits compared to what would be achieved using orthophosphate treatment." This flexibility embodies the Agency's recognition of the intersection of the Safe Drinking Water Act and the Clean Water Act (CWA) in a holistic, one water framework that protects public health at the tap as well as mitigating ecological impacts to surface waters.

EPA specifically recognizes that increased phosphorus upstream in the drinking water system would require additional nutrient removal downstream at wastewater treatment facilities. This "more phosphorus in" philosophy would require Metro District and other downstream wastewater utilities that discharge into low flow or effluent dominated streams (like the South Platte River) to treat effluent to greater levels at greater costs in order to comply with stringent CWA nutrient requirements.

Although Denver Water's variance request was approved for an initial 3-year period, NACWA urges EPA Region 8 to approve the variance for an additional 12 years upon a showing that the LRPP is providing the "assurance of its effectiveness and benefits" in protecting public health from lead in drinking water supplies. As Denver Water takes steps to fulfill its obligations under the approved variance, NACWA encourages EPA Region 8 to make clear its intentions to extend the variance given expected requirements in the next iteration of the Lead and Copper Rule.

NACWA also applauds and supports Metro District in their role as downstream stakeholders and their dedication to finding a workable solution in this issue as well as their funding commitment to assist with lead service line replacement.

If you have any questions, please contact me by phone at 202/533-1839 or by email at eremmel@nacwa.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Remmel". The signature is fluid and cursive, with a large loop at the end.

Emily Remmel
Director, Regulatory Affairs