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James C. Kenney
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April 11, 2021

Radhika Fox
Acting Assistant Administrator
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Re: Docket ID No. EPA-HQ-OW-2017-0300

Dear Acting Assistant Administrator Fox:

The New Mexico Environment Department (NMED) appreciates the opportunity to submit comments to the U.S. Environmental Protection Agency (EPA) on the *National Primary Drinking Water Regulations: Lead and Copper Rule Revisions* under the authority of the Safe Water Drinking Act (SDWA). EPA published the proposed rule revision in the Federal Register on March 12, 2021.

EPA is proposing to extend the effective date of the Lead and Copper Rule Revisions (LCRR) to December 16, 2021, and to extend the compliance date to September 16, 2024. The effective date extension allows time for EPA to ensure consistency with President Biden's Executive Order 13990 issued on January 20, 2021, to review certain regulations, including the LCRR.

NMED fully supports EPA's proposed extensions for the entire LCRR. As mentioned in our February 11, 2020, comment letter on the Proposed Revisions to the Lead and Copper Rule,¹ protecting people from health impacts of lead and copper exposure in drinking water is a priority for NMED. As a public health agency, NMED supports regulatory changes that tackle the daunting challenges of finding and replacing lead service lines and better protect children and other members of the public.

New Mexico is a rural state with 1,076 public water systems. Of the 704 public water systems subject to the LCRR, 566 (80%) serve populations under 1,000. Many small systems face various challenges associated with limited capacity. As a result, we anticipate water systems in New Mexico will require several years to develop accurate distribution system inventories that identify lead service lines. This process, as well as lead service line replacement, will also generate a significant increase in the workload for NMED.

¹ NMED comments are available at <https://www.env.nm.gov/wp-content/uploads/2020/05/2020-02-11-OOTS-NMED-Comments-to-EPA-on-Lead-and-Cooper-Rule-EPA-HQ-OW-2017-0300.pdf>.

Finally, it is critical that the EPA not underestimate the rule's resource implications, both time and money, as the Agency finalizes extensions to the effective date and compliance dates. EPA must continue to work closely with the Environmental Council of States, the Association of State Drinking Water Administrators, individual states and other key stakeholders in developing the tools and guidance states and communities will rely upon for rule implementation. NMED estimates that the LCRR will require our Department to triple or quadruple the staff resources devoted to LCRR implementation. In addition, the New Mexico fund that covers the costs of contaminant sampling and analysis at public water systems has flat revenue that is insufficient to cover existing water sampling costs, let alone the increased costs of compliance with the LCRR. With that in mind, we urge EPA to leverage the additional time afforded by the extensions to work with Congress to allocate the funding required to achieve the LCRR's critical public health outcomes.

NMED appreciates the additional effort that EPA is taking to ensure the effective implementation of this complex drinking water regulation. NMED also values the opportunity to comment on this regulatory revision that will ensure a safe and reliable drinking water supply for New Mexico consumers.

Sincerely,

Rebecca Roose
Water Protection Division Director

cc: James C. Kenney, Cabinet Secretary, New Mexico Environment Department
Dr. Tracie C. Collins, Cabinet Secretary, New Mexico Department of Health
Courtney Kerster, Director of Federal Affairs, Office of Governor Michelle Lujan Grisham
Joe Martinez, Chief, Drinking Water Bureau
Jeffrey Kempic, EPA Office of Ground Water and Drinking Water, Standards and Risk Management
Division