



February 17, 2023

Rhode Island Department of Health  
Drinking Water Program  
DOH.RIDWQ@health.ri.gov

Re: Comments on Eight Recent Categorical Exclusions

To whom it may concern:

Environmental Defense Fund appreciates the opportunity to comment on the Department of Health's eight notices announcing its intent to issue categorical exclusions to water utilities throughout Rhode Island that were published from January 18 to February 6, 2023. We are grateful that the Department lists these notices on their website for the public input.

We fully support the categorical exclusions from the environmental assessment requirements in various water meter, water main, and lead service line (LSL) replacement projects that result in complete and simultaneous LSL replacement. Specifically, we support the following language in the two notices related to Providence Water.

“Only lead service line replacement that results in **simultaneous and complete** replacement of both the public (water main to curb stop) and private (curb stop to water meter inside buildings) portions of the lead service lines will occur.”

Specifying that LSL be “simultaneous” and “complete” is critical because it ensures that the health of Rhode Island residents is protected from lead that may be released when the LSL is physically disturbed. Without this language, residents are at an increased risk of lead exposure if partial and incomplete LSL replacements occur.

At the same time, we respectfully request that the Department reconsider categorical exclusions for all projects that can cause physical disruption to LSLs and proposals that don't explicitly state the LSL will be completely and simultaneously replaced. This includes the public notices regarding projects in East Providence Water Utilities, Stone Bridge Fire District, City of Woonsocket Water Division, Newport Water Department and Pawtucket Water Supply Board.

We oppose categorical exclusions for these projects because, as written, they can lead to an increased risk of lead exposure to residents in homes with LSLs. In instances where service lines are made of lead, the installation and upgrade of water mains and meters connected to LSLs will cause a physical disruption which can increase the release of lead particulates into residents' drinking water resulting in higher lead levels in the interim and no long-term reduction in lead.

The disturbance and associated risk of exposure is significant enough that EPA's revisions to the federal Lead and Copper Rule require special precautions to be taken in these circumstances pursuant to [21 C.F.R. § 141.85\(f\)](#). While public water systems are not required to comply with these requirements until October 16, 2024, we maintain that when federal funding is used to support the project, water systems should always maintain practices that prioritize public health.

If a utility maintains that partial LSL replacements pose no disproportionate harm to low-income, Black, Latinx, and Native American residents, the Department must conduct an environmental review pursuant to Chapter 46.12-8 of the General Laws of Rhode Island and the Department's regulations at [216-RICR-50-05-6](#) before issuing a Certificate of Approval for the project. For more details on our reasoning, see our April 2022 objections<sup>1</sup> to a previous proposed categorical exclusion for Providence Water, which we incorporate by reference.

For these reasons, we ask that the categorical exclusions contain language similar to the two for Providence Water. In the event that the utility is unaware if LSLs will be physically disturbed, we suggest the Department use the following language:

“If lead service lines attached to water mains or water meters are disturbed by the project, the lead service lines will be replaced in a manner that results in simultaneous and complete replacement of both the public (water main to curb stop) and private (curb stop to water meter inside buildings) portions of the lead service lines.”

Furthermore, we encourage the Department to deny any categorical exclusion for all current and future projects, including water main and/or meter replacement projects, funded by State Revolving Fund (SRF) loans or grants that disturb LSLs without similar conditions of simultaneous and complete replacement of the LSL.

The table below lists all the categorical exclusions notices we are providing comment on and indicates or support of or objection to the exclusion.

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<sup>1</sup> <https://blogs.edf.org/health/files/2022/04/EDF-Comment-to-RIDOH-on-ProvWater-Categorical-Exclusion-3-31-22.pdf>.

<b>Public Notice (hyperlinked)</b>	<b>Type of Project</b>	<b>Date Posted</b>	<b>EDF's Stance</b>
<a href="#">Providence Water</a>	LSL Replacement	Jan. 18, 2023	Support
<a href="#">Providence Water</a>	LSL Replacement	Jan. 30, 2023	Support
<a href="#">City of East Providence Water Utilities Division</a>	Water Main and LSL Replacement	Jan. 30, 2023	Support
<a href="#">Stone Bridge Fire District</a>	Service Line Connection Upgrades	Jan. 18, 2023	Oppose
<a href="#">City of East Providence Water Utilities Division</a>	Water Meter Replacement	Jan. 30, 2023	Oppose
<a href="#">City of Woonsocket Water Division</a>	Water Meter Installation	Jan. 30, 2023	Oppose
<a href="#">Pawtucket Water Supply Board</a>	Water Meter Installation	Jan. 30, 2023	Oppose
<a href="#">Pawtucket Water Supply Board</a>	Water Main Replacement	Jan. 30, 2023	Oppose
<a href="#">Newport Water Department</a>	Water Main and Service Line Replacement	Feb. 6, 2023	Oppose

If the Department disregards this request to revise the language for the six categorical exclusions we oppose, we request a public hearing. Environmental Defense Fund has nearly 15,000 members who are Rhode Island residents so this request should be sufficient to meet the threshold.

Please notify us of any categorical exclusions that involve replacing or rehabilitating a water main that may have LSLs attached to it.

I can be reached at [tneltner@edf.org](mailto:tneltner@edf.org) to discuss this issue further.

Sincerely,



Tom Neltner  
Senior Director, Safer Chemicals  
Environmental Defense Fund