



ERIE COUNTY WATER AUTHORITY
MEMORANDUM INTEROFFICE M

March 27, 2026

TO: Jennifer Hibit, Secretary to the Authority

FROM: Sabrina Figler, Director of Water Quality

SUBJECT: Discussion by Kristine Wheeler, Director of NYSDOH Bureau of Drinking Water Supply to NYSAWWA Water Utility Council

The NYSAWWA Water Utility Council (WUC) held its Winter Meeting January 20, 2026. As Secretary to the WUC, I report the minutes. Kristine Wheeler of the Bureau of Drinking Water Supply of NYSDOH was present to discuss the LCRI, Cybersecurity and Operations and how the DOH is negotiating the EPA rule. Given the complexities of the rules, the extensiveness of the rules, and the difficulties in discerning aspects of the rules, I have highlighted Kristine's main talking points and have included them below. I feel this makes a good reference for us.

- **NYSDOH Regulatory Update**

- **Lead and Service Line Replacement Compliance**

- The council and health department recognize that fully complying with the Lead and Copper Rule Improvements (LCRI) will be nearly impossible for most water systems given the current resources and reporting demands.
 - The success rate on LCRI compliance currently hovers near 0%, largely due to overwhelming tracking and reporting requirements that exceed system capacities.
 - The rule's 167-page length and complex record-keeping demands make it inaccessible for many operators, especially in smaller systems.
 - The health department and utilities have struggled to develop systems that can realistically track every disturbance and reporting deadline, leading to inevitable violations.
 - Utilities are urged to focus on basic compliance, such as accurately updating monitoring plans to reflect lead service line replacements, before attempting full LCRI reporting.
 - The lack of uniform guidance risks has inconsistent interpretations across jurisdictions, creating confusion and compliance challenges for multi-jurisdictional utilities.
 - The state plans to adopt the entire federal LCRI text by reference into Part 5 regulations, aiming to avoid further complicating the rule with inconsistent state modifications.
 - This approach reflects an acknowledgment that the current Part 5 is already complex and incomplete, making direct adoption the simplest path forward.
 - Utilities will be required to comply with the full federal rule as written, increasing the compliance burden but preserving regulatory consistency.
 - The health department is cautious about adopting any state-level flexibility that EPA has not clearly authorized, limiting options for easing burdens.
 - On specific inventory issues, Goosenecks (lead connectors less than 3 feet) must be

replaced when encountered during projects but are not included in the 10-year lead service line replacement timeframe.

- Galvanized lines with lead goosenecks are considered galvanized for replacement purposes.
- Utilities do not need to proactively replace all goosenecks but must address them when exposed during repairs.
- The lack of clear EPA guidance on gooseneck definitions and replacement timelines continues to cause uncertainty.
- The health department stressed the importance of consistent, defensible inventory data to support compliance decisions and regulators' acceptance of statistical or modeling approaches if sufficiently documented.
- Utilities are responsible for defending their inventory methodologies and must be prepared to justify their choices.
- Broad, nonspecific regulatory language allows flexibility but requires utilities to show sound professional judgment in data use.

▪ **Cybersecurity and Regulatory Implementation**

- The health department finalized the cybersecurity regulation draft and expected final rule publication soon, with an effective date allowing 130 days for reporting post-adoption.
- Rachel Arnold Peleski was promoted to lead cybersecurity implementation, relieving Khris Wheeler of direct responsibility.
- Rachel brings experience from the *Legionella* program and is the primary contact for utilities on cybersecurity matters.
- The regulation requires large systems (serving 50,000+) to log and monitor network activity.
- A pilot program with DEC and CISA using software called Meltham is recruiting two water utilities to test network monitoring tools, with a fast turnaround for participation.
- The department emphasized continuity in regulatory enforcement, noting reporting requirements largely remain the same, but communication channels and contacts will change.
- Local health departments will be informed to coordinate oversight with the state cybersecurity team.

▪ **School and Daycare Lead Testing Challenges**

- The health department is preparing to publish a comprehensive list of daycares by water system distribution area to help utilities meet LCRI requirements for sampling at these facilities.
- This list will be made available as an Excel spreadsheet for easier filtering and will include contact information to support outreach.
- There are discrepancies between the LCRI and Section 674 public health law regarding sampling locations and numbers, complicating statewide implementation.
- The department is considering issuing guidance waivers on a water system-by-system basis, but this will be challenging for larger utilities covering multiple school districts.
- The department expects significant communication and coordination challenges to ensure schools and daycare facilities meet testing requirements.

▪ **Operational Training and Technical Support Needs**

- The health department observed widespread knowledge gaps in critical operational areas, including CT calculation and UV system management, especially in medium

and smaller water systems.

- Many operators lack a proper understanding of CT values, sensor calibrations, and UV system data reporting, leading to inconsistent compliance and potential public health risks.
 - The state is open to supporting targeted training programs to improve operator competency in these areas.
 - Monthly operating reports, some unchanged for over 26 years, often inadequately communicate critical data like CT values, indicating a need for modernization and system-specific reporting formats.
 - Utilities are encouraged to maintain detailed records of service line changes with clear histories to ensure traceability and regulatory compliance.
-