



## Proposed Lead and Copper Rule Improvements

Released November 30, 2023

### Service Line Inventory

- All systems must review records for information on connector materials and include lead connectors in the baseline inventory by the compliance date.
- The inventory must include a street address with each service line and connector.
- Service line inventory must be updated annually
- Systems must respond to customer inquiries on incorrect material categorizations within 60 days.
- Systems must validate the accuracy of the non-lead service line category in their inventory no later than 7 years after the compliance date unless on a shortened or deferred deadline.
- Systems must identify all unknown service lines by the applicable mandatory replacement deadline.

### Service Line Replacement Plan

- All systems with at least one lead, GRR, or unknown service line must develop the service line replacement plan (as required in LCRR), but also include additional plan elements including a strategy to inform customers and consumers about the plan and replacement program and an identification of any legal requirements or water tariff agreement provisions that affect a system's ability to gain access to conduct full service line replacement.
- Updates the language on the replacement prioritization strategy.
- Service line replacement plan must be made publicly accessible (and available online for systems serving > 50,000 people)

### Service Line Replacement

- Mandatory full service line replacement program (not based on P90 level)
- All systems with one or more lead, GRR, or unknown service line in their inventory must replace LSLs and GRR service lines under their control in 10 years. Systems required to replace >10,000 lines per year or systems exceeding 0.039 replacements per household per year would be eligible for deferred deadlines beyond the 10-year replacement deadline. Systems must replace service lines by a shortened deadline if determined feasible by the State.
- Systems must replace service lines at a minimum average annual rate of 10 percent calculated across a rolling 3-year period, unless subject to a shortened or deferred deadline.
- Average annual replacement rate is applied to the number of LSLs and GRR service lines in the baseline inventory submitted by the compliance date plus the number of unknown service lines updated annually.
- Systems must conduct reasonable efforts (at least 4 attempts and 2 different methods) to engage property owners about full service line replacement, when applicable.
- LCRR requirements remain for counting only full service line replacements towards replacement rate, completing customer-initiated replacements, providing a filter and offer tap sampling following replacements, and replacing lead connectors when encountered.
- Systems conducting partial service line replacement must offer to replace the remaining portion of the service line not under their control (within 45 days for emergencies). Systems must inform property owners of their replacement options. Cost-sharing with the property owner is not prohibited by the proposed rule.



## Service Line Related Outreach

- Deliver notice and educational materials to consumers during water-related work that could disturb lead, GRR, or unknown service lines, including disturbances due to inventorying efforts.
- If the system fails to meet the mandatory service line replacement rate, conduct public outreach activities to encourage consumers with lead, GRR, and unknown service lines to participate in the service line replacement program.
- Removes goal-based program outreach activities (required under LCRR)

## Action Level and Trigger Level

- Removes the lead trigger level.
- P90 level above lead action level of 0.010 mg/L or copper action level of 1.3 mg/L requires actions including installation or re-optimization of CCT, public education, and 24-hour public notification (for lead action level exceedances).
- Mandatory full service line replacement of LSLs and GRR service lines is independent of P90 lead levels.

## Lead and Copper Tap Monitoring

- Sample Site Selection
  - Combines the tap sample site selection tiering criteria for systems.
  - Revises Tier 3 sites to include sites served by a lead connector, galvanized service line or containing galvanized premise plumbing that are identified as ever being downstream of a LSL or lead connector in the past.
- Collection Procedure
  - Requires collection of the first and fifth liter samples in homes with LSLs after water has sat stagnant for a minimum of 6 hours.
  - Requires the higher value of the first and fifth liter lead concentration in homes with LSLs to be used to calculate the P90 value for lead.
  - Clarifies the definition of a wide-mouth bottle (1-L bottle with a mouth, the outer diameter of which measures at least 55 mm wide)
- Monitoring Frequency – monitoring schedule is based on both lead and copper P90 levels for all systems as follows:
  - All water systems with lead, GRR, and/or unknown lines must begin by collecting a standard number of samples semi-annually.
  - Systems may retain or qualify for reduced monitoring based on the number of consecutive monitoring periods:
    - $P90 \leq$  action level for 2 consecutive 6-month periods: Annual monitoring at standard number of sites for lead and reduced number of sites for copper.
    - $P90 <$  practical quantitation limit (PQL) for 2 consecutive 6-month periods: triennial monitoring at the reduced number of sites.
  - Additional criteria for small and medium systems to qualify for triennial monitoring.
  - Based on rule criteria, systems serving  $\leq$  3,300 people can apply for a 9-year monitoring waiver.



## Corrosion Control Treatment (CCT)

- Systems with P90 lead level > 0.010 mg/L:
  - No CCT: Must complete CCT installation regardless of their subsequent P90 levels if system has started to install CCT.
  - With CCT: Must reoptimize CCT
  - Systems with OCCT meeting OWQPs need only re-optimize OCCT once, unless required to do so by the State.
- Systems serving  $\leq 3,300$  people can select an option other than CCT to address lead.
- Deferred OCCT or re-optimized OCCT for systems that can complete removal of 100% LSLs and GRR service lines within 5 years of the date they are triggered into CCT steps at a 20% annual replacement rate. Systems with CCT must maintain CCT during the 5-year service line replacement program.

## CCT Options

- No changes from the LCRR (Removed calcium hardness as an option and specified any phosphate inhibitor must be orthophosphate)

## Water Quality Parameters (WQPs)

- No changes from the LCRR (Eliminated WQPs related to calcium hardness and all other parameters remained the same as in the LCR).

## WQP Monitoring

- Systems with CCT (unless deemed optimized) serving  $\geq 10,000$  people must conduct regular WQP monitoring at entry points and within the distribution system.
- Systems serving < 10,000 people and systems without CCT serving  $\leq 50,000$  people that exceed the lead and/or copper action level(s) must conduct WQP monitoring until they no longer exceed lead and/or copper action level(s) for 2 consecutive 6-month monitoring periods.
- Systems without CCT serving >10,000 but  $\leq 50,000$  people that exceed the lead action level that are required to install CCT, must continue to conduct WQP monitoring.

## Sanitary Survey Review

- No changes from the LCRR (CCT and WQP data must be reviewed during sanitary surveys against most recent CCT guidance issued by EPA).

## Find-and-Fix / Distribution System and Site Assessment

- Changes the name from “Find-and-Fix” to “Distribution System and Site Assessment: to describe this requirement more precisely.
- Requirements from the LCRR affect systems with individual tap samples > 0.010 mg/L lead.
- Clarifies that the distribution system sample location must be within a half mile radius of each side with a result > 0.010 mg/L.

## Small System Flexibility

- Allows systems serving  $\leq 3,300$  people with P90 levels > lead action level and  $\leq$  copper action level to conduct the following actions in lieu of CCT requirements to address lead with State approval:
  - Choose a compliance option:
    1. Provision and maintenance of POU devices.



- 2. Replacement of all lead-bearing plumbing materials.
  - Removes the compliance option to conduct LSLR in 15 years.
- Maintains option for systems following CCT requirements:
  - With CCT: Collect WQPs and evaluate compliance options and OCCT.
  - No CCT: Evaluate compliance options and CCT.

## Public Education and Outreach

- Revises the mandatory lead health effects language to improve completeness and clarity.
- Water systems must provide the updated health effects language in public notifications and all public education materials. Systems must provide updated health effects language in the CCR.
- For water systems serving a large proportion of consumers with limited English proficiency, all public education materials must include a translated statement regarding the importance of the materials and consumers can contact the system to get the materials translated in other languages.
- If P90 > lead action level:
  - LCRR public notification requirements apply
  - Water systems must conduct PE no later than 60 days after the end of the tap sampling period until the system no longer exceeds the action level unless the State approves an extension.
- Water systems with multiple lead action level exceedances (at least 3 action level exceedances in a 5-year period) must conduct additional public outreach activities and make filters available.
- Water systems must offer to sample the tap for lead for any customer with a LSL, GRR, or unknown service line who requests it.

## Public Notification

- If P90 > lead action level: LCRR Tier 1 public notification requirements apply
- Tier 2 public notification is required for violations of corrosion control requirements, source water requirements, lead service line replacements and inventory requirements, public education/notification requirements, monitoring and analytical requirements, reporting requirements, recordkeeping requirements, violation of national primary drinking water regulations, and testing in schools and child care facilities.
- Tier 3 public notification required for violations to monitoring requirements for lead and copper in tap water, monitoring requirements for water quality parameters, monitoring requirements for lead and copper in source water, reporting requirements, and monitoring for lead in schools and child care facilities.
- Water systems must provide updated lead health effects language in public notifications.
- Water systems must deliver consumer notice of lead and copper tap sampling results to consumers whose tap was sampled as soon as practicable but no later than 3 days after receiving the results.

## Consumer Confidence Report

- Revises the mandatory lead health effects language and informational statement about lead in the CCR to improve completeness and clarity.
- Systems must provide updated health effects language in the CCR.
- Systems must provide an updated informational statement about lead in the CCR.



- Systems must include a statement in the CCR about the system sampling for lead in schools and child care facilities and may direct the public to contact their school or child care facility for further information.
- Systems with lead, GRR, or unknown service lines must include a statement in the CCR about how to access the service line inventory and replacement plan.

### Change in Source of Treatment

- No changes from the LCRR:
  - Systems on any tap monitoring schedule must obtain prior State approval before changing their source or treatment. These systems must also conduct tap monitoring biannually.

### Source Water Monitoring and Treatment

- No changes from the LCRR:
  - States can waive continued source water monitoring for lead and copper if the:
    - System has already conducted source water monitoring for a previous P90 > action level;
    - State has determined that source water treatment is not required; and
    - System has not added any new water sources.

### Lead in Drinking Water at Schools and Child Care Facilities

- Expands on LCRR requirements to include:
  - Waivers for systems to sample in schools and child care facilities during the first 5-year testing cycle if the facility has been sampled between January 1, 2021, and the LCRI compliance date.
  - Requires systems to include a statement about the opportunity for schools and child care facilities to be sampled in the CCR.
  - Excludes facilities constructed or had full plumbing replacement on or after January 1, 2014.

### Primacy Agency/State Reporting

- Revises and expands on LCRR special primacy requirements. States must report information to EPA that includes, but is not limited to:
  - The current numbers of lead, GRR, unknown, and non-lead service lines, and lead connectors in each system's inventory.
  - The numbers and types of service lines replaced and the replacement rate for every system conducting mandatory service line replacement.
  - The deadline for the system to complete replacement of all lead and GRR service lines.
  - The expected date of completion of service line replacement.
  - The P90 values of systems with an action level exceedance within 15 days of the end of the monitoring period or, if earlier, within 24 hours of receiving the notice from the system.

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