REGULATORY NOTIFICATION
LEAD AND COPPER RULE REVISION

On December 16, 2021, the USEPA announced the Lead and Copper Rule Revisions will go into effect as planned with an effective date of December 16, 2021 and a compliance date of October 16, 2024. Community Water Systems (CWS) are not required to take immediate action. However, because compliance will be determined from the results of a more rigorous water sampling and analysis protocol, CWS should consider collecting and analyzing tap water using the new protocols soon. This approach allows CWS to preliminarily assess whether or not they will be in compliance with the revised rule and to take action, if needed, before the compliance date. The key revisions to the federal rule are as follows:

- Lead Action Level (AL) & Trigger Level (TL)
    - AL for lead remains at 15 µg/L. If 90th percentile (P90) exceeds AL, semi-annual monitoring required.
    - Trigger Level (TL) of P90 > 10 and ≤ 15 µg/L triggers additional planning, annual monitoring, and treatment requirements
- Lead and Copper Tap Water Monitoring
    - Greater focus on lead service lines (LSLs) for sample site selection
    - Prohibits removing/cleaning faucet aerator and pre-stagnation flushing prior to sample collection
    - Requires action level and trigger level compliance on the 5th liter collected from LSL homes
    - Due October 16, 2024: tap sampling plan that identifies the locations and procedures to conduct tap sampling in accordance with the LCRR.
- Corrosion Control Treatment (CCT)
    - CCT requirements for systems with P90 > 10 to ≤ 15 µg/L:
        - If No Existing CCT: Must conduct a CCT study if required by IEPA
        - With Existing CCT: Must re-optimize CCT (steps specified in the rule)
    - CCT requirements for systems with P90 > 15 µg/L:
        - If No Existing CCT: Must complete CCT installation regardless of their subsequent P90 levels
        - With Existing CCT: Must re-optimize CCT
    - Calcium hardness is no longer a CCT option, and any phosphate inhibitor must be orthophosphate

- Lead Service Line Replacement (LSLR):
    - For systems with CCT in place, LSLs or service lines of unknown lead status present, and P90 > 10 to ≤ 15 µg/L → the system is required to conduct a CCT study, obtain state approval for designated CCT, notify customers with an LSL or unknowns, implement a goal based LSLR program, and conduct annual tap sampling.
    - If P90 exceeds action level, CWS must conduct LSLR at a replacement rate of 3% annually for at least two years.
- Find and Fix: If individual tap sample > 15 µg/L, systems must collect a follow-up sample at each location over the AL, conduct WQP monitoring at or near the AL site, and perform needed corrective action.
- LSL Inventory must be developed within 3 years and updated annually (already required by IEPA)
- All systems with known or possible LSLs must develop a Lead Service Line Replacement (LSLR) plan (already required by IL Lead Service Line Replacement and Notification Act).
- The federal LCRR LSLR and notification rules are less stringent than the new (enacted in 2021) Illinois Lead Service Line Replacement and Notification Act. Illinois CWS following the state requirements will therefore meet the federal requirements. Further guidance from the IEPA is expected in the near future.

In addition to confirming the effective date of the LCRR, the USEPA also announced its plans to develop additional regulations under the forthcoming Lead and Copper Rule Improvements (LCRI). It anticipates finalizing the LCRI prior to October 16, 2024. In essence, the USEPA has decided not to seek modifications to the revised rule that was defined under the previous administration, so the compliance date is not modified. However, the USEPA will be considering, and most likely proposing, new regulations prior to the compliance deadline that will affect the revised rule.

The biggest change to the rule is the establishment of the 10 µg/L trigger level. In addition, the requirement to measure compliance on the 5th liter sampled, rather than the 1st liter sampled, will likely be more indicative of the lead and copper content of the stagnant water in the service line overnight. Due to the fact that the stagnant water in the service line likely will yield higher lead and copper concentrations, it seems likely that many CWS LCRR testing efforts will yield results closer to, and possibly above, the trigger levels and action levels.

It shall be reaffirmed the LCRR is a federal rule. In addition to CWS needing to meet the LCRR, CWS also will need to meet all state lead and copper related regulations, which in some cases are more restrictive than the federal rule.

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