Proposed Lead and Copper Rule Revisions

Version: January, 2020

EPA

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Agenda

- Background
- Key Requirements and Proposed Revisions
- Questions

Overview: Current Lead and Copper Rule (LCR)

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- Lead is not naturally found in water
- Lead from lead pipes, faucets, and fixtures can dissolve into water or sometimes can enter as flakes or small particles
- To keep lead from entering the water, EPA requires some systems to treat water using certain chemicals that keep the lead in place by reducing corrosion
- When corrosion control alone is not sufficient to control lead exposure, EPA requires systems to educate the public about risks of lead in drinking water and to replace lead service lines

Overview: Current LCR

- LCR was promulgated 1991, revised in 2000 and 2007
- Applies to 68,000 community (CWS) and non-transient non-community (NTNCWS) public water systems serving ~300 million people
- EPA is continuously working with primacy agencies to ensure that the LCR is being properly implemented

Overview: Current LCR

- Maximum Contaminant Level Goals (MCLG)
  - Lead – 0 µg/L
  - Copper – 1.3 mg/L
- 90th percentile tap sampling results are compared to an action level (AL)
  - Lead - 15 µg/L (ppb)
  - Copper - 1.3 mg/L (ppm)

Proposed Revisions: Development

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- EPA has conducted extensive consultations regarding potential LCR revisions including:
  - Science Advisory Board
  - National Drinking Water Advisory Council
  - State, Local and Tribal officials
- Based upon this input and experience implementing the LCR, EPA has developed revisions that target actions to reduce lead exposure where it is needed most
- The proposed rule will identify the most at-risk communities and ensure systems have plans in place to rapidly respond by taking actions to reduce elevated levels of lead in drinking water

Proposed Revisions: Summary

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- Takes a proactive and holistic approach to improving the current rule—from testing to treatment to telling the public about the levels and risks of lead in drinking water
- Requires earlier action to reduce risks and better protect families
- Includes efforts to improve transparency and communication to help protect children from lead exposure where they live, learn and play

Proposed Revisions: Summary

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- The proposed LCR maintains the current MCLG of zero and AL of 15 ppb but requires a more comprehensive response at the action level and introduces a trigger level of 10 ppb
- The trigger level is a new flexible provision designed to compel water systems to take progressive, tailored actions to plan upgrades to aging infrastructure and reduce levels of lead in drinking water
- This approach focuses on six key areas

Proposed Revisions: Key Areas

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1. Identifying areas most impacted
2. Strengthening treatment requirements
3. Replacing lead service lines
4. Increasing sampling reliability
5. Improving risk communication
6. Protecting children in schools

Proposed Revisions: Key Area 1

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Identifying Areas Most Impacted

- The EPA will for the first time require systems to develop a public lead service line inventory and create a plan for removing lead service lines
- Unlike now, systems will have to pay attention to individual locations with elevated levels of lead by identifying the cause and mitigating the problem (find & fix)

Proposed Revisions: Key Area 2

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Strengthening treatment requirements

- Based on sampling results, systems with elevated lead levels will reevaluate their existing corrosion control treatment or conduct a treatment study so that they are prepared to respond quickly when necessary
- Flexibility is important for small systems so that they can protect public health by taking the action that makes sense for their community

Proposed Revisions: Key Area 3

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Replacing Lead Service Lines

- Systems above the trigger level of 10 parts per billion would be required to work with their state to set an annual goal for replacing lead service lines
- Water systems above 15 parts per billion would be required to fully replace a minimum of three percent of the number of known or potential lead service lines annually

Proposed Revisions: Key Area 3

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Replacing Lead Service Lines, continued

- Importantly, the proposal prohibits "test-outs" to avoid replacing lead service lines – an allowed practice under the current rule that has significantly slowed national progress in removing this significant source of lead from our homes
- Partial lead service line replacements will no longer be allowed except in certain situations (e.g., emergency repair) because science has recently shown us that partial lead service line replacement may increase short-term lead exposure

Proposed Revisions: Key Area 4

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Increasing Sampling Reliability

- Water systems will follow new, improved sampling procedures, will adjust sampling sites to better target locations with higher lead levels, and systems with higher levels will sample more frequently

Proposed Revisions: Key Area 5

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Improving Risk Communication

- Homeowners will learn about elevated levels of lead in their system sooner
- They will also understand where lead services lines are in their community and how to protect their family from exposure to lead

Proposed Revisions: Key Area 6

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Protecting Children in Schools

- For the first time, systems will be required to test school and child care facilities
- The system would be required to provide the results and information about the actions the school or child care facility can take to reduce lead in drinking water

Proposed Revisions: Sampling and Education at Schools & Child Care Facilities

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Community Water Systems would

- Develop a list of customers or service connections that provide water to schools or licensed child care providers and verify this list every five years
- Each year, a CWS would collect samples at 20 percent of schools and 20 percent of child care facilities from the list. Therefore, a CWS would collect samples at each facility once every five years
- For each child care facility: collect two samples
- For each school: collect five samples

Proposed Revisions: Sampling and Education at Schools & Child Care Facilities

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Community Water Systems would, continued

- Provide the EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities: A Training, Testing, and Taking Action Approach
- Provide sampling results to the sampled facility, Primacy Agency, and state and local health departments
- Annually certify to the Primacy Agency that it met the notification and sampling requirements

Next Steps

- Pre-publication version and other materials available at: https://www.epa.gov/safewater/lcrproposal
- Publication in the Federal Register
- Comment period ends February 12, 2020
  - Submit your comments at http://www.regulations.gov
  - Docket ID No. EPA-HQ-OW-2017-0300
- Review and evaluate public comments
- Promulgate Final LCR Revisions in 2020


Questions?