U.S. EPA Local Government Advisory Committee (LGAC)
America's Waters and Infrastructure Workgroup

The LGAC is charged to provide advice and recommendations to the U.S. Environmental Protection Agency (EPA). The America's Waters & Drinking Water Workgroup was established to identify and help coordinate intergovernmental strategies and information exchange to support EPA's efforts to ensure clean and safe water to all communities.

The Workgroup will not advise the EPA Administrator directly but will transmit its recommendations to the LGAC. The LGAC will discuss and deliberate on the recommendations of the Workgroup. The LGAC will deliver the recommendations to the Administrator.

As required under the Safe Drinking Water Act and other federal Statutes and executive orders, EPA is actively engaging in multiple consultations and stakeholder engagement activities prior to proposing the Lead and Copper Rule Improvements, including with the LGAC.

Issue Description

The Safe Drinking Water Act (SDWA) authorizes EPA to establish regulations for public water systems. EPA first established the Lead and Copper Rule in 1991 to reduce exposure to lead and copper in drinking water. The treatment technique for the rule requires systems to monitor drinking water at customer taps. If lead concentrations exceed an action level of 15 ppb or copper concentrations exceed an action level of 1.3 ppm in more than 10 percent of customer taps sampled, the system must undertake several additional actions to control corrosion. If the action level for lead is exceeded, the system must also inform the public about steps they should take to protect their health and may have to replace lead service lines under their control.

The Lead and Copper Rule Revision (LCRR) was promulgated on January 15, 2021. Subsequently, the agency reviewed the LCRR to further evaluate if the rule protects families and communities, particularly those that have been disproportionately impacted by lead in drinking water. The agency concluded that there are significant opportunities to improve the LCRR, and is developing a new proposed rule, the Lead and Copper Rule Improvements (LCRI).

The agency has determined that there are advancements in the LCRR, and that rule will go into effect to support near term development of actions to reduce lead in drinking water. Specifically, lead service line inventories that will be developed under the LCRR are necessary to achieve 100% removal of lead service lines. EPA intends to maintain the requirements for information to be submitted in the initial lead service line inventory by the current October 16, 2024, compliance date. Maintaining this compliance deadline ensures water systems will make continued progress to identify lead service lines, which is integral to lead reduction efforts.

EPA also identified priority improvements for the LCRI: proactive and equitable lead service line replacement (LSLR), strengthening compliance tap sampling to better identify communities most at risk of lead in drinking water and to compel lead reduction actions, and reducing the complexity of the regulation through improvement of the action and trigger level construct.

EPA plans to propose the LCRI in 2023, which will be finalized by October 16, 2024.

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Charge Questions

While EPA is interested in any additional information or concerns that the LGAC would like to share, it has identified the following questions for specific feedback.

Identifying and Replacing Lead Service Lines

What are the opportunities and challenges to State and Local Governments related to identifying and replacing service lines:

- Achieving 100% LSLR
    - How quickly can systems achieve 100% LSLR?
    - What factors impact a system's rate of LSLR?
    - What barriers exist for engaging customers about full LSLR?
    - How can systems ensure equity in replacements?
- What are the most effective and equitable ways for water systems to replace lead service lines?

Tap Sampling and Compliance

What are the opportunities and challenges to State and Local Governments related to tap sampling and compliance:

- Should EPA require systems to collect both 1st and 5th liter samples at lead service line sites and use the higher concentration in the 90th percentile calculation for lead?
    - What potential challenges may systems face when complying with an updated tap sampling protocol?

Reducing Rule Complexity

What are the opportunities and challenges to State and Local Governments related to complying with a revised action level and trigger level construct:

- What potential revisions to the AL/TL construct could reduce rule complexity?
- Should EPA maintain the TL?
- What is a feasible AL lower than 15 ppb?
- Should additional steps be required to be taken to protect public health in systems with sustained levels of lead above the AL?

Small System Flexibility

What are the opportunities and challenges to State and Local Governments related to small system flexibility:

- If the LCRI requires small systems to replace LSLs regardless of their 90th percentile lead level, should the LSLR remain a small system compliance option for small systems exceeding the lead AL?
    - Should other compliance options be added for small system flexibility? If so, what would such compliance options be?
    - Should EPA reduce the small system flexibility threshold from 10,000 (e.g., to 3,300 or fewer) for all or some of the compliance options?

In addition to the above questions, EPA would appreciate any information or data that the LGAC could provide on their experiences with:

- Inventory and lead service line replacement
- Sampling programs
- Public education

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- Corrosion control treatment
- Sampling for lead in schools and childcare facilities
- Other aspects of drinking water lead control programs

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