



## EPA's Final Lead and Copper Rule Improvements Technical Fact Sheet: Deferred Deadlines for Service Line Replacement October 2024

The final Lead and Copper Rule Improvements (LCRI) require drinking water systems to replace all lead service lines in 10 years or less. EPA has accounted for the small number of drinking water systems with unusually high proportions of lead service lines by including a provision in the final rule allowing those systems to be eligible for additional time to replace all their lead service lines. These systems would only be eligible for a deferred deadline if they show continued progress and commitment to lead service line replacement. A main goal of the final rule is to ensure lead pipe replacements are completed expeditiously. EPA estimates 1% of water systems will be eligible for additional time.

The final rule's provisions have been updated based on comments received on the agency's proposal. In general, the final rule streamlines the procedure for qualifying for a deferred deadline while ensuring that communities with lead service lines accelerate progress on removing all their lead pipes. In addition, the rule includes a suite of requirements that will help protect people from exposure to lead in drinking water while lead pipe replacements proceed, including, additional water system monitoring, communicating with customers, and – if necessary – installing treatment technologies or making filters available for customers.

### How do water systems qualify for a deferred deadline?

If replacing 10% of known lead and galvanized requiring replacement (GRR) service lines results in an annual number of replacements that exceeds **39 per 1,000 service connections**, the water system is eligible for a deferred deadline. EPA determined this ratio based on water systems that have completed full lead service line replacement. The following steps outline how to determine if a water system is eligible and how to calculate a deferred deadline and minimum cumulative average replacement rate:

**Step 1:** Calculate the average annual number of replacements under a 10-year schedule. To do this:

1. Determine the total number of lead and GRR service lines in the replacement pool. Do not count the unknown service lines.
2. Divide the total number of known lead and GRR service lines by 10.

For example, if a water system has 6,000 lead and GRR service lines in the replacement pool, the average annual replacements is:

$$6,000 \text{ lead and GRR service lines} \div 10 \text{ years} = 600 \text{ annual replacements}$$

**Step 2:** Calculate the annual replacements per service connection under a 10-year schedule. To do this, divide the annual replacements per year (from Step 1) by the number of the total number of service connections in the system. For example, if the water system has 12,000 total service connections, the calculation is:

$$600 \text{ annual replacements per year} \div 12,000 \text{ service connections} = 0.050 \text{ annual replacements per service connection}$$

This value can be multiplied by 1,000 to get the annual replacements per 1,000 service connections:

$$0.050 \text{ annual replacements per service connection} * 1000 = 50 \text{ annual replacements per 1,000 service connections}$$

**Step 3:** Compare the result from Step 2 to the deferred deadline threshold. If the average annual replacements in Step 2 is higher than the threshold of 39 annual replacements per 1,000 service connections, the water system is eligible for a deferred deadline. If the average annual replacements in Step 2 is equal to or less than the threshold, the system is not eligible and must replace all lead and GRR service lines that are under the control of the water system in 10 years or less. For this example:

**50 annual replacements per 1,000 service connections is greater than 39 annual replacements per 1,000 service connections**

**Step 4:** Calculate the minimum required replacement rate. If a water system is eligible for a deferred deadline, determine the annual replacements corresponding to 39 annual replacements per 1,000 service connections, by multiplying the total number of service connections by 0.039:

**12,000 services connections \* 0.039 = 468 annual replacements**

**Step 5:** Calculate the deferred deadline. The time needed to complete replacement is the number of known lead and GRR service lines from Step 1 divided by the number of annual replacements from Step 4. For example:

**6,000 lead and GRR service lines ÷ 468 annual replacements = 12.8 years**

**Step 6:** Calculate the length of time of the deferred deadline in years and months. The length of time to complete replacement is the number years plus the number of months, which is calculated by multiplying the remaining decimal by 12 (number of months in one year). The number of months is rounded up the nearest month. For example:

**0.8 year \* 12 = 9.6 months**

**The length of time of this deferred deadline is 12 program years and 10 months**

**Step 7:** Calculate the minimum cumulative average replacement rate by dividing 100 by the deferred deadline in Step 5. For example:

**100 ÷ 12.8 years (from Step 5) = 7.8%**

## **If a water system is eligible for a deferred deadline, what next?**

If a water system is using a deferred deadline, the water system must include the following information in the service line replacement plan:

- Documentation to support the water system's determination that it meets the eligibility criteria.
- The deferred deadline and the associated cumulative average replacement rate that the system considers to be the fastest feasible. This deadline and rate cannot be slower than a deadline and replacement rate corresponding to 39 annual replacements per 1,000 service connections.
- The annual number of replacements required, the length of time (in years and months), and the date of completion for this deferred deadline and rate.
- Information supporting the water system's determination that replacing lead and GRR service lines by an earlier date is not feasible.

The service line replacement plan is due to the State by November 1, 2027 and must be publicly available.

States can use this information, no later than the end of the second program year (i.e., by December 31, 2029), to determine in writing whether the system's deferred deadline and associated cumulative average replacement rate are the fastest feasible rate for the system. The State may either approve the continued use of this deferred deadline and replacement rate or set a faster rate.

**Program Year:** The first program year runs from November 1, 2027, to the end of the next calendar year (December 31, 2028). Every program year thereafter is a calendar year (January 1 to December 31).

## Does the State need to evaluate the deferred deadline?

**Yes.** As soon as practicable, but not later than the end of the second program year, the State must determine in writing whether the system's deferred deadline and associated cumulative average replacement rate are the fastest feasible rate for the system. There may be local circumstances that would facilitate a deferred deadline with a replacement rate that is faster than the rate corresponding to 39 annual replacements per 1,000 service connections.

The State may either approve the continued use of this deferred deadline and replacement rate or set a faster rate. The State may require the system to provide additional information for the State to consider in its determination.

The State must review the replacement rate information submitted as part of the water system's service line replacement plan updates **every three years** to ensure that water systems are replacing service lines at the fastest feasible rate.

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