

Reg Talk

ADVICE ON RULE COMPLIANCE

Prepare to Comply With the Revised Lead and Copper Rule

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Deadlines for compliance with the revised Lead and Copper Rule begin in January 2024, giving water utilities just under three years to complete several significant tasks related to service line inventories, service line replacement plans, communication plans, and other rules. The US Environmental Protection Agency (USEPA) has offered the possibility of an eight-month delay, but systems should still start now.

The federal Lead and Copper Rule (LCR) revisions have taken a long and winding path. There may still be a few more twists and turns along the way, but there is now a final rule. The revised LCR was published in the *Federal Register* on Jan. 15, 2021 (<http://bit.ly/LCR-Revisions>). Initial implementation deadlines start in January 2024, but USEPA has proposed extending the deadlines to September 2024.

PRIMARY REQUIREMENTS

Community water systems will have to complete several significant tasks to comply with the rule (see the accompanying figure for a timeline of major milestones). In laying out system preparations, consider how to integrate the following items into ongoing activities.

Prepare a Service Line Inventory. By January 2024, systems must complete and submit an inventory to the state that describes *every* service line as lead, galvanized requiring replacement (galvanized service line preceded now or historically by lead service line or preceding service line material is unknown), lead status unknown, or non-lead. The inventory must be based on service line materials between the interior plumbing of the structure (building inlet) to the main, excluding the goose-neck. This includes the portion owned by the water system and the privately owned portion of the service line. Characterization is based on a documented records search unless the state specifies otherwise.

By doing more now to reduce the number of services described as “lead status unknown,” systems can simplify complying with subsequent rule requirements. Systems that have only non-lead service lines must demonstrate that is the case. Inventories must be made available to the public (systems serving more than 50,000 must do so online).

Prepare a Lead Service Line Replacement Plan and Change Current Field Practices. Systems have until January 2024 to submit a lead service line replacement plan to the state that describes how they will pursue full replacement of lead service lines (removing all lead or galvanized preceded by lead between home inlet and main), including an estimate of how many they can replace per year if triggers in the rule require a mandatory replacement program. There is an explicit requirement to prioritize lead service line replacement and address financial assistance opportunities for customer-side service line replacement.

Importantly, the plan documents system practices for several different types of customer notification, risk mitigation steps (like flushing and the required provision of a pitcher filter and six months of filters), and financial assistance to achieve full lead service line replacement. Contact with the customer will continue following a lead service line replacement with an offer of a tap sample for lead three to six months after the replacement. Protocols will need to address engaging customers about lead and providing pitcher filters

when performing service line maintenance (e.g., a repair that requires valving off the service line).

Systems will also need protocols for replacing the public portion of lead service lines or galvanized service lines preceded by lead as well as for addressing service lines of unknown construction when a customer initiates replacement of a lead service line on private property. The rule anticipates utility-side replacement usually occurs within 45 days.

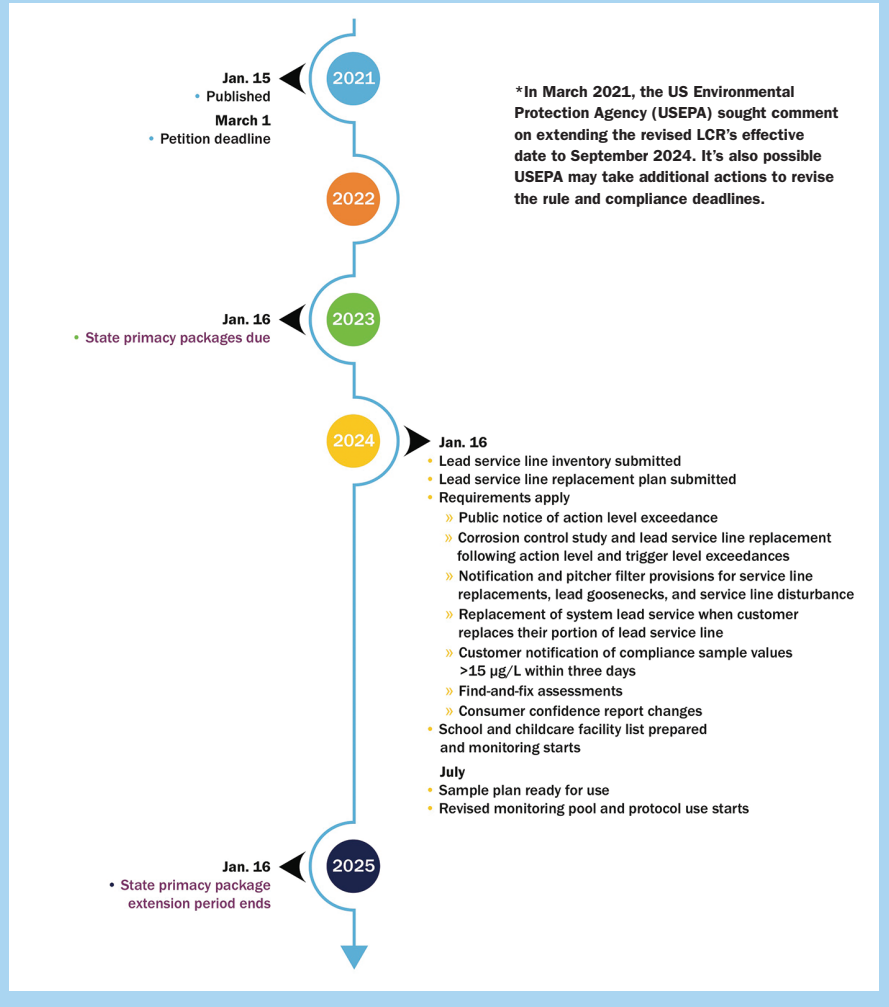
Prepare for Monitoring in Childcare and School Facilities. Systems must develop a list of all public and private schools and licensed childcare facilities in their service areas as well as begin an annual notification process that offers sampling and information about lead in water by 2024. For five years, beginning in 2024, systems must conduct monitoring in 20% of public and private elementary schools (kindergarten through eighth grade or as defined by their state) and 20% of licensed childcare facilities in their service areas. Systems will need to coordinate with schools to take the required number of samples (five in each school and two in each childcare facility); use the appropriate sampling protocols; and track sample results for subsequent reporting to the school, health department, and state.

Get Organized for New Monitoring Protocols and Sample Pools. Beginning in July 2024 (or potentially January 2025), water systems will conduct LCR monitoring using new sample protocol instructions and within redefined sample pools. Systems will have to determine whether a return to more frequent monitoring will be required under the rule on the basis of the service lines in the redefined sample pool using the new service line inventory. Systems that have lead service lines will

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Major Milestones for Implementing the Revised Lead and Copper Rule

The timeline is based on information available as of March 2021.* This doesn't include all deadlines nor constitute legal advice.



authorities, school leaders, and child-care operators. An informed public will be more likely to react constructively to the mandatory notifications specified in the rule. The rule requirements emphasize speedy action, which is feasible only if a preliminary communications program has set the stage for such communication to be effective.

Prepare for Observing Elevated Lead Levels. When sampling under the new protocols begins in 2025, water systems, particularly those with lead service lines, are more likely to exceed one of the rule thresholds for reevaluating corrosion control. The required evaluation elements and timeline are best achieved if a system has already laid the groundwork before being triggered to action by the rule.

Importantly, for all systems subject to the rule, every compliance sample observation greater than 15 µg/L will require a find-and-fix assessment. Although the systemwide action and trigger-level exceedances focus on reviewing corrosion control treatment, the find-and-fix assessments begin with an evaluation of water quality at the sample site and nearby distribution system, then progress to evaluating adjustment to corrosion control.

AVAILABLE RESOURCES

The LCR revisions are complicated and will require each water system to evaluate how they will affect its current treatment, field protocols, communication program, and finances. Data management is central to regulatory compliance with the revised rule. The rule and associated USEPA resources are available at <https://bit.ly/3bayZ9f>. Your state may also provide additional specific direction. In addition, AWWA will update its lead resource page (www.awwa.org/lead) as materials become available.

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be required to sample at sites with the lead service lines and must transition to "fifth liter" samples at compliance monitoring sample sites with lead service lines when sampling for lead. These changes, along with the addition of a new trigger level of 10 µg/L to complement the existing action level of 15 µg/L, will lead to more systems presently under the action level being required to conduct corrosion control studies and install or modify corrosion control treatment.

Expand Current Communication Programs. The LCR revisions have significant financial implications for water systems and, consequently, rate payers, necessitating early and active investment in communication programs. Community leaders will need to be alerted to the local consequences of the rule, and the community will have to be engaged. Lead is a recognized health hazard, so local communication efforts will need to be coordinated with the local public health