

Revisions to the Regulations Controlling Lead in Drinking Water

Fact Sheet

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EPA is proposing targeted regulatory changes to the existing national primary drinking water regulations (NPDWRs) for lead and copper. The purpose of the Lead and Copper Rule (LCR) is to protect public water system consumers from exposure to lead and copper in drinking water. The proposed regulatory changes action will:

- enhance the implementation of the LCR in the areas of monitoring, treatment, customer awareness, lead service line replacement; and
- improve compliance with the public education requirements of the LCR and ensure drinking water consumers receive meaningful, timely, and useful information needed to help them limit their exposure to lead in drinking water.

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What are the basic requirements of the Lead and Copper Rule?

The LCR has four basic requirements: (1) require water suppliers to optimize their treatment system to control corrosion in customer's plumbing; (2) determine tap water levels of lead and copper for customers who have lead service lines or lead-based solder in their plumbing system; (3) rule out the source water as a source of significant lead levels; and, (4) if lead action levels are exceeded, require the suppliers to educate their customers about lead and suggest actions they can take to reduce their exposure to lead through public notices and public education programs. If a water system, after installing and optimizing corrosion control treatment, continues to fail to meet the lead action level, it must begin replacing the lead service lines under its ownership.

Who will be affected by these proposed revisions to the Lead and Copper Rule?

The entities potentially affected by this proposed rulemaking are public water systems that are classified as community water systems (e.g., systems that provide water to year-round residents in places like homes or apartment buildings) or non-transient, non-community water systems (e.g., systems that provide water to people

in locations such as schools, office buildings, restaurants, etc.); state primacy agencies; and local and tribal governments.

How would these proposed revisions change monitoring requirements?

To address confusion about sample collection, the Agency is proposing to clarify language in the rule that speaks to the number of samples required and the number of sites from which samples should be collected. The Agency is also modifying definitions for monitoring and compliance periods to make it clear that all samples must be taken within the same calendar year. Finally, the Agency has proposed revisions to the reduced monitoring criteria that would prevent water systems above the lead action level to remain on a reduced monitoring schedule.

How would these proposed revisions change requirements for water treatment?

The Agency is proposing a change to the rule that would require water systems to provide advanced notification to the primacy agency of intended changes in treatment or source water that could increase corrosion of lead. The state primacy agency must approve the planned changes using a process that will allow the states and water systems to take as much time as needed for systems and states to consult about potential problems.

How do these proposed revisions change requirements related to customer awareness?

While many water utilities indicate that they provide the results of monitoring to customers, there is no requirement in the regulations for them to do so. To address this issue, the Agency is proposing changes to the regulation that require utilities to provide a notification of tap water monitoring results for lead to owners and/or occupants of homes and buildings that are part of the utility's sampling program.

How do these proposed revisions change lead service line replacement requirements?

The current regulations allow utilities to consider lead service lines that test below the action level as "replaced" for the purposes of compliance. The Agency is proposing revisions to the rule that would require these utilities to reconsider previously "tested-out" lines when resuming lead service line replacement programs. This provision will only apply to systems that had (1) initiated a lead service line replacement program; (2) complied with the lead action level for two consecutive monitoring periods and discontinued the lead service line replacement program; and (3) subsequently were re-triggered into lead service line replacement. All previously "tested-out" lines would then have to be tested again or added back into the sampling pool and considered for replacement.

How do these proposed revisions change the public education requirements?

EPA is proposing to still require water systems to deliver public education materials after a lead action level exceedance. EPA is proposing to change, however, the content of the message to be provided to consumers, how the materials are delivered to consumers, and the timeframe in which materials must be delivered. The changes to the delivery requirements include additional organizations that systems must partner with to disseminate the message to at-risk populations as well as changes in the ways information is disseminated to ensure water systems reach consumers when there is an action level exceedance. In addition to the changes in public education for the Lead and Copper Rule, EPA is proposing to modify requirements for educational statements about lead in drinking water in the annual Consumer Confidence Report.

How much will these proposed revisions cost water suppliers and consumers?

The total annual direct costs to water systems are estimated between \$4.8 and \$5.1 million. The majority of these costs to water systems are from the monitoring and public education requirements of the revisions. For state primacy agencies, the annual direct costs are estimated between \$281,000 and \$456,000. The majority of the costs to state primacy agencies arise from the state review and approval requirement for treatment changes included in the revisions. The one time costs for review of the rule and implementation for water systems and state primacy agencies are approximately \$8.1 million and \$730,000, respectively.

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How did EPA identify the proposed changes to the LCR?

In early 2004, EPA began a wide-range review of implementation of the Lead and Copper Rule to determine if there was a national problem related to elevated levels of lead in drinking water. The review identified several areas in which there was confusion about implementation in the existing regulations. As part of its national review, EPA also held expert workshops to discuss the effectiveness of the regulations. After reviewing findings from the workshops and implementation review, EPA released a Drinking Water Lead Reduction Plan in March 2005. This plan outlined short-term and long-term goals for improving implementation of the Lead and Copper Rule, including several targeted changes to the regulations, which are included in this proposed rule.

What are the longer-term goals of the Drinking Water Lead Reduction Plan?

EPA identified a number of issues that we will continue to review as part of potentially more comprehensive revisions to the rule. The issues require additional data collection, research, analysis, and stakeholder involvement to support decisions. The issues include, but are not limited to, requirements for consecutive systems, and broader revisions to monitoring and lead service line replacement requirements.

How can I get more information?

For additional information about the proposed rule, contact:

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