

Public Water Systems/Safe Drinking Water Act: EPA Proposes Lead and Copper Rule



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10/14/2019

The United States Environmental Protection Agency (“EPA”) circulated a prepublication version of its proposed revisions to the Lead and Copper Rule (“LCR”).

The LCR revisions are proposed pursuant to the authority of the Safe Drinking Water Act (“SDWA”). They include a number of actions whose objective is to reduce lead exposure in drinking water.

EPA promulgated the original LCR in 1991.

EPA states that the actions will result in the identification of the most at-risk communities and ensure public water systems have plans in place to take actions to reduce elevated levels of lead in drinking water. The federal agency further states that the LCR contains input from state, local, and tribal partners, the Science Advisory Board, the National Drinking Water Advisory Council, and best available peer-reviewed science.

The proposed rule revises the existing LCR in various areas:

- Lead Tap Sampling
- Corrosion Control Treatment
- Lead Surface Line Replacement
- Consumer Awareness
- Public Education

Lead and copper in drinking water originates principally from corrosion of lead and copper plumbing materials. The lead utilized in plumbing materials was banned by Congress in 1986.

EPA describes the proposed rule as focusing on six areas. They include:

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

The Association of State Drinking Water Administrators notes that the proposed rule retains using first-draw, one-liter samples for compliance in the calculation of a system-wide 90th percentile for comparison against the 15 parts per billion Action Level. However, the organization describes several revisions to the current LCR, which include:

- Water systems will be required to develop a lead service line (LSL) inventory within three years, and for systems with LSLs, compliance samples will be at homes with LSLs.
- Building on a concept suggested by ASDWA, a “trigger level” of 10 ppb will be established to require systems to take certain actions to be better prepared in case of a future exceedance of the 15 ppb AL.
- Water systems will be required to develop a LSL replacement plan when above the “trigger level”, and would start replacing LSLs at a minimum of three percent a year with an action level exceedance (ALE).
- Water systems will be required to notify the public within 24 hours of an ALE, and to also notify residents within 24 hours if an individual sample is above the AL.
- Water systems will be required to annually sample 20% of the schools and licensed child care centers in the service area.

The American Water Works Association states that:

The new rule underscores the importance of corrosion control and assures that utilities take corrective steps if household samplings suggest lead may be a problem.

A link to the 347-page proposed rule can be found [here](#).