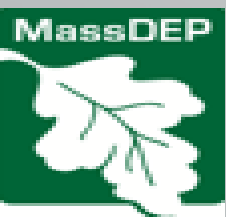


# EPA's Proposed Lead & Copper Rule (LCR) & America's Water Infrastructure Act (AWIA)

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# Today's Topics for Discussion

## Discuss:

- 6 Key Areas of Focus: Current LCR Vs. Proposed Changes
- How to Get Ready For The Proposed Changes
- America's Water Infrastructure Act (AWIA)



# LCR Proposal Summary


## EPA's proposed LCR will:

- Identify the most at-risk communities
- Ensure systems have plans to rapidly respond by taking actions to reduce elevated levels of lead
- Maintains current Maximum Contaminant Level Goal (MCLG) of **Zero** & Action Level (AL) of **15 ppb**

# Proposed Revisions to LCR

- Introduces trigger level of **10 ppb** (annual goal for LSLR, Conduct/Re-optimize CCT)
- EPA's proposal takes proactive & holistic approach to testing, treatment & discussions with the public
- For more information on the proposed rule: <https://www.epa.gov/ground-water-and-drinking-water/proposed-revisions-lead-and-copper-rule>





# Current LCR Vs. Proposed Changes



## Proposal Focuses on 6 Key Areas

1. Identifying areas most impacted
2. Strengthening drinking water treatment requirements
3. Replacing lead service lines
4. Increasing sampling reliability
5. Improving risk communication
6. Protecting children in schools and child care facilities

# 1. Identifying Areas Most Impacted Current LCR

- PWS' required to conduct materials inventory to identify enough sample sites
- Must take action if more than **10%** of tap samples are above AL (90<sup>th</sup> percentile)
- Current Materials Survey: <https://www.mass.gov/doc/identifying-sites-for-lead-and-copper-sampling-and-preparing-a-sampling-plan-and-materials/download>

# Identifying Areas Most Impacted Proposed Changes

- All PWS' will be required prepare & update Lead Service Line (LSL) inventory
- To reduce elevated levels of lead in certain locations systems will be required to take "find-and-fix" approach
- Identify cause & mitigate the problem

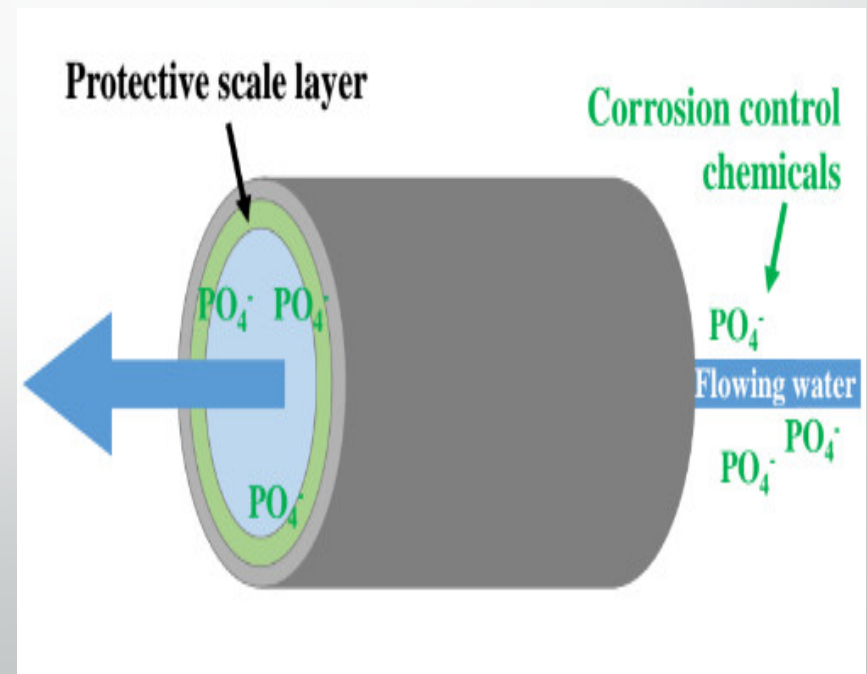




## 2. Treatment Requirements Current LCR

Requirements primarily based on system size:

- PWS Serving **> 50,000** are required to have CCT
- PWS Serving **≤ 50,000** have CCT requirements after an (Action Level Exceedance) ALE
- PWS **NOT** required to re-optimize CCT, unless directed by State (DEP)



*A diagram outlines how adding corrosion control protects clean water from metal leaching. (Image courtesy of the Flint Water Study Team.)*

# Strengthening Treatment Requirements Proposed Changes

- Establishes new trigger level of **10ppb**
- Systems currently conducting Corrosion Control Treatment (CCT) will have to re-optimize
- Systems **NOT** currently conducting CCT will be **REQUIRED TO CONDUCT CCT STUDY**
- EPA OCCT Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems:  
<https://www.epa.gov/sites/production/files/2019-07/documents/occtmarch2016updated.pdf>

## PFOA & PFOS

U.S. manufacturers voluntarily phased out PFOA and PFOS, two specific PFAS chemicals.



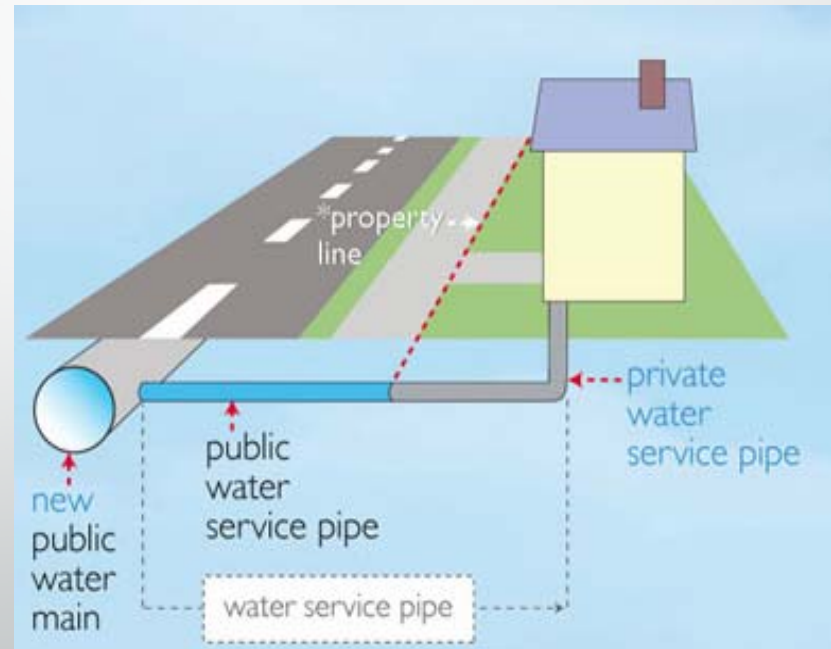
PFAS graphic from EPA's website

# Question About Adding Treatment:

- What action may require suppliers on a reduced lead and a copper monitoring to go back to normal monitoring—was getting PFAS detections at some level, or was adding treatment to the system for PFAS a trigger?
- Answer: A detection of PFAS would **NOT** require going back to the standard monitoring framework for LCR sampling. However, any treatment change has the potential to impact the effectiveness of the Corrosion Control Treatment and the water quality. Therefore, it warrants more frequent monitoring in accordance with 310 CMR 22.06B(7)(d)4. *The Department must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. **The Department may require the system to resume sampling in accordance with 310 CMR 22.06B(7)(d)3. and collect the number of samples specified for standard monitoring under 310 CMR 22.06B(7)(c) or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations***

### 3. Replacing Lead Service Lines Current LCR

- PWS' **NOT** required to replace LSL if customer-owned portion is not replaced
- Lead Service Line Replacement (LSLR) Plan only required when ALE (**15ppb**) occurs
- Systems can count partial LSLR as replaced to meet **7%** mandatory annual replacement rate



*Diagram from the Halifax municipal website*

# Replacing Lead Service Lines

## Proposed Changes

- PWS' above **10ppb** required to work with DEP to set annual goal for replacing LSLs
- Above **15ppb** required to fully replace a minimum of **3%** of known/potential LSLs annually
- Partial LSL no longer allowed (except in situations like emergency repairs)
- NO MORE TESTING OUT OF LSLR!

## 4. Sampling Reliability Current LCR

- MassDEP's Chain of Custody (COC) states "Do not intentionally flush the line before the start of the 6 hour period".... "A wide-mouth bottle must be used"... "Do not remove aerator prior to sampling"
- PWS' w/ LSLs are required to collect **50%** of tap samples from sites served by LSLs



# Increasing Sampling Reliability Proposed Changes

## ➤ PWS' Must:

- Follow new & improved sampling procedures
- Adjust sampling sites to better target locations w/ elevated lead levels
- Higher lead levels = Sample more frequently

## 5. Current Risk Communication for the LCR

- Customers notified of sampling results whether or not there is ALE
- PWS not required to inform customers if they have a known or potential LSL
- Materials Eval only required for sites used for tap monitoring



# Improving Risk Communication Proposed Changes

- PWS' required to notify customers of ALE w/in **24 hours**
- LSL inventory will be made publicly available
- Regular outreach must be given to homeowners with LSLs



## 6. Protecting Children in Schools Current LCR

- For CWS under the LCR **2 samples** from **2 schools each** monitoring period
- LCCA Program is Voluntary
- Schools & childcare facilities classified as Non-Transient Non-Community Water systems have to sample for lead & copper



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# Protecting Children in Schools

## Proposed Changes

- **CWS** required to test **20%** of school & child care facilities every year
- “NO SAFE BLOOD LEVEL HAS BEEN IDENTIFIED FOR YOUNG CHILDREN”  
- CDC
- **Requirement** to test schools & childcare facilities

# Regulatory Update

- The [proposed Lead and Copper Rule Revisions \(LCRR\)](#) are scheduled to be published in the *Federal Register* Wednesday, **November 13<sup>th</sup>** (Today).
- Comments due on **Monday, 1/13/20** & ASDWA will be asking for a **30-day extension** of the comment period
- ASDWA has over **20 volunteers from 15 states** working on comments (along with staff and contractor assistance)


# Optional: Get the Lead Out Event: John Sullivan, Boston, MA Video

[https://www.youtube.com/watch?v=9uK39gVS\\_wY](https://www.youtube.com/watch?v=9uK39gVS_wY)



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# How To Get Ready for the Proposed Changes

# Get Ready Now!



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- Work on your materials inventory, MassDEP has a revised version coming soon
- SRF program for funding
- Transparency i.e. sharing information publicly

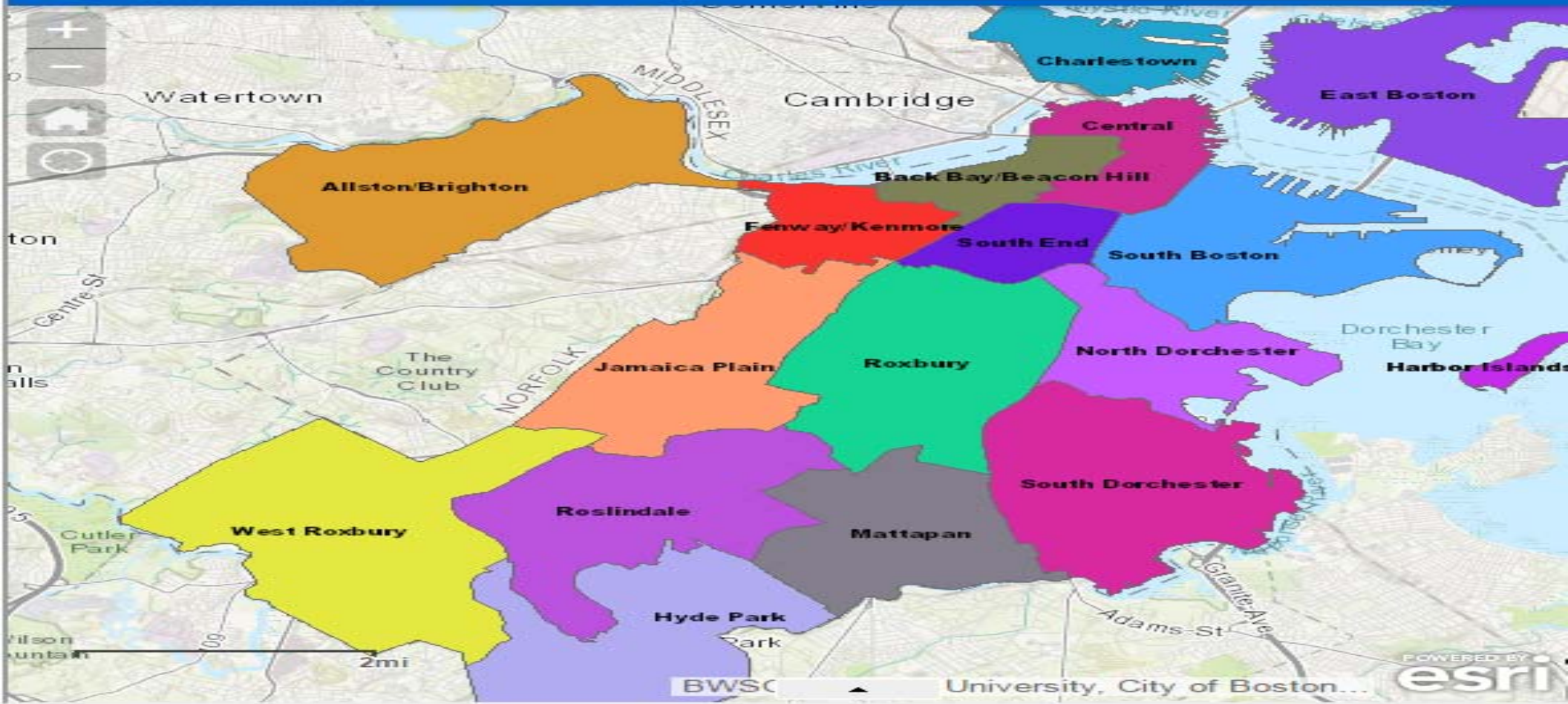


Boston Water and Sewer Commission

### Lead Service



Enter address here...



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**DISCLAIMER:** The maps provided by the Boston Water and Sewer Commission (BWSC) are based on property surveys conducted during the installation of the Automated Meter Reading system, as well as information directly provided by customers and acquired during physical inspections. BWSC does not guarantee the accuracy of these records and maps, which shall be used for the sole purpose of providing property owners and residents with information regarding their private water services, and not for any commercial, legal or other use. These records will be updated on a monthly basis, or at such alternate times as BWSC designates. BWSC reserves the right to alter, amend or terminate at any time the display of these maps and records.





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# LEAD SERVICE LINE REPLACEMENT COLLABORATIVE

Our goal is to accelerate voluntary LSL replacement in communities across the United States.

[www.lslr-collaborative.org/](http://www.lslr-collaborative.org/)



## Continued

- If above **10ppb**, PWS must submit LSLR plan to MassDEP for approval
- PWS must be able to communicate w/in **24 hours**
  - Gather email addresses
  - Share on social media


# Discussion:

How Else Can You Get Ready?

How Can We Help?

3-5 Min





America's Water  
Infrastructure Act  
(AWIA)  
(Public Law No: 115-270)

# AWIA

- Most far reaching changes since 1996 SDWA amendments
- **30 Mandated programs**
- **3 Grant programs** that include:
  - Testing for Lead in Schools
  - **2 grant programs** to assist small & disadvantaged communities with SDWA compliance

# Risk & Resilience Assessments & Emergency Plans

AWIA Section 2013 amends SDWA Section 1433

- Applies to all community water systems serving more than **3,300 people**
  - Conduct Risk & Resilience Assessments & update Emergency Response Plans
  - Submit certifications to EPA by specified deadlines
  - Review Risk Assessments & ERPs every **5 years**
  - Coordinate with local emergency planning committees
  - Maintain records

# Certification Due Dates

## Risk Assessment

- Population served  $\geq 100,000$  ---  
**March 31, 2020**
- Population served **50,000-99,999**  
---**December 31, 2020**
- Population served **3,301-49,999**---  
**June 30, 2021**

## ERP

- Certify ERP **NO Later Than 6**  
**months** after completion of the  
risk assessment

<https://www.epa.gov/waterresilience/americas-water-infrastructure-act-risk-assessments-and-emergency-response-plans>

# Emergency Planning & Community Right to Know

- Requires states emergency response commissions to notify the applicable state agency of any reportable releases and provide community water systems with hazardous chemical inventory data

<https://www.epa.gov/epcra/amendments-epcra-americas-water-infrastructure-act-guide-sercs-tercs-and-lepcs>



# Intractable Water System

AWIA defines 'intractable water systems' as a COM or NC water system that serves **fewer than 1,000 individuals** & the owner or operator is:

- Unable or unwilling to provide safe & adequate service to those individuals;
- Has abandoned or effectively abandoned the CWS or NC water system, as applicable;
  - Has defaulted on a financial obligation relating to the community water system or noncommunity water system, as applicable; or
  - Fails to maintain the facilities of the community water system or noncommunity water
  - Is in significant non-compliance with SDWA or its regulations or listed as having a history of significant non-compliance (HSNC)

# Consumer Confidence Reports (CCR)

EPA must revise the CCR by **October 2020** to include:

- Additional information on exceedances, corrective actions taken due to ALE, & any violations
- **2 times per year CCRs for large systems**
- Facilitate electronic delivery

# Restructuring

**By October 2020 EPA must:**

- Issue a regulation authorizing primacy states to mandate restructuring for PWS that frequently violate health-based standards



# Asset Management and Capacity

- EPA to provide guidance to states
- States have **2 years** (after receiving EPA guidance) to revise their Capacity Development program to include Asset Management



Picture from EPA Website

# Summary

- 6 Key Areas of Focus for the EPA's LCR Proposal
- Get Ready NOW!
- America's Water Infrastructure Act (AWIA)

Q & A



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