Information Alert

State-Federal Relations Division

EPA Releases Proposed Update to Lead and Copper Rule
Oct. 11, 2019

On Oct. 10, the Environmental Protection Agency (EPA) announced long-awaited proposed updates to its Lead and Copper Rule (LCR).

At the same time, EPA and the Department of Housing and Urban Development launched a website that summarizes available federal programs that help finance, or fund, lead service line (LSL) replacement. The site includes case studies, which demonstrate how states and cities across the nation have leveraged those federal resources. EPA Administrator Andrew Wheeler hopes the new website will encourage states and cities to "make full use of the many funding and financing options provided by the federal government."

The proposed rule will be open for public comment for 30 days after it is published in the Federal Register.

Background/Summary
First issued in 1991, the LCR was designed to control lead and copper in drinking water, requiring corrosion control actions and public awareness if lead or copper concentrations exceed the specified action levels. The efforts to reduce lead concentrations are health-based as, lead, per EPA, is a "toxic metal that can be harmful to human health even at low exposure levels." The most vulnerable populations include pregnant individuals, young children and infants as low levels of exposure is liked to "damage to the central and peripheral nervous system, learning disabilities, shorter stature, impaired hearing, and impaired formation and function of blood cells."

In 2016 EPA published a white paper outlining potential revisions to the LCR, noting that "the regulation and its implementation [were] in urgent need of an overhaul." The 2016 white paper suggested a variety of potential revisions—strengthening public education surrounding the health effects of lead and copper, require proactive LSLs replacements, improved corrosion control treatment, strengthening sampling requirements, and increased transparency and information sending. One of the key questions within that was how fast LSLs that tested with concentrations above 15 parts per billion (ppb) should be replaced, as according to EPA proactive replacement

of LSLs could cost between $2,500 and $8,700 per line. This cost, that is shared by the water utility and the homeowner, has the potential to cost more than $80 billion nationally.

While the current proposed update does not consider all suggestions included in the white paper—notably the immediate replacement of LSLs–it does touch on many. The new proposal focuses on six key areas:

1. Requires water systems to prepare and update a publicly available inventory of LSLs to aid in identifying areas with the highest lead impacts.
2. Requires water systems to "find and fix" sources of lead when a sample in a home exceeds 15 ppb.
3. Requires corrosion control treatment based on tap sampling results and establishing a new trigger level of 10 ppb (more information on that trigger level is below).
4. Requires water systems to notify consumers within 24 hours if a sample collected from their home is above 15ppb, and conduct regular outreach to homeowners with LSLs.
5. Requires water systems to replace water system-owned portions of LSL if a customer replaces their portion of the line.
6. Requires water systems to follow new sampling procedures and adjust sampling sites.
7. Requires water systems to take drinking water samples from schools and child care facilities.

The proposal does not change the existing action level of 15 ppb but does propose a new lead trigger level of 10 ppb, which would require water systems to identify actions that would reduce levels in drinking waters. It would also require water systems above the new trigger level, but below the existing action level, to set an annual goal for conducting replacements and conduct outreach to encourage resident participation in replacement programs. Additionally, if a water system is above the existing action level, it would be required, annually, to replace a minimum of 3% of the known or potential LSLs in the inventory at the time of which the action level was exceeded–below current regulations, which require that 7% of lead service lines be replaced. Smaller water systems will be granted flexibility in regard to treatment and LSL replacement actions.

For more information on the proposed rule and how it differs from the current LCR, see EPA's comparison, or contact NCSL staff Kristen Hildreth (kristen.hildreth@ncsl.org) or Ben Husch (ben.husch@ncsl.org).