



State Implementation Guidance for Lead and Copper Rule Revisions (LCRR) Retained Elements

Office of Water (4606M)
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Disclaimer

This document is intended as non-binding guidance for States with primacy or interim for the LCRR, as well as States with primacy for public water systems that have extension agreements for LCRR primacy. Throughout this document, the terms “State” and “States” are used to refer to all types of primacy agencies including states, U.S. territories, Tribes, and EPA.

This guidance document includes descriptions of statutory and regulatory requirements applicable to water systems and requirements applicable to States with primacy for LCRR, as well as States with extension agreements to the extent those agreements include commitments consistent with these requirements. Although EPA has made every effort to ensure the accuracy of the discussion in this document, the legally binding requirements applicable to public water systems and States are determined by statutes and regulations. In the event of a conflict between the discussion in this document and any applicable statute or regulation, this document would not be controlling. This document is not a regulation itself, nor does it change or substitute for those provisions and regulations. This document does not confer legal rights or impose legal obligations upon any member of the public, state, or public water system. The mention of trade names or commercial products does not constitute endorsement or recommendation for their use.

This is a living document which EPA may revise at any time. EPA welcomes public input on this document at any time. Please send comments to LCRR@epa.gov.

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Acronyms and Abbreviations

| | |
|----------|--|
| CCR Rule | Consumer Confidence Reports Rule |
| CCT | Corrosion Control Treatment |
| CFR | Code of Federal Regulations |
| CWS | Community Water System |
| EPA | U.S. Environmental Protection Agency |
| FR | Federal Register |
| LCR | Lead and Copper Rule |
| LCRR | Lead and Copper Rule Revisions |
| LCRI | Lead and Copper Rule Improvements |
| LSL | Lead Service Line |
| NCWS | Non-Community Water System |
| NOV | Notice of Violation |
| NPDWR | National Primary Drinking Water Regulation |
| NTNCWS | Non-Transient Non-Community Water System |
| OGWDW | Office of Ground Water and Drinking Water |
| ORC | Office of Regional Counsel |
| PN Rule | Public Notification Rule |
| PWS | Public Water System |
| PWSID | Public Water System Identification Number |
| PWSS | Public Water System Supervision |
| SDWA | Safe Drinking Water Act |
| SDWIS | Safe Drinking Water Information System |
| TNCWS | Transient Non-Community Water System |
| WIIN Act | Water Infrastructure Improvements for the Nation Act |
| WQP | Water Quality Parameter |

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Document Guide

This document provides guidance to States, Tribes, U.S. territories, and U.S. Environmental Protection Agency (EPA) regional offices for the retained elements of the Lead and Copper Rule Revisions (LCRR) promulgated by EPA under the Safe Drinking Water Act (SDWA). This guidance is for States with interim primacy for LCRR and for States with primacy extension agreements supporting EPA in direct implementation activities. It also provides guidance to the public and the regulated community on how EPA is implementing the statute and regulations. Throughout this document, from this point forward, the terms “State” and “States” are used to refer to all types of primacy agencies including states, U.S. territories, Indian Tribes, and EPA.

The SDWA provisions and EPA regulations described in this document contain legally binding requirements. This document does not substitute for those requirements, nor is it a regulation itself. It does not impose legally binding requirements on EPA, States or the regulated community and may not apply to a particular situation based upon the circumstances. EPA and State decision makers retain the discretion to adopt approaches on a case-by-case basis that differ from this guidance, where appropriate. This is a living document and may be revised periodically without public notice. EPA welcomes public input on this document at any time. Please send comments to LCRR@epa.gov.

Note that, in several sections, the guidance makes suggestions and offers alternatives that go beyond the minimum requirements indicated in LCRR. EPA does this to provide information and/or suggestions that may be helpful to implementation efforts. Such suggestions are prefaced by “may” or “should” and are to be considered advisory in nature. They are not required or mandatory elements of the LCRR.

This guidance manual contains information on the requirements of the LCRR in the following sections:

- **Section 1** summarizes the applicability of the LCRR and presents a timetable of important dates.
- **Section 2** describes the rule requirements of the LCRR for public water systems (PWSs) and States.
- **Section 3** explains violations under the LCRR.
- **Section 4** describes Public Notification Rule (PN Rule) related to the LCRR.
- **Section 5** covers implementation and oversight activities.
- **Section 6** lists the “stand-alone” guidance materials that will help States, CWSs, and NTNCWSs understand each new requirement.

The appendices of this document also provide information that will be useful to States and EPA throughout the primacy revision application process.

- **Appendix A** contains regulatory text that EPA intends to retain for the final LCRR published in the *Federal Register* (FR) on January 15, 2021, June 16, 2021, and December 17, 2021, and codified in 40 Code of Federal Regulations (CFR) Part 141 and 142.
- **Appendix B** contains example forms and letters, checklists, and tables.

- **Appendix C** contains a description of the LCRR workload activities, which a State and EPA can use to specify roles and responsibilities if a State requests a primacy extension for the LCRR.
- **Appendix D** contains the December 2021 memorandum and notices related to the implementation of LCRR.

Section 1

Introduction to the (LCRR) Retained Elements

1.1 Executive Summary

EPA published the final Lead and Copper Rule Revisions (LCRR) on January 15, 2021. Pursuant to the January 20, 2021, Executive Order (EO) 13990, EPA reviewed all existing regulations, orders, guidance documents, policies, and any other similar agency actions (agency actions) promulgated, issued, or adopted between January 20, 2017, and January 20, 2021, including the LCRR. EPA completed this review of the LCRR and published the outcome on December 17, 2021 [86 *FR* 71574] including the EPA's commitment to develop a new proposed rule, the Lead and Copper Rule Improvements (LCRI), to strengthen key elements of the LCRR. On December 6, 2023, the EPA proposed these LCRI [88 *FR* 84878]. On October 8, 2024, the final LCRI was signed. As part LCRI, the agency determined that certain LCRR requirements will go into effect to support near-term development of actions to reduce lead in drinking water. The retained LCRR key elements that go into effect on October 16, 2024, are:

- Requirements for water systems to develop and submit an initial service line inventory that documents lead, galvanized requiring replacement, non-lead, and lead status unknown service lines by October 16, 2024.
- Notification of known or potential service line containing lead within 30 days of completion of the inventory (initial) and repeat notification on an annual basis until the entire service connection is no longer lead, galvanized requiring replacement, or unknown. For new customers, water systems shall also provide the notice at the time of service initiation.
- Requirements to distribute Tier 1 Public Notice to persons served by the water system no later than 24 hours after the system learns of the lead action exceedance (ALE) as specified in 141.80(c). A copy of the Tier 1 PN for the lead ALE must be sent to the primacy agency and the EPA Administrator no later than 24 hours after the system learns of the exceedance.

1.2 Development of the LCRR

Since the implementation of the Lead and Copper Rule (LCR) in 1991, drinking water exposure to lead has declined significantly, resulting in major improvements in overall public health. For example, the number of the nation's drinking water systems serving more than 50,000 persons that have exceeded the LCR action level of 15 micrograms per liter ($\mu\text{g}/\text{L}$) has decreased by over 90 percent, and over 95 percent of all water systems have not reported an action level exceedance from 2017-2019 (USEPA, 2019).

On January 15, 2021, EPA published in the *Federal Register* the "National Primary Drinking Water Regulation: Lead and Copper Rule Revisions" [86 *FR* 4198] with an effective date of March 16, 2021, and a compliance date of January 16, 2024. The LCRR sought to better identify areas with the greatest potential for lead contamination and most in need of remediation, strengthen treatment requirements, promote the systematic replacement of lead service lines, strengthen tap sampling requirements, expand consumer awareness, improve risk communication, and protect children in schools and childcare facilities.

On June 16, 2021, EPA published a rule delaying the effective date of the LCRR to December 16, 2021, and the compliance date to October 16, 2024. These delays were consistent with the presidential directive (Executive Order 13390) issued on January 20, 2021, to the heads of Federal agencies to review

certain regulations, including the LCRR. The EPA enacted the delays to allow sufficient time for the Agency to complete its review of LCRR and conduct important consultations with the affected parties. At the same time, the delay in the LCRR compliance date ensured that any delay in the effective date would not reduce the time provided for drinking water systems and primacy states to take actions needed to assure compliance with the LCRR [86 FR 31939].

EPA's review included a series of virtual public engagements to hear directly from a diverse set of stakeholders, including States, Tribes, water utilities, people who have been historically underrepresented in past rule-making efforts, and communities disproportionately impacted by lead in drinking water (i.e., lower-income people and communities of color). EPA published comments conveyed by stakeholders and detailed other non-regulatory actions that EPA and other Federal agencies can take to reduce exposure to lead in drinking water, available online here: <https://www.epa.gov/ground-water-and-drinking-water/revised-lead-and-copper-rule>.

On December 17, 2021, the EPA issued notice that the agency had completed its review of the LCRR. The December 17, 2021, *Federal Register* notice communicated EPA's decision to proceed with a proposed rule, the LCRI, that would revise certain key sections of the LCRR while still allowing the rule to take effect on December 16, 2021. The EPA reported that it would be considering the following key policy objectives: replacing 100 percent of lead service lines; equitably improving public health protection for those who cannot afford to replace the customer-owned portions of their lead service lines; improving the methods to identify and trigger action in communities that are most at risk of elevated drinking water lead levels; and exploring ways to reduce the regulation's complexity. [86 FR 71574]

EPA published the proposed LCRI on December 6, 2023, and on October 8, 2024, the final LCRI was signed. The final LCRI removes the lead trigger level, reduce the lead action level to 0.010 mg/L, require water systems to replace lead service lines, and strengthen tap sampling procedures, among other changes to improve public health protection and simplify the rule relative to the 2021 LCRR. The final rule provides improvements in the additional following areas: corrosion control treatment, public education and consumer awareness, requirements for small systems, and sampling in schools and child care facilities. EPA's final rule aimed to address potential disproportionate impacts of lead in drinking water in communities, including through lead service line replacement and public education, among other areas of the final rule. [88 FR 84878] The compliance date for the LCRI is three years after promulgation of the final rule and systems continue to comply with the LCR until that date, with the exception of the key elements retained LCRR including initial service line inventory, notification of service line material, associated reporting requirements, and the requirement for Tier 1 public notification for a lead action level exceedance under subpart Q. [88 FR 84967]

1.3 Applicability of LCRR Elements Effective October 16, 2024.

1.3.1 To Whom Does the Rule Apply?

The LCRR retained elements apply to all community water systems (CWSs) and non-transient non-community water systems (NTNCWSs) regardless of population served or water source type.

1.3.2 Changes to Other Drinking Water Regulations

The *Federal Register* notice published on January 15, 2021, included the LCRR (codified at 40 CFR 141, Subpart I), but also included minor revisions to other existing drinking water regulations. For the retained LCRR elements, these revisions to 40 CFR Part 141 included:

- Subpart D – Reporting and Recordkeeping
 - Reporting Requirements [40 CFR 141.31]: Added requirements for water systems to provide copies of any Tier 1 notices for a lead action level exceedance to EPA and the State as soon as practicable, but no later than 24 hours after the water system learns of the exceedance.
- Subpart O – Consumer Confidence Reports (CCR)
 - Content of the reports [40 CFR 141.153]: Added CCR requirements for including, the range of tap sample results, as well as a statement about the completed service line inventory and where to access it... Revised the lead educational statement in 40 CFR 141.154(d)(1) and the health effects language in appendix A of subpart O.
- Subpart Q – Public Notification of Drinking Water Violations
 - General Public Notification Requirements [40 CFR 141.201]: Updated the list of violations and situations in Table 1 requiring public notice to include exceedance of the lead action level.
 - Tier 1 Public Notice—Form, Manner and Frequency of Notice [40 CFR 141.202]: Updated the list of violations and situations requiring Tier 1 public notice in Table 1 to include exceedance of the lead action level.
 - NPDWR Violations and Other Situations Requiring Public Notice (Appendix A to Subpart Q): Updated the table to include reporting requirements in 40 CFR 141.90(e)(1) and (f)(4) as requiring Tier 3 public notice for the Lead and Copper Rule. Updated the table to include exceedance of the action level for lead as requiring a Tier 1 public notice according to 40 CFR 141.80(c).
 - Standard Health Effects Language for Public Notification (Appendix B to Subpart Q): Updated the list of standard health effects language for public notification to include in public notices related to lead.

1.3.3 Applicability and Compliance Dates

Table 1-1. Summary of Action Dates for the LCRR

| Dates | LCRR Requirements |
|---------------------------|---|
| December 16, 2021* | LCRR and PN Rule revisions effective in the Code of Federal Regulations. |

| Dates | LCRR Requirements |
|--------------------------|--|
| December 17, 2021 | Interpreted primacy revision application deadline to be calculated using this publication date and outcome of EO13990 review published in <i>Federal Register</i>. |
| December 18, 2023 | If the State did not submit final program revision package to the EPA Region, the State submitted an extension request signed by both the State and EPA, including an agreement on workload/work share activities. |
| October 16, 2024* | CWSs and NTNCWSs must comply with the <u>retained</u> LCRR requirements.[‡] |
| July 1, 2025 | CCR Reports delivered by July 1, 2025, must comply with the associated CCR rule requirements, as amended or revised by the LCRR. |

* These are federally mandated dates for rule promulgation and compliance.

For more information:

The *Federal Register* notices for the Final LCRR Rule and review are available at:
<https://www.epa.gov/ground-water-and-drinking-water/revised-lead-and-copper-rule>.

Section 2

Lead and Copper Rule Revisions (LCRR) Retained Requirements

2.1 - CWS and NTNCWS Requirements [40 CFR 141.84(a), 141.85(e)-(g), 141.90]

2.1.1 Service line inventory requirements

The LCRR requires all systems to develop an inventory of all service lines connected to their distribution system (whether or not they are owned or controlled by the water system) and characterize service lines as lead, galvanized requiring replacement, unknown material, or non-lead [40 CFR 141.84(a)]. The EPA provided the following guidance for initial inventories, which are available on our website: [Lead and Copper Rule Implementation Tools](#):

- *Guidance for Developing and Maintaining a Service Line Inventory* and companion template.
- *Developing and Maintaining a Service Line Inventory: Small Entity Compliance Guide*
- *Fact Sheet for Developing and Maintaining a Service Line Inventory*

When a water system has no lead, galvanized requiring replacement, or lead status unknown service lines (regardless of ownership) in its inventory, it can instead use a written statement, in lieu of a publicly accessible inventory, declaring that the distribution system has no lead service lines or galvanized requiring replacement service lines. The statement must include a general description of all applicable sources and records used to make this determination [40 CFR 141.84(a)(9)].

All water systems must develop an initial inventory by October 16, 2024, and submit it to the State by this same date [40 CFR 141.84(a)(1), 141.90(e)(1)]. For a system that becomes subject to EPA's Lead and Copper Rule on or after this date, EPA recommends the State work with the system to develop a schedule for the system to submit their initial inventory or according to LCRI updated inventory requirements.

2.1.3 Public Education: Notification of Known or Potential Service Line Containing Lead [40 CFR 141.85(e)]

Water systems with lead, galvanized requiring replacement, or lead status unknown service lines must provide notification to people served by these lines [40 CFR 141.85(e)(1)]. The EPA has provided guidance and templates for water systems, available on our website [Lead and Copper Rule Implementation Tools](#):

- *Templates for the Notification of Known or Potential Service Lines Containing Lead*
- *Fact Sheet on Notification of a Known or Potential Service Line Containing Lead*

Initial notification must be completed within 30 days of completion of the service line inventory [40 CFR 141.85(e)(2)].

- If the completed initial inventory is submitted **on or before October 16, 2024**, water systems have **until November 15, 2024**, to provide the initial public education notices to persons served by a known or potential service line containing lead. EPA does, however, encourage water systems to provide the notifications earlier, if possible.

- Example: if the water system submitted the inventory on September 15, 2024, ahead of the October 16, 2024, inventory due date, they have until November 15, 2024, to provide the initial notification.
- Example: if the system submitted the inventory on October 16, 2024, the inventory due date, they have until November 15, 2024, to provide the initial notification.
- If the completed initial inventory is submitted **after October 16, 2024**, water systems have **until 30 days from when the initial inventory is submitted** to provide the notices. Note, water systems could still incur violations related to submitting the inventory late. See Section 3 of this document for more discussion of violations.
 - Example: if a water system submitted the inventory late on November 18, 2024, they have until December 18, 2024, to provide the initial notification. However, they also incur a treatment technique violation and a reporting violation for missing the initial inventory deadline.

Water systems must also repeat the notification on an annual basis until the entire service connection is no longer a lead, galvanized requiring replacement, or lead status unknown service line. For new customers, water systems shall also provide the notice at the time of service initiation [40 CFR 141.85(e)(2)].

Notice about known or potential lead service lines must be provided via mail or by another method approved by the State. Annually by July 1, the water system must demonstrate to the State that it delivered lead service line information materials to affected consumers with a lead, galvanized requiring replacement, or lead status unknown service line in accordance with § 141.85(e) for the previous calendar year. The water system must certify on an annual basis by July 1st of the following year that the system complied with the consumer notification of lead service line materials as specified in § 141.85(e) [40 CFR 141.90(f)(4)].

As a best practice, if a location has a combination of lead, GRR, and/or unknown, EPA encourages water systems to include information for all portions of the line. For example, a service line that is a combination of lead and GRR, the water system could include a statement that the line is made up of these two types of service lines.

2.1.4 Public notification requirements for Tier 1 public notices of lead action level exceedances

Tier 1 public notice is required whenever there is an exceedance of the lead action level. The lead action level is exceeded if the 90th percentile concentration of lead from samples collected for compliance with the LCR is greater than 15 µg/L. For more information on Tier 1 public notice requirements, see Section 4 and the following guidance on our website [Lead and Copper Rule Implementation Tools](#):

- *Tier 1 Public Notification Template following a Lead Action Level Exceedance*
- *Tier 1 Public Notification Template following a Lead Action Level Exceedance – Spanish version.*
- *Lead Action Level Exceedance (ALE) Tier 1 Public Notice (PN) Fact Sheet*

- *Tier 1 Public Notice for Lead Action Level Exceedances Template SOP for State Implementation Programs*

Water systems are required to provide notice to persons served by the PWS, as well as provide a copy of the notice to the State, and EPA within 24 hours of learning of the lead action level exceedance.

2.2 CWS and NTNCWS Recordkeeping Requirements [40 CFR 141.91]

In accordance with 40 CFR 141.91, public water systems must retain copies of their service line inventories and public education notices of known or potential lead service lines for, at minimum, 12 years.

2.3 State Reporting Requirements [40 CFR 142.15(c)(4), 142.15(a)(1)]

States are required to report the number of lead, galvanized requiring replacement, and lead status unknown service lines in each of its systems (reported separately), along with each system's PWSID. Optionally, they may also report the number of non-lead service lines.

All violations incurred during the previous quarter, including violation of any public notification and/or reporting requirements, must be included in the State's quarterly reports.

2.4 State Recordkeeping Requirements [40 CFR 142.14(d)(8)]

States are required to keep records of completed lead service line inventories and required updates to inventories for no less than 12 years. States must also retain copies of any public notices distributed by public water systems and any State determinations establishing alternative public notification requirements.

Section 3

Violations

3.1 Treatment Technique Violations

EPA encourages States to work with their systems to develop and submit initial inventories that meet the LCRR requirements in 40 CFR 141.84. Note: Only one treatment technique violation should be issued to a system fails to meet one or more of the items listed below during a reporting compliance period. A system may incur an initial service line inventory Treatment Technique (TT) violation when any of the following occurs:

- A system fails to develop an initial inventory by October 16, 2024. [40 CFR 141.84(a)(1)]
- The inventory does not include all service lines connected to the public water distribution system regardless of ownership status. [40 CFR 141.84(a)(2)]
- The State becomes aware that a water system did not use appropriate sources of information that they have available [40 CFR 141.84(a)(3)], including:
 - Any information on lead and galvanized iron or steel that the system identified pursuant to § 141.42(d).
 - Construction and plumbing codes, permits, and existing records or other documentation which indicates the service line materials used to connect structures to the distribution system.
 - Water system records, including distribution system maps and drawings, historical records on each service connection, meter installation records, historical capital improvement or master plans, and standard operating procedures.
 - Inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system.
 - Any resource, information, or identification method provided or required by the State to assess service line materials.
 - Other sources of information approved by the State.
- Service lines are not characterized as “lead”, “galvanized requiring replacement”, “non-lead” or actual material, or “lead status unknown” or “unknown”. [40 CFR 141.84(a)(4)]
- A system does not provide a publicly accessible inventory that includes a location identifier for each lead and galvanized requiring replacement service line. [40 CFR 141.84(a)(8)(i)]
- A water system serving greater than 50,000 persons does not make the publicly accessible inventory available online. [40 CFR 141.84(a)(8)(ii)]
- Water systems with no lead, galvanized requiring replacement, or lead status unknown service lines, do not provide a publicly accessible inventory or a written statement declaring that the distribution system has no lead service lines or galvanized requiring replacement service lines. [40 CFR 141.84(a)(9)]

- Water systems with no lead, galvanized requiring replacement, or lead status unknown service lines do not provide a general description of all applicable sources used to make this determination if they provide a written statement in lieu of a publicly accessible inventory. [40 CFR 141.84(a)(9)]

3.2 Monitoring and Reporting Violations

A system incurs a monitoring and reporting violation under the LCRR when any of the following occur:

- A system fails to submit an initial inventory of service lines as required under 40 CFR 141.84(a) to the State by October 16, 2024. [40 CFR. [141.90(e)(1)]
- For systems with lead, galvanized requiring replacement, or lead status unknown service lines, failure to demonstrate to the State annually by July 1 that it delivered information to affected consumers with a lead, galvanized requiring replacement, or lead status unknown service line for the previous calendar year. [40 CFR 141.90(f)(4)]

3.3 Other Violations

A system must provide a copy of the Tier 1 public notice for a lead action level exceedance to EPA and the State as soon as practicable, but not later than 24 hours after the public water system learns of the exceedance. [40 CFR 141.31(d)(2)]

A system that fails to comply with the public notification when they are required to provide Tier 1 public notice after a lead action level exceedance will incur a PN Rule violation.

Section 4

Public Notice of Drinking Water Violations and Situations

.1 Public Notice (PN) Rule Requirements [40 CFR Part 141 and Subpart Q]

Three general categories of public notification are required by the PN Rule related to lead Tier 1, Tier 2, or Tier 3 public notice is required of all CWSs and NTNCWSs, under certain circumstances.

The type of public notice required depends on the LCRR violation or situation (i.e., lead action level exceedance) that has occurred at the CWS or NTNCWS. Table 4-1 summarizes PN Rule requirements for these violations and situations. States are encouraged to develop notification templates that CWSs and NTNCWSs can use for each type of violation or situation to ensure that all required components are included.

Table 4-1. PN Rule ¹ Requirements

| Issue | LCRR Violation Citation | Contaminant and Violation Code | Public Notice Tier and PN Rule Citation |
|--|-------------------------|--------------------------------|---|
| Tier 1 public notice required for lead action level exceedance | | | |
| Lead action level exceedance | N/A | N/A | Tier 1 40 CFR 141.202 40 CFR Appendix A to Subpart Q – I.C.2 |
| Service line inventory Treatment Technique violations | | | |
| <ul style="list-style-type: none"> Failure to develop initial service line inventory by Oct. 16, 2024. | 40 CFR 141.84(a)(1) | 5200-2E | Tier 2 40 CFR 141.203 40 CFR Appendix A to Subpart Q – I.C.1 |
| <ul style="list-style-type: none"> Failure to make inventory publicly accessible or to issue written statement for systems with no lead service lines. | 40 CFR 141.84(a)(8)-(9) | 5200-2E | Tier 2 40 CFR 141.203 40 CFR Appendix A to Subpart Q – I.C.1 |
| Lead service line reporting violations | | | |
| <ul style="list-style-type: none"> Failure to submit initial inventory to State by Oct. 16, 2024. | 141.90(e)(1) | 5200-4G | Tier 3 ¹ 40 CFR 141.204 40 CFR Appendix A to Subpart Q – I.C.1 |
| Notice to persons served by known or potential lead service line | | | |
| <ul style="list-style-type: none"> Failure to demonstrate to State annually by July 1 that the system notified affected consumers served by known or potential lead service lines for previous calendar year. | 40 CFR 141.90 (f)(4) | 5200-NEW | Tier 3 ¹ 40 CFR 141.204 40 CFR Appendix A to Subpart Q – I.C.2 |
| Public Notification Rule violations | | | |

| Issue | LCRR Violation Citation | Contaminant and Violation Code | Public Notice Tier and PN Rule Citation |
|---|-------------------------------------|--------------------------------|---|
| <ul style="list-style-type: none"> Failure to distribute Tier 1 public notice within 24 hours of learning of exceedance, or without providing public notice in required form and manner. | 40 CFR 141.202 (b)(1) & 141.202 (c) | 7500-TBD | State Discretion (SD) 40 CFR 141.201 |
| <ul style="list-style-type: none"> Failure to initiate consultation with the State within 24 hours of learning of exceedance. | 40 CFR 141.202 (b)(2) | 7500-TBD | SD 40 CFR 141.201 |
| <ul style="list-style-type: none"> Failure to comply with additional public notification requirements identified during consultation with the State. | 40 CFR 141.202 (b)(3) | 7500-TBD | SD 40 CFR 141.201 |
| <ul style="list-style-type: none"> Failure to provide copy of Tier 1 public notice to EPA and/or State within 24 hours of learning of exceedance. | 40 CFR 141.31 (d)(2) | 7500-TBD | SD 40 CFR 141.201 |

1. CWSs may provide Tier 3 public notice using their Consumer Confidence report if the report is provided to persons served no later than 12 months after the water system learns of the violation. The Tier 3 public notice contained in the report must follow all content and delivery requirements [40 CFR 141.204(d)].

PWSs must notify the public according to the PN Rule requirements in 40 CFR 141, Subpart Q. All copies of public notices issued pursuant to 40 CFR 141, Subpart Q and certifications made to the State in accordance with 40 CFR 141.31 must be kept for three years after issuance.

All public notices in response to LCRR violations or situations must also include the following standard health effects language:

Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney, or nervous system problems.

4.1.1 Lead Action Level Exceedance Tier 1 Public Notice

Tier 1 public notice is required whenever there is an exceedance of the lead action level. The lead action level is exceeded if the 90th percentile concentration of lead is greater than 15 µg/L.

The water system must initiate consultation with the State as soon as practical but within 24 hours after learning of the exceedance and follow any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) set by the State. The water system

must issue the notice within 24 hours, even if they are unable to contact anyone at the State. See EPA's [Public Notification Handbook](#), Section 5.

For Tier 1 notices for a lead action level exceedance, CWSs and NTNCWSs must also provide a copy of the Tier 1 notice to the State and EPA as soon as practicable, but not later than 24 hours after the public water system learns of the violation or exceedance. EPA has set up an email inbox as an option for providing the copy to EPA at LeadALE@epa.gov.

The CWS or NTNCWS must also submit to the State a certification that it has fully complied with the PN Rule within 10 days of completing those public notification requirements.

WIIN Act Requirements for EPA Notification to Consumers About Lead action level exceedance

If the CWS or NTNCWS or the State fails to distribute Tier 1 public notice for exceedance of the lead action level within 24 hours after learning of the exceedance, the Water Infrastructure Improvements for the Nation Act (WIIN Act) requires EPA to distribute notice to persons served by the system. [For more information please see [Section 2106 of the 2016 WIIN Act](#) and [associated updates to the Safe Drinking Water Act 42 USC 300g](#)]

4.1.2 Tier 2 Public Notice

The LCRR requires Tier 2 public notice when CWSs and NTNCWSs incur one of the following TT violations:

- Failure to complete the initial service line inventory in accordance with the requirements listed in 141.80(f)(3) & 141.84(a) by October 16, 2024.
- Failure to make the inventory publicly accessible in accordance with 141.84(a)(8). This can also include, for water systems that have no lead, galvanized requiring replacement, or lead status unknown service lines, failure to issue a written statement declaring the distribution system has no lead service lines in accordance with the requirements of 141.84(a)(9).

The CWS or NTNCWS must submit to the State a certification that it has fully complied with the PN Rule within 10 days of completing public notification requirements. For Tier 2 notices, the CWSs and NTNCWSs must also include a representative copy of each type of notice distributed, published, posted, and made available to the public with the certification.

4.1.3 Tier 3 Public Notice

The LCRR requires Tier 3 public notice when CWSs and NTNCWSs incur one of the following monitoring and reporting violations:

- Failure to submit an initial inventory of service lines to the State by October 16, 2024. [40 CFR 141.90(e)(1)]
- For systems with lead, galvanized requiring replacement, or lead status unknown service lines, failure to demonstrate to the State annually by July 1 that it delivered information to affected consumers with a lead, galvanized requiring replacement, or lead status unknown service line in

accordance with the requirements of 40 CFR 141.85(e) for the previous calendar year. [40 CFR 141.90(f)(4)]

The CWS or NTNCWS must submit to the State a certification that it has fully complied with the PN Rule within 10 days of completing public notification requirements. For Tier 3 notices, the CWSs and NTNCWSs must also include a representative copy of each type of notice distributed, published, posted, and made available to the public with the certification.

States have discretion to require CWSs and NTNCWSs to issue public notice for additional violations that are not specified in the PN Rule, Appendix A to subpart Q.

Section 5

State Oversight and Implementation Considerations

Title 40 CFR Part 142 sets out requirements for states to obtain and/or retain primary enforcement responsibility (primacy) for the Public Water System Supervision (PWSS) program as authorized by Section 1413 of the SDWA (42 U.S.C. 300g-2). The 1996 SDWA Amendments updated the process for States to obtain and/or retain primacy. On April 28, 1998, EPA promulgated the Primacy Rule to reflect these statutory changes (63 FR 23362).

5.1 State Primacy Program Revision

Pursuant to 40 CFR 142.12, complete and final requests for approval of program revisions to adopt new or revised EPA regulations must be submitted to the EPA Administrator no later than two years after promulgation of new or revised federal regulations. States may also apply to EPA for an extension of up to two additional years.

The extension process is detailed further in Section 5.2. EPA stated, in a December 15, 2022, Memorandum on State Primacy for the 2021 LCRR (see resources section) that we did not recommend States spend time or resources to prepare a primacy revision application for the LCRR until EPA promulgates the final LCRI. Instead, EPA encouraged States to apply for an extension to the December 18, 2023, primacy application deadline. EPA expects water systems and States to transition from the LCRR directly to the LCRI. This means that States would continue to operate under their LCRR primacy extension agreement until they obtain primacy for the LCRI. The primacy timelines in 40 CFR 142.12 start with the promulgation of the Agency's Final LCRI rulemaking.

The EPA does not want systems and States to be simultaneously tasked with implementation of two different rules at the same time they are engaged in the startup activities for the LCRI. The startup activities for water systems include reading and training on the rule to understand its new requirements, creating a staffing plan, and securing funds for compliance. The startup activities for a State include adopting State regulations, modifying data systems, and conducting internal and external training. Compounding that challenge is the fact that systems and States would be catching up on the LCRR startup activities that they may have postponed in response to EPA's announcement of the proposed LCRI rulemaking. If water systems are required to simultaneously implement the LCRR for the first time and prepare for LCRI compliance, EPA expects that it would be beyond the capacity of both water systems and States and therefore, the expected benefits of one or both rules would not be realized. (88 FR 84901)

5.2 State Primacy Program Extensions

5.2.1 The Extension Process

States had to submit extension requests to the EPA Region before the expiration of the 2-year deadline (i.e., December 18, 2023). The Regional Administrator has been delegated authority to approve extension applications. Concurrence by EPA Headquarters on extensions is not required.

Table 5-1 LCRR and PN Implementation and Timetable for States with Primacy Extension is a timeline describing important dates for successfully submitting a primacy extension request, which is further discussed below.

**Table 5-1. LCRR and PN Implementation and Revision Timetable
for States with Primacy Extension**

| EPA/State Action | Timeframe |
|--|--|
| LCRR and PN revisions effective date. | December 16, 2021* |
| Interpreted primacy revision application deadline to be calculated using this publication date and outcome of EO13990 review published in Federal Register. | December 17, 2021* |
| State and EPA Region establish understanding of relevant LCRR work share/workload activities and agree upon a schedule for State submission of final extension agreement package. | October 2023 |
| State submits a FINAL extension request , signed by both the State and EPA, if the State is not able to submit final program revision package to the EPA Region including: <ul style="list-style-type: none"> • Agreement on workload/work share activities with the state. • State activities and associated timelines to remedy the causes for state’s inability to adopt regulations by the original timeframe. <p>See Appendix C for the State Primacy Revision Extension Checklist and Recommended Workload Activities.</p> | December 18, 2023* |
| LCRR compliance date. | October 16, 2024* |
| Final LCRI Rule Promulgation | October 8, 2024 |
| <i>Recommended: EPA and States may need to revise extension agreements to allow for continued implementation of retained LCRR elements between December 18, 2025, until State obtains LCRI primacy or submits a subsequent primacy extension request for LCRI.</i> | Two years from LCRI promulgation. * |
| State submits program revision package to EPA Region including: <ul style="list-style-type: none"> • Adopted State Regulations. • Regulation Crosswalk. • 40 CFR 142.10 Primacy Update Checklist. • 40 CFR 142.14 and §142.15 Reporting and Recordkeeping. • 40 CFR 142.16 Special Primacy Requirements. <p>Attorney General’s Statement of Enforceability.</p> | Two years from LCRI promulgation date or up to four years with approved extension. * |
| LCRI compliance date. | Three years from LCRI promulgation* |

* These are the currently applicable federally mandated dates for rule promulgation for purposes of primacy and compliance.

5.2.2 Conditions of the Extension

Until States have interim or full primacy, EPA is the primary enforcement authority. However, States have historically played a role in implementation before obtaining primacy for various reasons—most importantly because States have local knowledge, expertise, and established relationships with their water systems. Typically, the State agrees to implement the primary program elements and EPA agrees to carry out any enforcement activities due to the State not having the authority to enforce the requirements until the rule is adopted.

During this time, the State and EPA are viewed as partners, working toward two very specific goals. The first goal is to achieve a high level of compliance with the regulation. The second goal is to facilitate successful implementation of the regulation during the primacy extension period. When an EPA Region has direct implementation and primary enforcement authorities for the LCRR, the EPA Region may use part of the PWSS grant (if funds remain in a state's allotment after the PWSS program grant has been made to the State or because no grant was made to the state) to support the federal government's implementation of the LCRR in the absence of an acceptable State PWSS program (40 CFR 35.116).

In order to accomplish these goals and to ensure proper health protection, education, training, and technical assistance should be provided to water suppliers explaining their responsibilities under the LCRR. Water suppliers are also encouraged to refer to the LCRR guidance materials, rule presentations, reference guides and fact sheets, available on EPA's website at: <https://www.epa.gov/dwreginfo/lead-and-copper-rule-implementation-tools>.

EPA has developed materials to assist with the extension agreement process in Appendix B including:

- A State Primacy Revision Extension Checklist for what EPA will expect from a State extension agreement.
- An Example Extension Agreement Letter to discuss the implementation, database and enforcement activities and negotiate who is responsible for each activity or how the work will be shared.

5.3 State Reporting and Recordkeeping Checklist [40 CFR 142.14 and 40 CFR 142.15]

The LCRR added one new recordkeeping requirement related to near term actions [142.14(d)(8)(xx)].

The State recordkeeping requirements indicate that the State must maintain:

1. Records of the currently applicable or most recent State determinations, including all supporting information and an explanation of the technical basis for each decision, made under the following provisions of 40 CFR, part 141, subpart I for the control of lead and copper (as modified by the LCRR):
 - **NEW under LCRR:** Section 141.84(a) – completed lead service line inventories and required updates to inventories [40 CFR 142.14(d)(8)(xx)].

The LCRR added one State reporting requirement associated with service line inventories in 142.15(c)(4)(iii)(D). The State must report the following:

1. *Timing.* States shall report quarterly, in a format and on a schedule prescribed by the Administrator, the following information related to each system's compliance with the treatment techniques for lead and copper under 40 CFR part 141, subpart I, during the preceding calendar quarter. Specifically, the States shall report as follows:
 - States shall report the PWS identification number of each CWS and NTCWS identified in paragraphs (c)(4)(iii)(A) through (F) of this section [40 CFR 142.15(c)(4)(iii)]:

- For each CWS and NTNCWS, the number of lead, galvanized requiring replacement, and lead status unknown service lines in its distribution system, reported separately [40 CFR 142.15(c)(4)(D)].

All records must be auditable and accessible to EPA.

5.4 State Implementation Activities

5.4.1 Overview of Implementation

CWSs and NTNCWSs must take specific actions to comply with the LCRR. States should clearly define the monitoring, reporting, performance, and follow-up requirements of the LCRR to help CWSs and NTNCWSs understand how the rule affects them and what they must do to comply. To meet these goals, States should carry out numerous implementation activities, including:

- Evaluating the accuracy of any resource, information, or identification method used by a CWS or NTNCWS to develop its initial inventory or inventory updates.
- Communicating requirements to CWSs and NTNCWSs and consult with CWSs and NTNCWSs regarding water system changes and how they affect LCRR requirements and compliance.
- Updating data management systems, track regulated CWS and NTNCWS compliance progress, and implement enforcement actions as needed.
- Developing, revising, and implementing State practices or procedures for monitoring requirements.

The remainder of this section discusses these different implementation functions specific to the LCRR. Also, to further help State implementation efforts, this guidance manual offers suggestions and alternatives that go beyond the minimum State requirements specified in the subsections of 40 CFR 142.16. Such suggestions are intended as advisory. They are not required elements of State applications for program revision.

5.5.2 Communicating LCRR Requirements to All CWSs and NTNCWSs

EPA encourages States to provide outreach and training to CWSs and NTNCWSs, operators, third-party assistance providers and third-party assessors (if allowed) in order to implement the near-term LCRR provisions successfully. One important step for States is communicating with CWSs and NTNCWSs and preparing them to comply with the relevant provisions. The more communication there is between the State and CWSs and NTNCWSs, the more prepared all parties will be as the compliance date approaches. Communicating the LCRR (and other) requirements is an ongoing process.

This section includes suggestions for organizing outreach efforts based on the provisions and compliance dates that apply to different categories of CWSs and NTNCWSs. States often notify CWSs and NTNCWSs of upcoming requirements before the compliance date using a form letter.

5.5.2.1 Written Notice

Providing rule requirements to CWSs and NTNCWSs in a written notice serves two main purposes: (1) the recipient CWS and NTNCWS obtains a formal notice of upcoming regulatory requirements and a timeline for compliance; and (2) the State has documentation that can be used in subsequent compliance tracking efforts.

Written notification in the form of a letter can include a summary of rule requirements, timeframes for compliance and appropriate contact information should questions arise. States may consider including fact sheets or other summary materials with the letter. States may include rule language in the letter or a reference (such as a website address) where the regulatory language can be found. An example letter is also included in Appendix B-3 for readers to pull out and use.

5.5.2.2 Slide Presentations

Written communication alone may not be enough to reach all CWSs and NTNCWSs. Training programs, including slide presentations, can be used by State staff and other training providers to present the background of LCRR, its benefits, and its requirements.

Section 6

Resources and Other Guidance Documents

In addition to this Guidance document, EPA has prepared a variety of resource materials and technical guidance documents to facilitate understanding and implementation of the LCRR. Sections 6.1 and 6.2 include an overview of these resources and instructions on how to obtain the documents.

6.1 Technical Guidance Manuals

Technical guidance manuals are available to help CWSs and NTNCWSs comply with the LCRR. These manuals will aid EPA, states and affected CWSs and NTNCWSs in implementing the LCRR and will help ensure that implementation among these groups is consistent. Technical guidance documents developed for the LCRR are useful for explaining rule requirements and specific aspects of rule implementation, including monitoring and compliance determinations. The guidance documents can be used as stand-alone references or as supporting materials during LCRR training events. Completed documents (i.e., with a publication number) are posted to EPA website located at:

<https://www.epa.gov/dwreginfo/lead-and-copper-rule-implementation-tools>

Developed documents include:

1. *Guidance for Developing and Maintaining a Service Line Inventory*. EPA 816-B-22-001. August 2022.
 - This document provides recommendations to public water systems in developing and maintaining a service line inventory. The guidance within this document can be used to comply with the requirements under the Lead and Copper Rule Revisions (LCRR) that are in effect at the time of document publication. Available at: [Guidance for Developing and Maintaining a Service Line Inventory](#)
2. *EPA Service Line Inventory Template*
 - This template contains a fillable excel form called the “State Checklist” that States can use to determine and document if water systems met all of the LCRR requirements for their Initial Inventory including timely submission, required elements, use of information sources, public accessibility, and public notification of service line materials. This template is available on EPA’s website as a tool to support systems and States as they develop inventories. Available at [EPA Service Line Inventory Template](#)
3. *Developing and Maintaining a Service Line Inventory: Small Entity Compliance Guide*. EPA Document No. 815-B-23-005. June 2023
 - EPA’s Small Entity Compliance guide helps explains the inventory related actions small CWSs and NTNCWSs are required to take under the LCRR. Available at: [Developing and Maintaining a Service Line Inventory: Small Entity Compliance Guide](#)

In addition to the technical guidance manuals developed to support the LCRR, EPA has developed other guidance manuals that may help States and affected CWSs and NTNCWSs with implementing the LCRR. These include:

1. *Revised State Implementation Guidance for the Public Notification (PN) Rule*. EPA 816-R-23-012. March 2023. Available at: [Revised State Implementation Guidance for the Public Notification \(PN\) Rule](#).
2. *Revised Public Notification Handbook*. EPA 816-R-23-013. March 2023. Available at: [Revised Public Notification Handbook](#).
3. *Revised State Implementation Guidance for the Consumer Confidence Report (CCR) Rule*. EPA 816-R-09-010. April 2010. Available at: [Revised State Implementation Guidance for the Consumer Confidence Report \(CCR\) Rule](#).
4. *Preparing Your Drinking Water Consumer Confidence Report Guidance for Water Suppliers 2nd Revision*. EPA 816-R-09-011. April 2010. Available at: <https://nepis.epa.gov/exe/ZyPDF.cgi/P10072FC.PDF?Dockey=P10072FC.pdf>.

6.2 Fact Sheets and Quick Reference Guides

Fact sheets and Quick Reference Guides for the LCRR may be useful for conveying basic information about LCRR to CWSs and NTNCWSs, new personnel and stakeholders. These documents include:

1. *Fact Sheet for Developing and Maintaining a Service Line Inventory*. EPA 816-F-22-001. June 2023. Available at: [Fact Sheet for Developing and Maintaining a Service Line Inventory](#)
2. *Fact Sheet: LCR Overview*. December 2020. Available at: [Fact Sheet: LCR Overview December 2020](#)
3. *Protect Your Tap: A Quick Check for Lead*. Available at: [Protect Your Tap: A Quick Check for Lead](#)
4. *Fact Sheet: 2021 LCRR Implementation*. April 2024. Available at: [Fact Sheet: 2021 LCRR Implementation](#)
5. *LCRR Frequently Asked Questions*. Available at: https://www.epa.gov/system/files/documents/2024-04/lead-and-copper-rule-revisions-frequently-asked-questions_4102024_508.pdf

Appendix A

LCRR Regulatory Text

LCRR Regulatory Text [40 CFR 141 and 142]

Starting October 16, 2024, community water systems and non-transient non-community water systems must comply with the pre-2021 LCR requirements 40 CFR 141.80 through 141.91, as codified on July 1, 2020, except systems must also comply with the following requirements as codified on July 1, 2023:

Service Line Inventory:

40 CFR 141.84(a)(1) through 141.84(a)(10) (excluding 141.84(a) (6) -(a)(7))

Public Education:

40 CFR 141.85(a)(1)(ii)

40 CFR 141.85(e)

LCRR Reporting:

40 CFR 141.90(e)(1)

40 CFR 141.90(e)(13)

40 CFR 141.90(f)(4)

40 CFR 141.90(h)(3)

Public Notice

40 CFR 141.201(a)(3)(vi) (In Table 1 to § 141.201) – Lead ALE requires PN.

40 CFR 141.201(c)(3), 40 CFR 141.31(d)(2): Lead ALE PN must be sent to State and EPA.

40 CFR 141.202(a)(10) (In Table 1 to § 141.202): Lead ALE requires Tier 1 PN.

40 CFR Appendix A to Subpart Q of Part 141 C.2: Lead ALE requires Tier 1 PN.

40 CFR Appendix A to Subpart Q of Part 141 C.1 (exclude Tier 3 for 141.90 except 141.90(e) (1), (e)(13), and (f)(4)): Tier 3 PN required ONLY for initial inventory and SL notification violations in 141.90.

40 CFR Appendix B (D.23) to Subpart Q of Part 141: LCRR health effects language.

Service Line Inventory

40 CFR 141.84(a) Lead service line inventory. All water systems must develop an inventory to identify the materials of service lines connected to the public water distribution system. The inventory must meet the following requirements:

(1) All water systems must develop an initial inventory by October 16, 2024, and submit it to the primacy agency in accordance with § 141.90(e).

(2) The inventory must include all service lines connected to the public water distribution system regardless of ownership status (e.g., where service line ownership is shared, the inventory would include both the portion of the service line owned by the water system and the customer-owned portion of the service line).

(3) A water system must use any information on lead and galvanized iron or steel that it has identified pursuant to § 141.42(d) when conducting the inventory of service lines in its distribution system for the initial inventory under paragraph (a)(1) of this section. The water system must also review the sources of information listed in paragraphs (a)(3)(i) through (iv) of this section to identify service line materials for the initial inventory. The water system may use other sources of information not listed in paragraphs (a)(3)(i) through (iv) of this section if approved by the State.

(i) All construction and plumbing codes, permits, and existing records or other documentation which indicates the service line materials used to connect structures to the distribution system.

(ii) All water system records, including distribution system maps and drawings, historical records on each service connection, meter installation records, historical capital improvement or master plans, and standard operating procedures.

(iii) All inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system.

(iv) Any resource, information, or identification method provided or required by the State to assess service line materials.

(4) Each service line, or portion of the service line where ownership is split, must be categorized in the following manner:

(i) “Lead” where the service line is made of lead.

(ii) “Galvanized Requiring Replacement” where a galvanized service line is or was at any time downstream of a lead service line or is currently downstream of a “Lead Status Unknown” service line. If the water system is unable to demonstrate that the galvanized service line was never downstream of a lead service line, it must presume there was an upstream lead service line.

(iii) “Non-lead” where the service line is determined through an evidence-based record, method, or technique not to be lead or galvanized requiring replacement. The water system may classify the actual material of the service line (i.e., plastic or copper) as an alternative to classifying it as “Non-lead.”

(iv) “Lead Status Unknown” where the service line material is not known to be lead, galvanized requiring replacement, or a non-lead service line, such as where there is no documented evidence supporting material classification. The water system may classify the line as “Unknown” as an alternative to classifying it as “Lead Status Unknown,” however, all requirements that apply to “Lead Status Unknown” service lines must also apply to those classified as “Unknown.” Water systems may elect to provide more information regarding their unknown lines as long as the inventory clearly distinguishes unknown service lines from those where the material has been verified through records or inspection.

(5) Water systems shall identify and track service line materials in the inventory as they are encountered in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities).

(6) Water systems must update the inventory based on all applicable sources described in paragraphs (a)(3) and (5) of this section and any lead service line replacements or service line material inspections that may have been conducted. The water system may use other sources of information if approved by the State and must use other sources of information provided or required by the State. Water systems must submit the updated inventory to the State in accordance with § 141.90(e). The inventory updates must be reflected in the publicly accessible inventory no less frequently than when required to be submitted to the State.

(i) Water systems whose inventories contain only non-lead service lines are not required to provide inventory updates to the State or to the public. If, in the future, such a water system finds a lead service line within its system, it must prepare an updated inventory in accordance with paragraph (a) of this section on a schedule established by the State.

(ii) [Reserved]

(8) The service line materials inventory must be publicly accessible.

(i) The inventory must include a location identifier, such as a street address, block, intersection, or landmark, associated with each lead service line and galvanized requiring replacement service line. Water systems may, but are not required to, include a locational identifier for lead status unknown service lines or list the exact address of each service line.

(ii) Water systems serving greater than 50,000 persons must make the publicly accessible inventory available online.

(9) When a water system has no lead, galvanized requiring replacement, or lead status unknown service lines (regardless of ownership) in its inventory, it may comply with the requirements in paragraph (a)(8) of this section using a written statement, in lieu of the inventory, declaring that the distribution system has no lead service lines or galvanized requiring replacement service lines. The statement must include a general description of all applicable sources described in paragraphs (a)(3), (5), and (6) of this section used to make this determination.

(10) Instructions to access the service line inventory (including inventories consisting only of a statement in accordance with paragraph (a)(9) of this section) must be included in Consumer Confidence Report in accordance with § 141.153(d)(4)(xi).

Public Education

40 CFR 141.85(a)(1)(ii): *Health effects of lead.* Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney, or nervous system problems.

40 CFR 141.85(e) *Notification of known or potential service line containing lead* —

(1) Notification requirements. All water systems with lead, galvanized requiring replacement, or lead status unknown service lines in their inventory pursuant to § 141.84(a) must inform all persons served by the water system at the service connection with a lead, galvanized requiring replacement, or lead status unknown service line.

(2) Timing of notification. A water system must provide the initial notification within 30 days of completion of the lead service line inventory required under § 141.84 and repeat the notification on an annual basis until the entire service connection is no longer a lead, galvanized requiring replacement, or lead status unknown service line. For new customers, water systems shall also provide the notice at the time of service initiation.

(3) Content —

(i) Persons served by a confirmed lead service line. The notice must include a statement that the person's service line is lead, an explanation of the health effects of lead that meets the requirements of paragraph (a)(1)(ii) of this section, steps persons at the service connection can take to reduce exposure to lead in

drinking water, information about opportunities to replace lead service lines as well as programs that provide financing solutions to assist property owners with replacement of their portion of a lead service line, and a statement that the water system is required to replace its portion of a lead service line when the property owner notifies them they are replacing their portion of the lead service line.

(ii) Persons served by a galvanized requiring replacement service line. The notice must include a statement that the person's service line is galvanized requiring replacement, an explanation of the health effects of lead, steps persons at the service connection can take to reduce exposure to lead in drinking water, and information about opportunities for replacement of the service line.

(iii) Persons served by a lead status unknown service line. The notice must include a statement that the person's service line material is unknown but may be lead, an explanation of the health effects of lead that meets the requirements of paragraph (a)(1)(ii) of this section, steps persons at the service connection can take to reduce exposure to lead in drinking water, and information about opportunities to verify the material of the service line.

(4) Delivery. The notice must be provided to persons served by the water system at the service connection with a lead, galvanized requiring replacement, or lead status unknown service line, by mail or by another method approved by the State.

LCRR Reporting Requirements

40 CFR 141.90(e) Lead service line inventory and replacement reporting requirements. Water systems must report the following information to the State to demonstrate compliance with the requirements of §§ 141.84 and 141.85:

(1) No later than October 16, 2024, the water system must submit to the State an inventory of service lines as required in § 141.84(a).

(13) Any system with lead service lines in its inventory must certify on an annual basis that the system has complied with the consumer notification of lead service line materials as specified in § 141.85(e).

40 CFR 141.90(f) Public education reporting requirements

(4) Annually by July 1, the water system must demonstrate to the State that it delivered annual consumer notification and delivered lead service line information materials to affected consumers with a lead, galvanized requiring replacement, or lead status unknown service line in accordance with § 141.85(e) for the previous calendar year. The water system shall also provide a copy of the notification and information materials to the State.

40 CFR 141.90(h) Reporting of 90th percentile lead and copper concentrations where the State calculates a water system's 90th percentile concentrations.

(3) The State has provided the results of the 90th percentile lead and copper calculations, in writing, to the water system within 15 days of the end of the tap sampling period.

Public Notice

40 CFR 141.201(a)(3)(vi) (In Table 1 to § 141.201): Exceedance of the lead action level.

40 CFR 141.201(c)(3): A copy of the notice must also be sent to the primacy agency and the Administrator (as applicable) in accordance with the requirements of § 141.31(d).

40 CFR 141.31(d)(2): For Tier 1 notices for a lead action level exceedance, public water systems must provide a copy of any Tier 1 notice to the Administrator and the head of the primacy agency as soon as practicable, but not later than 24 hours after the public water system learns of the violation or exceedance.

40 CFR 141.202(a)(10) (In Table 1 to § 141.202): Exceedance of the Action Level for lead as specified in § 141.80(c).

40 CFR Appendix A to Subpart Q of Part 141 C.1 (exclude Tier 3 for 141.90 except 141.90(e) (1), (e)(13), and (f)(4)): See table.

40 CFR Appendix A to Subpart Q of Part 141 C.2: See table.

40 CFR Appendix B (D.23) to Subpart Q of Part 141: See table.

Appendix A to Subpart Q of Part 141 —NPDWR Violations and Other Situations Requiring Public Notice

I. Violations of National Primary Drinking Water Regulations (NPDWR):

**

C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L) C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L)

**

| Contaminant | MCL/MRDL/TT violations – Tier of public notice required | MCL/MRDL/TT violations - Citation | Monitoring & testing procedure violations – Tier of public notice required | Monitoring & testing procedure violations – Citation |
|--|---|--|--|--|
| 1. Lead and Copper Rule (TT) | 2 | 141.80 (except 141.80(c))–141.84, 141.85(a)–(c) and (h), | 3 | 141.86–141.89, 141.90(e)(1), (e)(13), & (f)(4) |
| 2. Exceedance of the Action Level for lead | 1 | 141.80(c) | | |
| **** | | | | |

Appendix B to Subpart Q of Part 141—Standard Health Effects Language for Public Notification

D. Lead and Copper Rule

| Contaminant | MCLG mg/L | MCL mg/L | Standard health effects language for public notification |
|--------------------|----------------------|-----------------|--|
| 23. Lead | zero | TT | Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney or nervous system problems. |

Appendix B

Example Forms and Letters, Templates, Checklists and Tables

Table B-1. State Primacy Revision Extension Checklist

| CFR Reference | Elements | EPA Findings/ Comments |
|--|--|------------------------|
| 40 CFR 142.12(b)(1) | State provides a final extension request before the deadline of December 18, 2023. | |
| 40 CFR 142.12(b)(2) | State demonstrates good faith effort to meet original deadline. | |
| 40 CFR 142.12(b)(2) | State requests an extension due to reasons beyond its control. | |
| 40 CFR 142.12(b)(2) | State’s application for extension includes a schedule with a timeframe for the submission of a final request for State program revision. ¹ | |
| 40 CFR 142.12(b)(2) | State’s application for extension includes sufficient information to demonstrate at least one of the following: | |
| 40 CFR 142.12(b)(2)(i)(A) | State lacks legislative/regulatory authority to enforce the rule; or | |
| 40 CFR 142.12(b)(2)(i)(B) | State lacks the program capability adequate to implement the rule; or | |
| 40 CFR 142.12(b)(2)(i)(C) | State requests the extension to group two or more program revisions in a single legislative/regulatory action. | |
| 40 CFR 142.12(b)(2) 40 CFR 142.12(b)(3)(vi) | State’s application for extension contains steps and includes a schedule, during the extension period, agreed to by EPA and the State, to remedy the deficiencies related to the State’s lack of program capability to adequately implement the rule. | |
| 40 CFR 142.12(b)(2)(ii) | State’s application for extension includes sufficient information to demonstrate State is implementing the EPA requirements pursuant to 40 CFR 142.12(b)(3) within the scope of its authority and capabilities. (Use Appendix C for Recommended Workload Activities.) | |
| 40 CFR 142.12(b)(2)(ii) 40 CFR 142.12(b)(3)(vi) | State demonstrates <u>implementation</u> of the steps to remedy the deficiencies related to the State’s lack of program capability to adequately implement the rule. | |
| 40 CFR 142.12(b)(2)(ii) | State demonstrates implementation of the LCRR pursuant to 40 CFR 142.12(b)(3) within the scope of its authority and capabilities. (Use Appendix C for Recommended Workload Activities.) | |

1. One or more State per EPA Region.

Example B-1. Example Extension Agreement Letter

The following letter can be used to extend the deadline for any primacy package; therefore, it can be used for LCR, LCR minor revisions, LCR short-term revisions, LCRR, LCRI, or any combination. To complete the letter, fill in the **{bracketed bold and underlined text}**.

{Date}

{Regional Administrator}

Regional Administrator
U.S. EPA Region **{Region}**
{Street Address}
{City, State, Zip}

RE: Request/approval for an Extension Agreement

Dear **{Regional Administrator}**:

The State/Commonwealth of **{State}** is requesting an extension to the date that final primacy revisions are due to EPA for the Lead and Copper Rules as allowed by 40 CFR 142.12 and would appreciate your approval. Staff of the **{State Department/Agency}** have conferred with your staff and have agreed to the requirements listed below for this extension. This extension is being requested because the State/Commonwealth of **{State}**:

- Is planning to group two or more program revisions into a single legislative or regulatory action.
- Currently lacks the legislative or regulatory authority to enforce the new or revised requirements.
- Currently lacks adequate program capability to implement the new or revised requirements.

{State Department/Agency} will be working with EPA to implement the **{LCR, LCR Minor Revisions, LCR Short Term Revisions, LCRR and/or LCRI}**. Specifically, for LCRR the **{State Department/Agency}** will be working with EPA to implement the requirements in 40 CFR 141.84(a), 40 CFR 141.85(e), 141.202(a)(10), along with the associated reporting requirements in 40 CFR 141.90(e), 141.90(f)(4), and 141.31(d)(2) within the scope of its current authority and capability, as outlined in the areas identified in 40 CFR 142.12(b)(3)(i) – (vi):

i) Informing public water systems (PWSs) of the new EPA (and upcoming state) requirements and the fact that EPA will be overseeing implementation of the requirements until EPA approves the state revision.

State

EPA

_____ Provide copies of regulation and guidance to other state agencies, PWSs, technical assistance providers, associations, or other interested parties.

_____ Educate and coordinate with state staff, PWSs, the public and other water associations about the requirements of this regulation.

_____ Notify affected systems of their requirements under the LCRR related to 40 CFR 141.84(a) and 141.85(e), as well as the Tier 1 Public Notice (PN) required for exceedance of the Action Level for lead in 40 CFR 141.202(a)(10).

_____ Other:

ii) Collecting, storing and managing laboratory results, public notices and other compliance and operation data required by EPA regulations.

| State | EPA |
|-------|---|
| _____ | _____ Devise a tracking system. For LCRR, specifically, develop a tracking system for PWS inventory reporting pursuant to 40 CFR 141.90(e), annual notice of known or potential lead service line demonstration in 141.90(f)(4), and Tier 1 PN for a lead Action Level exceedance (ALE) in 40 CFR 141.31(d)(2) and 40 CFR 141.202(a)(10). |
| _____ | _____ Keep PWSs informed of reporting requirements during development and implementation. |
| _____ | _____ Track violations and enforcement information in a state database system, such as Safe Drinking Water Information System (SDWIS)-State. For LCRR specifically, track initial inventory and enforcement information. |
| _____ | _____ Other: |

iii) Assisting EPA in the development of the technical aspects of the enforcement actions and conducting informal follow-up on violations (telephones calls, letters, etc.).

| State | EPA |
|-------|--|
| _____ | _____ Issue informal notices of violations (NOVs) for treatment technique and monitoring/reporting violations. For LCRR, specifically, issue NOVs for treatment techniques and reporting violations of the LCRR for inventory and public education and notification requirements in 141.84(a), 141.85(e), and 141.202(a)(10) in accordance with 141.90(e), 141.90(f)(4), and 141.31(d)(2). |
| _____ | _____ Provide immediate technical assistance to PWSs with treatment technique and/or monitoring/reporting violations to try and bring them into compliance. |

_____ Refer all violations to EPA for enforcement if they have not been resolved within 60 days of the incident that triggered the violation. Provide information as requested to conduct and complete any enforcement action referred to EPA.

_____ Other:

iv) Providing technical assistance to PWSs.

| State | EPA |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

v) Providing EPA with all information prescribed by the State Reporting Requirements in 40 CFR 142.15.

| State | EPA |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

vi) For states whose request for an extension is based on a current lack of program capability to implement the new or revised requirements, taking the following steps to remedy the capability deficiency. **Note**, this section is not necessary for states that are grouping two or more program revisions into a single legislative or regulatory action.

| State | EPA |
|-------|-----|
|-------|-----|

_____ Acquire additional resources to implement these regulations
(Add a list of specific steps being taken as an attachment.)

_____ Provide quarterly updates describing the status of acquiring
additional resources.

_____ Other:

In addition, please see attached Lead and Copper Rule Revisions Workload/Work Share Responsibilities Checklist for a full list of all LCRR initial inventory implementation activities.

I affirm that the {State Department/Agency} will implement provisions of the {LCR, LCR Minor Revisions, LCR Short Term Revisions, LCRR and/or LCRI} as outlined in this letter and in the associated enclosures.

{Agency Director or Secretary} {Date}

{Name of State Agency}

I have consulted with my staff and approve your extension for the aforementioned regulation. I affirm that EPA Region {Region} will implement provisions of the {LCR, LCR Minor Revisions, LCR Short Term Revisions, LCRR and/or LCRI} as outlined in this letter and in the associated enclosures.

Regional Administrator {Date}

EPA Region {Region}

This Extension Agreement will take effect upon the date of the last signature and will remain in effect until {Insert date for which the extension agreement is approved}.

Enclosure(s): {Include "Appendix C: Lead and Copper Rule Revisions Workload/Work Share Responsibilities Checklist"}

Example B-2. Example Attorney General’s Statement

Model Language

I hereby certify, pursuant to my authority as (1) and in accordance with the Safe Drinking Water Act as amended, and (2), that in my opinion the laws of the [State/Commonwealth of (3)] [or Tribal ordinances of (4)] to carry out the program set forth in the “Program Description” submitted by the (5) have been duly adopted and are enforceable. The specific authorities provided are contained in statutes or regulations that are lawfully adopted at the time this Statement is approved and signed and will be fully effective by the time the program is approved.

I. For States with No Audit Privilege and/or Immunity Laws

Furthermore, I certify that [State/Commonwealth of (3)] has not enacted any environmental audit privilege and/or immunity laws.

II. For States with Audit Privilege and/or Immunity Laws that do Not Apply to the State Agency Administering the Safe Drinking Water Act

Furthermore, I certify that the environmental [audit privilege and/or immunity laws] of the [State/Commonwealth of (3)] do not affect the ability of (3) to meet enforcement and information gathering requirements under the Safe Drinking Water Act because the [audit privilege and/or immunity laws] do not apply to the program set forth in the “Program Description.” The Safe Drinking Water Act program set forth in the “Program Description” is administered by (5); the [audit privilege and/or immunity laws] do not affect programs implemented by (5), thus the program set forth in the “Program Description” is unaffected by the provisions of [State/Commonwealth of (3)] [audit privilege and/or immunity laws].

III. For States with Audit Privilege and/or Immunity Laws that Worked with EPA to Satisfy Requirements for Federally Authorized, Delegated or Approved Environmental Programs

Furthermore, I certify that the environmental [audit privilege and/or immunity laws] of the [State/Commonwealth of (3)] do not affect the ability of (3) to meet enforcement and information gathering requirements under the Safe Drinking Water Act because [State/Commonwealth of (3)] has enacted statutory revisions and/or issued a clarifying Attorney General’s Statement to satisfy requirements for federally authorized, delegated or approved environmental programs.

Seal of Office

Signature

Name and Title

Date

(1) State Attorney General or attorney for the primacy agency if it has independent legal counsel.

(2) 40 CFR 142.11(a)(6)(i) for initial primacy applications or 40 CFR 142.12(c)(1)(iii) for primacy program revision applications.

(3) Name of State or commonwealth.

(4) Name of tribe.

(5) Name of primacy agency.

Example B-3. Example LCRR Notification Letter

State Letterhead

John Smith, Supt.

Town Water System, PWSID XXXXXXXX

Town, ST 12345

RE: Lead and Copper Rule Revisions

Dear Mr. Smith:

This letter is to notify you that your water system will be affected by the Lead and Copper Rule Revisions (LCRR). The LCRR applies to all CWSs and NTNCWSs and its requirements will take effect October 16, 2024.

Our records show that your water system is a community water system (CWS) that uses ground water as its source. Our records also show that your CWS serves 10,750 people. Please let us know if this information is not accurate and we will update our records.

Based on these characteristics, the LCRR will affect your system in the following ways (some of these requirements are the same as they were under the Lead and Copper Rule [LCR]):

- You must continue monitoring for lead and copper and determine compliance with the 90th percentile action level. If the lead action level is exceeded, you must distribute Tier 1 PN to all customers affected.
- You must develop a service line inventory in accordance with the requirements listed in 40 CFR 141.84(a).
- If you identify service lines that are lead, galvanized requiring replacement, or lead status unknown you must provide notification to people served by these lines. The initial notification must be completed within 30 days of completion of the service line inventory as stated in 40 CFR 141.85(e)(1).

Enclosed you will find an EPA fact sheet and the rule requirements in the Code of Federal Regulations **{See Appendix A}** that you must comply with starting October 16, 2024. Note, your water system must continue to comply with all other requirements in the pre-2021 Lead and Copper Rule. For more information, please visit EPA's website at <https://www.epa.gov/dwreginfo/lead-and-copper-rule-implementation-tools>.

In addition to these materials, please refer to additional guidance and the state regulations addressing the LCRR requirements on the State website at www.xxxx.xx.gov. We will be notifying you of upcoming training opportunities within the next month.

Please contact Ann Smith at this office at (555) 555-1234 if you have any questions about this letter or the LCRR and its effect on your water system. We appreciate your attention to this request.

Sincerely,

Enclosures: LCRR Rule Language, LCRR Fact Sheet

Appendix C

Recommended Workload Activities

The Lead and Copper Rule Revisions (LCRR) Workload/Work Share Responsibilities Checklist contains a description of the LCRR workload activities that a State and EPA can use to specify roles and responsibilities in the event that a State requests a primacy extension for the LCRR. Special considerations and information are also provided for the State to be able to determine/evaluate workload when implementing certain requirements of the LCRR.

EPA AND STATE WORKLOAD/WORK SHARE ACTIVITIES

The Workload/Work Share Checklist contains activities that need to be done during the extension period that EPA regions and states can use the checklist to develop an agreement of roles and responsibilities. The Workload/Work Share Checklist is divided into the following categories of activities:

1. State primacy extension planning activities.
2. Inventory requirements.
3. EPA/State Notifications and Procedures
4. Technical assistance and training plans.
5. Data management and recordkeeping.

1. State Primacy Extension Planning Activities

Pursuant to 40 CFR 142.12, complete and final requests for approval of program revisions to adopt new or revised EPA regulations must be submitted to the EPA Administrator no later than two years after promulgation of new or revised federal regulations (). **A State may be granted an extension of up to two years to submit its complete and final application package. To facilitate the primacy extension process, EPA has identified the following recommended activities:**

- Develop State resource planning procedures and viability for implementation of LCRR initial service line inventory requirements in 40 CFR 141.84(a) and public education and notification requirements in 40 CFR 141.85(e), 141.80(g)(3), and 141.202(a)(10).
- Develop State database management workload planning/assessment of capability for the LCRR initial inventory oversight implementation.
- Establish a process to coordinate and communicate with EPA about LCRR initial service line inventory implementation activities to provide accurate information and aid in a timely manner.

Action Items for a State Extension for Primacy [40 C.F.R. 142.12(b)(3)]

- States must notify their public water systems (PWSs) of EPA's implementation of the LCRR initial service line inventory requirements in 40 CFR 141.84(a) and public education and notification requirements in 141.85(e), 141.80(g)(3), and 141.202(a)(10), and associated reporting requirements in 40 CFR 141.90(e), 141.90(f)(4), and 141.31(d)(2). Include contact information at the State (i.e., those who can answer questions about primacy program deficiencies, lack of regulatory/statutory authority, or timeframes for the state's implementation of the LCRR); and at EPA (i.e., those who can provide information on LCRR implementation).
- As part of this notification, the State should provide the respective State and EPA roles and responsibilities to its PWSs related to the provisions of the LCRR identified above. In order to

establish roles and responsibilities, the State and EPA should have meetings to discuss the LCRR initial service line inventory workload activities mentioned above.

- In the state’s notification to the PWSs, it should provide a description of how the State will assist EPA and PWSs for successful implementation of the LCRR initial lead service inventory workload activities.

2. Inventory Requirements and EPA/State Activities

- Establish a review process for PWSs submittals of initial lead service line inventories for compliance with 40 CFR 141.84(a).
 - Develop tracking and reporting timely submissions of initial inventories by the deadline of October 16, 2024. [40 CFR 141.84(a)(1).]
 - Ensure all required elements are in inventory submittals, including all service lines, regardless of ownership and each service line is classified as Lead, Galvanized Requiring Replacement, Unknown, or Non-Lead. [40 CFR 141.84(a)(2) & (4).]
 - Confirm the PWS used the required information sources listed in 40 CFR 141.84(a)(3) and (5) to characterize service line materials.
 - Establish a process for providing or requiring the review of any other resource, information, or identification method for the development of the initial inventory.
 - Review PWSs submittals of initial lead service line inventories for compliance with 40 CFR.
- Ensure inventories meet public accessibility requirements in 40 CFR 141.84(a)(8) or (9), as applicable.
- Establish a process for water systems whose inventories contain only non-lead service lines that subsequently find lead service lines to notify the primacy agency to determine a schedule for an updated inventory.

3. EPA/State Notifications and Procedures

Procedures for Notifications from the PWS to its Customers

- PWSs provide initial notification of known or potential service line containing lead to persons served at the service connection within 30 days of completion of the initial inventory according to the requirements of 40 CFR 141.85(e).
 - Establish a process for PWSs to provide certification by July 1, 2025, that they provided the initial notifications, in accordance with 40 CFR 141.90(f)(4).
- PWSs that have lead ALEs provide Tier 1 PN within 24 hours of learning of the exceedance under 40 CFR 141.80(g)(3) and 141.202(a)(10).
 - Establish a process for PWSs to provide a copy of the Tier 1 notice to the Administrator and the head of the primacy as soon as practical, but not later than 24 hours after the PWS learns of the exceedance, in accordance with 40 CFR 141.31(d)(2).

4. Technical Assistance and Training

Technical assistance and training are essential activities for assisting PWSs to complete the LCRR initial service line inventory requirements in 40 CFR 141.84(a). The EPA/State should:

- Determine who will provide training to PWSs (i.e., State staff, third-party technical assistance providers, EPA) and what the training should include.
- Provide training and technical assistance when systems ask about system-specific requirements for the LCRR initial lead service line inventories.
- Provide on-site technical assistance or specify third parties that can provide on-site assistance.

5. Data Management and Recordkeeping

Effective data management is essential to implementation of the inventory and notification requirements of the rule. There are a number of activities that the EPA/State will need to perform to manage the LCRR initial service line inventory requirements.

- Determine how the EPA/State will track all LCRR initial service line inventory and public education and notification requirements for PWSs.
- Determine who will have access to the data system and for which functions.
- Determine how violations will be documented in the database.
- Collect, store, and manage public notices required.
- Report any violations incurred by PWSs.
- Report any enforcement actions taken against the PWSs each quarter.
- Keep records as specified in 40 CFR 142.14 and report the number of lead, galvanized requiring replacement, and lead status unknowns in each PWS in accordance with 40 CFR 142.15(c)(4)(iii)(D).

Appendix D

Memorandum to EPA Water Division Directors on State Primacy for the 2021 Lead and Copper Rule Revisions. December 15, 2022



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

MEMORANDUM

SUBJECT: State Primacy for the 2021 Lead and Copper Rule Revisions

FROM: Jennifer L. McLain, Director
Office of Ground Water and Drinking Water

TO: Water Division Directors, Regions I – X

In December 2021, EPA concluded that there are significant opportunities to improve the Lead and Copper Revisions Rule (LCRR) and announced that the Agency will develop a new proposed rule, the Lead and Copper Rule Improvements (LCRI), that will strengthen the regulatory framework. EPA does not recommend States spend time or resources to prepare a primacy revision application for the LCRR until EPA promulgates the final Lead and Copper Rule Improvements (LCRI). Instead, EPA encourages States to apply for an extension to the December 18, 2023 primacy application deadline and to bundle LCRR and LCRI revisions into a single primacy revision application.

This memorandum outlines a streamlined extension application process in order to minimize the resources that primacy agencies spend on the extension; including a template for the extension request to meet EPA's regulatory requirements.

I. Background

Under the Safe Drinking Water Act, EPA establishes regulations that public drinking water systems must meet. Under Section 1413 of the Act, EPA authorizes States, territories, and Indian Tribes to have primary responsibility for administration and enforcement of these drinking water regulations (also called primacy) if they meet certain requirements. When EPA issues new drinking water regulations, primacy agencies are required to submit requests for approval of modifications of their program to adopt these new requirements no later than two years after the EPA regulation is promulgated (i.e., published in the Federal Register). Under EPA's implementing regulations, States may apply for an extension of up to two years and EPA may approve the extension if it meets certain regulatory criteria.

EPA intends to propose the Lead and Copper Rule Improvements (LCRI) in 2023 and to take final action on the LCRI proposal prior to the date that water systems must comply with the LCRR (October 16, 2024). On January 15, 2021 EPA published the National Drinking Water Regulation: Lead and Copper Rule Revisions. EPA conducted a review of the LCRR in accordance with Executive Order

13990, including hosting a series of engagements from April to August of 2021 to obtain public input. In December 2021, EPA published the LCRR review results and announced it would initiate the LCRI rulemaking process. EPA also determined that there are advancements in the LCRR and that rule will support near term development of actions to reduce lead in drinking water. Specifically, lead service line inventories that will be developed under the LCRR are necessary to advance the goal to replace all lead service lines. EPA announced its intention to maintain the requirements for information to be submitted in the initial LSL inventory and the compliance deadline of October 16, 2024. EPA recognized the concern that States and Tribes may have with a December 2023 primacy deadline for the LCRR in light of EPA's intention to take final action on proposed revisions to that rule in October 2024. Accordingly, EPA noted the availability of an extension of up to two years for primacy applications.

At this time, EPA does not recommend States spend time or resources on preparing a primacy revision application for LCRR until EPA takes final action on the proposed LCRI. Instead, EPA encourages States to apply for an extension to the December 18, 2023 primacy application deadline so as to group the program revisions for the LCRR and LCRI into a single primacy application.

II. Primacy Extension Requests

EPA interprets the primacy revision application deadline in 40 CFR 142.12(b)(1) to be calculated using the publication date of the notice announcing the outcome of the E.O.13990 review, December 17, 2021. As a result, primacy revision applications are due no later than December 18, 2023. Prior to that date, a state or tribe may apply for an extension of the deadline for up to two years to group the program revisions for the LCRR and LCRI into a single primacy application in accordance with 40 CFR 142.12(b)(2)(i)(C).

EPA is providing the attached template that states and tribes may use to request extensions, as well as instructions on how to fill it out to specifically request grouping LCRR and LCRI. EPA is also providing a workload/work share responsibilities checklist to describe the workload activities that a state primacy agency and EPA can use to specify roles and responsibilities for implementing the LCRR requirements associated with service line inventories. Special considerations and information are also provided for the state primacy agency to be able to determine/evaluate workload when implementing certain requirements of the LCRR.

III. Primacy Applications

As described in the December announcement, EPA intends to propose significant changes to the LCRR requirements that could affect all parts of the rule other than the initial inventory submission. EPA anticipates that states will want to avoid the inefficient adoption of multiple rules and submission of multiple primacy revision packages over a short period of time so will wait to adopt the LCRR as revised by the LCRI. Since EPA anticipates states will submit extension requests, we are not planning for resources to review primacy applications for the LCRR prior to the Dec 18, 2023 primacy extension request deadline or the October 16, 2024 compliance date. The LCRR is the subject of a legal challenge – Newburgh Clean Water Project, et. al v. U.S. EPA, Case No. 21-1019, consolidated with 21-1020

and, 21-1076 (D.C. Cir). Recently, EPA sought a remand of the Rule in light of EPA's ongoing efforts to revise it. The LCRR remains in effect during the remand.

Thank you for your continued commitment to the public health protection objectives of the SDWA. If you have questions, please contact me or have your staff contact Kira Smith at smith.kira@epa.gov.