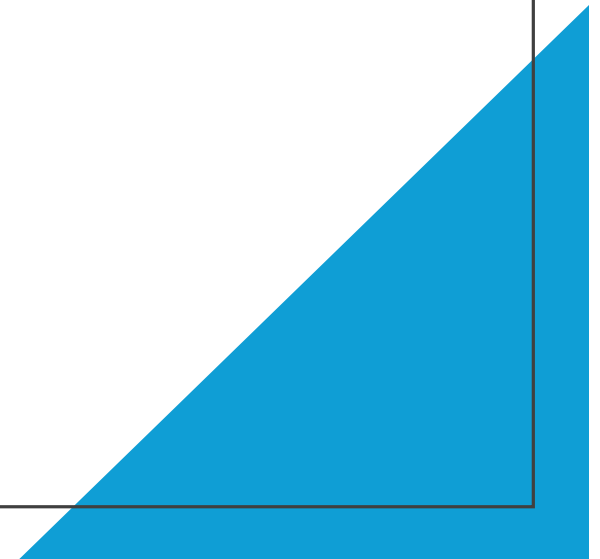


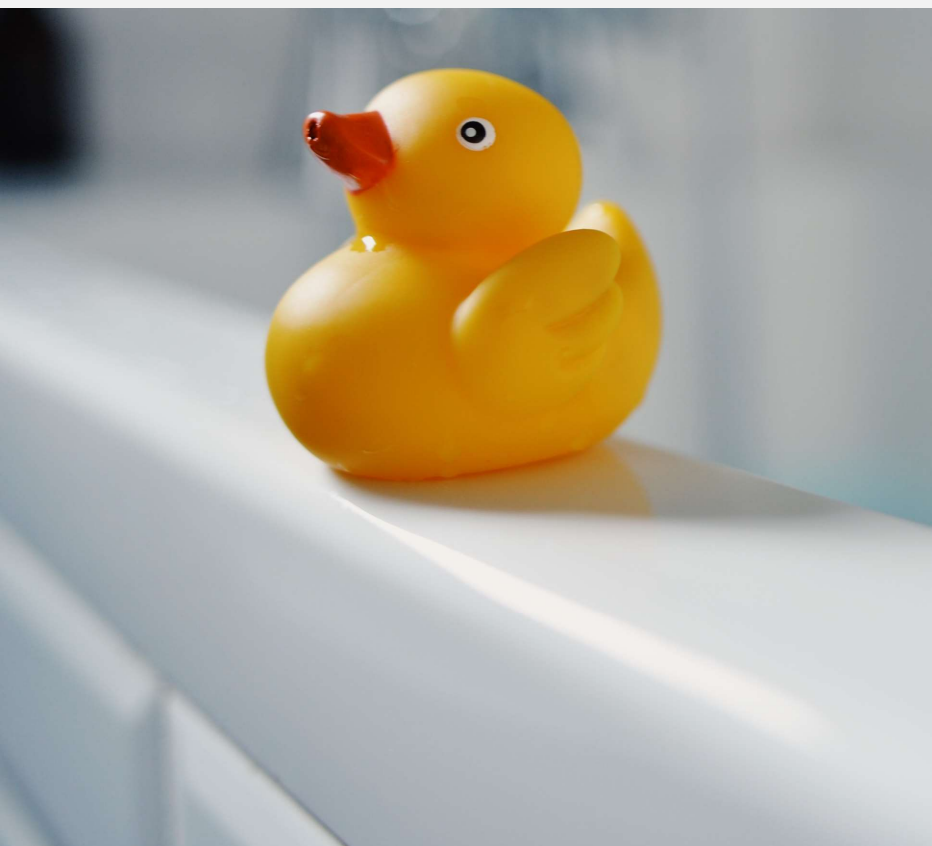
The Lead and Copper Rule(s) Going Forward

Robert Compton
Water Supply Engineering Section
Drinking Water Branch
Alabama Department of Environmental Management

October 16, 2024



Highlights of the Lead and Copper Rule Improvements



Primer on Primacy



ADEM is planning to incorporate the new rule by reference. This means Division 7 will contain references to the specific federal rule that the Department has adopted and will enforce.



Until ADEM receives interim primacy, ADEM will administer the rule, but any formal enforcement would be carried out by EPA directly.



ADEM will continue to enforce the LCR promulgated in 1991 and codified in the Division 7 regulations except for the Service Line Inventory, ALE requirements, and Public Notification/Education materials.

Water System's LAC Actions

*[CFR §141.80(a)]

Alabama Public Water Systems are required to comply with the regulations of their permitting Primacy Agency. (ADEM)

ADEM regulations currently only contain the LCR (Old Rule)

ADEM must go through rulemaking to incorporate the LCRI culminating in formal adoption by the Environmental Management Commission

Alabama Water Systems will (mostly) comply with the original LCR until three years after LCRI promulgation in the CFR*.

There are a couple significant caveats to this general timeline

Compliance
Requirements/Changes
on October 16, 2024

All Community and Non-Transient/Non-Community drinking water systems must develop an “**Initial Service Line Inventory**” and submit it prior to October 16, 2024

Multiple types of “**Education Materials**” are required to be delivered under certain circumstances (i.e. service line material classification, service line replacement, Action Level Exceedance...)

Public Notice for Lead and Copper Sampling is required at an accelerated timeline for ALEs (Required due to WIIN Act)

Service Line Inventory – LCRI 40 CFR § 141.84(a)

- **Required** for all Community and Non-Community/Non-Transient Drinking Water systems – *Even systems without any lead materials.*
- ADEM should receive the initial SLI no later than October 16, 2024 – 40 CFR § 141.90(e)(1).
 - ❖ **That is today!**
- The Department will be reviewing submitted ISLIs and contacting systems for any required changes.
- <https://adem.alabama.gov/programs/water/drinkingwater/leadcopper.cnt>

SLI – The Inventory Must Include:

- **Street address** associated with each service line – or – a **Locational identifier** for services without a *unique* address [40 CFR § 141.84(a)(4)]
- **Service line material** for both the system owned portion and customer owned portion: *Material types are dropdown options on the template*
- **Connector material**: Each service must identify if there is a connector and if it is lead or non-lead.

Notes:

- Connector material does not change the classification of the service line but must be replaced when encountered in either planned or unplanned infrastructure work.
- Connectors are now defined within the LCRI.

SLI Categories: Post-October 16, 2024

The system does **not** submit a satisfactory SLI Template as well as a completed SLI Certification Form

OR

The system submits a satisfactory SLI Template as well as a completed SLI Certification Form

- A. The System has lead service lines, GRR service lines, Unknown service lines, Lead connectors, Unknown connector materials
- B. The System does not have lead service lines, GRR service lines, Unknown service lines, Lead connectors, Unknown connector materials

Failure to Submit *Satisfactorily* by October 16, 2024



Notice Letter issued by ADEM of non-compliance from the LCRR/LCRI requirements



EPA issues **Violations** along with any potential **Enforcement Actions** directly to the Water System



Thirty days after satisfactory submission of SLI, the Water System must notify all persons served by a lead, GRR, or unknown service line that the Service Line is known to or may potentially contain lead using required verbiage. (LCRI verbiage!)

SLI Category A – Satisfactory submission with Lead, GRR, or Unknowns

- *New customers must be informed at the time-of-service initiation

- Prior to November 15, 2024*, the Water System must notify all persons served by a lead, GRR, or unknown service line that the Service Line is known to or may potentially contain lead using required verbiage.
- The notification will repeat annually until the service is no longer Lead, GRR, or unknown
- Instructions to access the inventory must be included in the CCR. (Water systems serving over 50,000 must be accessible online)

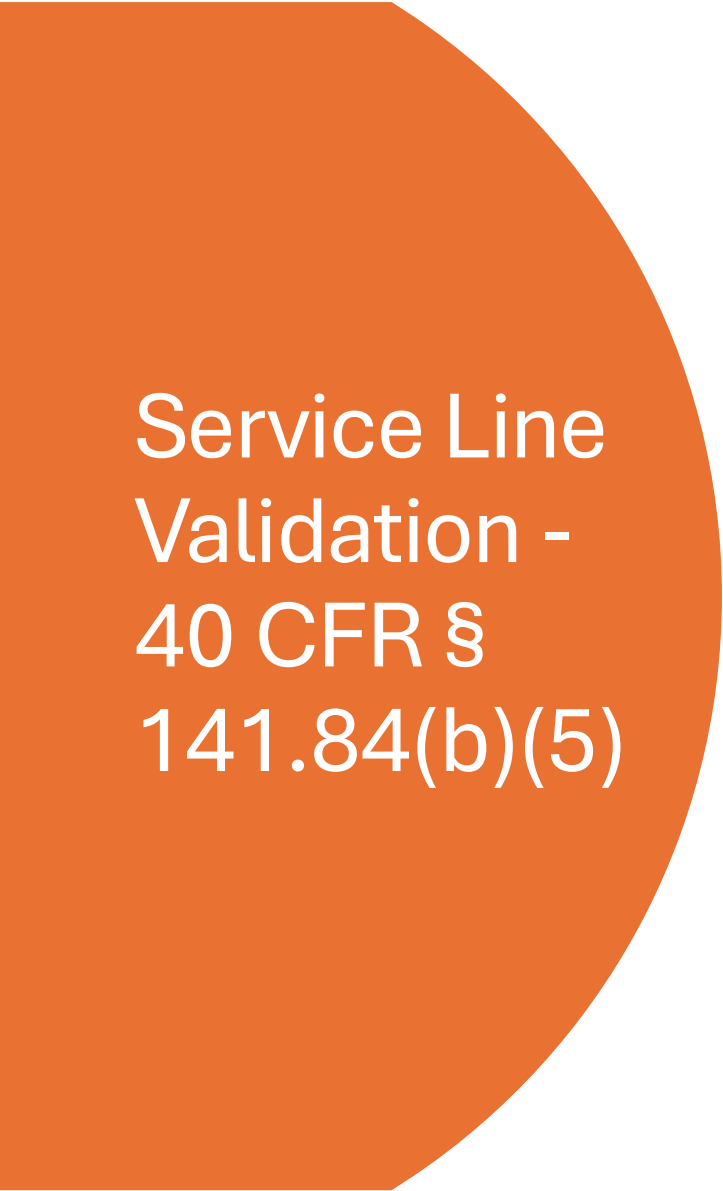
SLI Category B – Satisfactory submission without Lead, GRR, or Unknowns (Including Connectors)



Any water system that has no lead, GRR, or unknowns is not required to maintain a **publicly** accessible inventory. Instead, the Water System may issue a written statement declaring the system is free of lead. [40 CFR § 141.84(a)(6)]



If a water system claiming to be totally non-lead, finds lead, GRR service lines, or lead connectors while performing planned or unplanned work on the system, it must report the findings to the State within 60 days of discovery. [40 CFR § 141.84(b)(1)(ii)]

A large orange shape on the left side of the slide, consisting of a rectangle on the left and a quarter-circle on the right.

Service Line Validation - 40 CFR § 141.84(b)(5)

Water Systems must validate their SLI data no later than 7 years after {Compliance Date in §141.80(a)(3)} if they used alternative methods to produce their SLI data



Additional Service Line Inventory Requirements



All Water Systems must annually update ADEM of changes to the initial SLI.



The Consumer Confidence Report following the submission of the initial SLI must include instructions to access the SLI.



All Water Systems with lead, GRR, or unknown service lines must create and submit a Service Line Replacement Plan concurrently with their *baseline* inventory by {Compliance Date in §141.80(a)(3)}

Public Notice Requirements

- Starting October 16, 2024, Action Level Exceedances (ALEs) will be considered a Tier 1 Public Notification which requires materials to be supplied to all persons served by the Water System as soon as possible but no more than 24 hours after learning of the ALE.
- Public Notification and Education Materials as well as templates will be available on the ADEM Lead and Copper Page.
- The LCRR and LCRI use different verbiage. Ours will be using the LCRI format.
- <https://adem.alabama.gov/programs/water/drinkingwater/leadcopper.cnt>



Schools and Child Care Facilities - §141.92

- Compliance date for monitoring begins {Compliance Date in §141.80(a)(3)} (3 years from promulgation date).
- A waiver may be issued by ADEM for sampling taken before the compliance date under our School and Day Care testing program.
- Child Care Facilities are licensed by the Department of Human Resources.
- Schools may be private or public.

A Reminder on the Current LCR Requirements in Effect until LCRI Compliance Date



≥50% (or as many as available if unable to reach 50%) of samples must be taken **from** lead service lines if lead services are within the system.



After an ALE, the water system must issue the required Notification Materials for the LCRI within 24 hours to all consumers.



Within 10 days following the monitoring period, ADEM must receive the results of tap monitoring, Form #405, and an example of what was delivered to the customers who did the monitoring.



Thank you! Any Questions?



Robert J. Compton

robert.compton@adem.alabama.gov

Water Supply Engineering Section

Drinking Water Branch

Alabama Department of Environmental Management

PO Box 301463

Montgomery, AL 36130-1463

(334) 271-7773