

Executive Summary

Lead and Copper Rule Short Term Revisions to update Title 25, Pa. Code Chapter 109. Safe Drinking Water

Purpose of Proposed Rulemaking:

The purpose of the proposed rulemaking package is to amend the Lead and Copper provisions of the Department's Safe Drinking Water regulations to incorporate necessary federal requirements needed to maintain primary enforcement authority (primacy) for the Lead and Copper Rule (LCR). The primary goal of the LCR is to reduce lead and copper levels at consumers' taps, thereby reducing the health risks associated with lead and copper. This proposed rulemaking package will amend several provisions of the LCR to strengthen implementation of existing requirements regarding monitoring, treatment processes, public education, customer awareness and lead service line replacement. Therefore, overall benefits from the LCR will increase as a result of the effects of these revisions on public water systems and individual consumers.

Summary of Amendments:

The proposed amendments will incorporate the provisions of the Federal *Lead and Copper Rule: Short Term Regulatory Revisions* that was promulgated by the United States Environmental Protection Agency (EPA) on October 10, 2007. The PA Safe Drinking Water Act (SDWA) obligates the Department to maintain primacy for the Safe Drinking Water program. As such, the Department must amend Chapter 109 as follows:

- Clarify the definition of "tap" and that the minimum number of samples required for systems serving less than 100 people is 5. Pennsylvania already implements these provisions under the existing LCR.
- Rescind the provision that allows water systems to remain on a reduced monitoring frequency if either the lead or copper action level is exceeded. Water systems must meet both water quality parameter ranges and the lead and copper action levels to remain on a reduced monitoring schedule. *Please note that this is more stringent than the federal regulation - EPA allows systems to exceed copper and remain on a reduced frequency.*
- Require water systems to obtain prior State approval before making changes to corrosion control treatment facilities that would have long-term impacts. Pennsylvania already requires this through the existing permit process.
- Require water suppliers to provide a "consumer tap notice" to consumers whose taps are sampled. This notice must include the lead results for the tap that was sampled, an explanation of the health effects of lead, and a list of steps consumers can take to reduce exposure to lead in drinking water.
- Revise the public education and Consumer Confidence Report (CCR) provisions (with respect to lead) to clarify the mandatory language, expand delivery requirements and require an informational statement in all CCRs.
- Require water systems to reevaluate lead service lines (LSL) previously deemed "replaced" through testing if the system resumes a LSL replacement program.

Who Is Affected by the Proposed Regulation:

The existing LCR applies to all community and nontransient noncommunity public water systems. The draft proposed amendments will also apply to these same systems.

Advisory Committee Review:

The draft proposed amendments were submitted to the Small Water Systems Technical Assistance Center Advisory Board (TAC) for review and discussion on August 21, 2008. Comments received from the TAC Board are summarized in the attached letter.

Adoption Deadline:

The Department recommends that the Board incorporate the proposed amendments into the Pa. Safe Drinking Water Regulations (25 Pa. Code Chapter 109) in order to maintain primacy. Pennsylvania must adopt regulations implementing the provisions of the Federal LCRSTR by October 10, 2009, or if EPA grants an extension, these regulations should be adopted no later than October 10, 2011. Failure of the Board to adopt these regulations may result in Pennsylvania losing primacy for the drinking water program.

Recommendations for Public Comment Period and Public Meetings/Hearings:

The Department recommends a 30-day public comment period. Public meetings or hearings should not be necessary.