

Lead and Copper Rule Short-Term Revisions published in Subchapter K

The Lead and Copper Rule Short-term revisions (LCRSTR) were published in the *PA Bulletin* on December 18, 2010 and are now incorporated into Chapter 109.

To access an online version of Subchapter K in Chapter 109, use this link:

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/025/chapter109/subchapKtoc.html&d=reduce>

This is a summary of the major changes to the Lead and Copper Rule. Some of the text that has not changed but merely been reorganized for readability is not cited below.

§ 109.1102(b) Treatment technique requirement for corrosion control.

Under 109.1102(b)(1)(ii)(B), a system with optimized corrosion control treatment must conduct monitoring at least once every 3 years.

§ 109.1103(e)(1)(i)(B) Annual lead and copper tap monitoring.

Clause B is revised to clarify that a water system that has installed corrosion control treatment must meet both the lead and copper action levels during follow-up monitoring to qualify for a reduced annual monitoring frequency.

Reduced annual lead and copper tap monitoring frequency values will **automatically** be granted to water suppliers who meet both the lead and copper action levels in addition to maintaining the range of water quality parameter values. Water suppliers no longer need to submit a written request to DEP for reduced lead and copper monitoring.

§ 109.1103(e)(1)(ii)(B) Triennial lead and copper tap monitoring.

Clause B is revised to clarify that a water system that has installed corrosion control treatment must meet both the lead and copper action levels during reduced annual monitoring to qualify for a triennial monitoring frequency. Water suppliers that meet both the lead and copper action levels in addition to maintaining the range of water quality parameter values will **automatically** be granted a triennial monitoring frequency.

§ 109.1103(e)(1)(iii) Request for reduced monitoring.

Water systems will no longer need to request reduced monitoring. For systems that have installed corrosion control treatment, reduced monitoring will be automatically granted once the

system meets both the lead and copper action levels and maintains the range of values for water quality parameters during follow-up or reduced annual monitoring. The citation 109.1103(e)(1)(iii) now references sample sites and timing.

§ 109.1103(e)(3) Reduced monitoring revocation.

Under 109.1103(e)(3) (i) and (ii), a water supplier that fails to meet either the lead or copper action level will lose reduced lead and copper monitoring status if either action level is exceeded.

§ 109.1103(g)(2) Lead and copper tap sample site selection.

Under 109.1103(g)(2), new subparagraphs (iii) and (iv) contain information about how sampling must be done when a system has fewer than five taps and when a system may use non-first draw samples.

§ 109.1103(k)(4)(i) Monitoring frequency for systems with waivers.

Systems with 9-year monitoring waivers must monitor during the last year of the 9-year intervals. (2010, 2019 and so on)

§ 109.1104 Public education program

Chapter 109.1104(a) requires community water systems (CWSs) and nontransient noncommunity water systems (NTNCWs) to include mandatory language and other content requirements established under 40 CFR 181.95(a)(1) and (2).

DEP recommends that CWSs obtain a copy of EPA's **DRAFT "Implementing the Lead Public Education Provision of the Lead and Copper Rule"** (EPA816-D-07-0004. December 2007) for detailed information (including templates) about the lead public education requirements. This document is located at the following link:

http://water.epa.gov/lawsregs/rulesregs/sdwa/lcr/compliancehelp_draftguidance.cfm

PE Content Changes:

- Must revise text of written content under 109.1104(a)(1)(i).
- May use personalized language to discuss sources of lead and steps to reduce lead in drinking water.
- Must include information for non-English –speaking populations regarding the importance of the materials under 109.1104(a)(1)(ii).
- Must include language explaining what happened and what is being done.

- Must include language providing contacts for more information.
- Must submit copies of all written PE materials to DEP prior to delivery under 109.1104(a)(1)(iii).

PE delivery changes that take effect after the end of the monitoring period in which the lead exceedance occurred (September 30th = end of monitoring period for annual or triennial monitoring frequencies) under 109.1104(a)(2):

- Within 60 days, under 109.1104(a)(2)(i)(A), a CWS must deliver printed materials meeting the content requirements to all bill paying customers.
- Within 60 days, under 109.1104(a)(2)(i)(B), a CWS must deliver printed materials meeting the content requirements to the local board or department of public health that has jurisdiction over the water system's service area, along with an informational notice encouraging distribution to all the potentially affected consumers. The water supplier shall contact the local board or department of public health **directly by phone or in person**. The local board or department of public health may provide a specific list of additional community based organizations serving target populations outside the service area of the water system. If a list is provided, the water supplier shall deliver PE materials to all organizations on the list.
- Within 60 days, under 109.1104(a)(2)(i)(C), a CWS must deliver materials that meet content requirements to organizations located within the water system's service area, along with an informational notice that encourages distribution to all of the organization's potentially affected customers or water system's users:
 - Public and private schools or school board
 - Women Infants and Children (WIC) and Head Start programs
 - Public and private hospitals and medical clinics
 - Pediatricians
 - Family planning clinics
 - Local welfare agencies
- Within 60 days, under 109.1104(a)(2)(i)(D), a CWS must make a good-faith effort to contact customers most at risk by delivering materials to the contact list of organizations identified below with an informational notice encouraging them to pass the information along. Even if agencies are not located within the water system service area, water suppliers must make a good faith effort to contact at-risk customers from the following categories:
 - Licensed childcare facilities
 - Public and private preschools
 - Obstetrician-Gynecologists and Midwives

The good faith effort must include requesting a specific contact list of the organizations from the local board or department of public health that has jurisdiction over the water system's service area.

- Under 109.1104(a)(2)(i)(E), a CWS must provide the following information at least quarterly on or in each water bill as long as the system exceeds the action level for lead.

"[INSERT WATER SYSTEM NAME] found high levels of lead in drinking water in some home. Lead can cause serious health problem. For more information please call [INSERT WATER SYSTEM NAME] (or visit [INSERT WEB SITE ADDRESS])."

- Within 60 days, under 109.1104(a)(2(i)(F), a CWS serving more than 100,000 people, must post education materials to the water system's web site.
- Within 60 days, under 109.1104(a)(2(i)(G), a CWS must submit a press release to newspaper, TV, and radio stations.
- Within 60 days, under 109.1104(a)(2(i)(H), a CWS must implement additional activities from at least three activities from the categories listed:
 - Public service announcements
 - Paid advertisements
 - Public area information displays
 - E-mails to customers
 - Public meetings
 - Household deliveries
 - Targeted individual customers contact
 - Direct distribution of education materials to all multifamily homes and institutions.

The educational content and selection of these activities shall be determined in consultation with DEP.

- Under 109.1104(a)(2(i)(I), a CWS may apply to DEP, in writing, to omit the text required in 40 CFR 141.85(a)(2) and to perform the tasks listed under 109.1104(a)(2)(ii) in lieu of the tasks under clauses (A) – (H) if the following apply:
 - The system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to the plumbing or installing point-of-use treatment devices.
 - The system provides water as part of the cost of service provided and does not charge for water consumption.
 - The tasks listed under 109.1104(a)(2)(ii) include posting information posters on lead in drinking water in a public place or common area in each of the building served by the system and distribute informational pamphlets or brochures, or both, on lead in drinking water to each person routinely served by the water system. Systems may use electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage. The water supplier shall repeat the tasks at least once during each calendar year in which the system exceeds the lead action level.
- Under 109.1104(a)(2(i)(J), a CWS serving 3,300 or fewer people may modify its PE program as follows:
 - The system may limit distribution of PE materials required under clauses (B) and (C) to facilities that are most likely to be visited by pregnant women and children.
 - The system may omit the task in clause (G) if notices meeting the content requirements are distributed to every household served by the system.

- The system shall implement at least one of the tasks specified in clause (H).
- Under 109.1104(a)(2(i)), a CWS must repeat submission of press releases every 6 months for as long as the system exceeds the lead action level.
- Under 109.1104(a)(2(i)), a CWS must repeat tasks contained in clauses (A) – (D) and (H) every 12 months for as long as the system exceeds the lead action level.
- Under 109.1104(a)(2(iii)), a water system may request an extension of the 60-day deadline, but the water system must receive written approval from DEP prior to the 60-day deadline.

Consumer Tap Notice of Lead Results

Under 109.1104(b)(1), a CWS must deliver a consumer tap notice of lead tap water monitoring results to persons served by the water at sites that are sampled.

The consumer notice must include:

- 1) Results of lead tap water monitoring for the tap that was sampled.
- 2) Lead health effects language.
- 3) List of steps consumers can take to reduce exposure to lead in drinking water.
- 4) Water system contact information.
- 5) Action Level and Maximum Contaminant Level Goal definitions.

Under 109.1104(b)(2), a water supplier shall provide the consumer notice within 30 days after the supplier learns of the tap monitoring results.

Under 109.1104(b)(3), the consumer tap notice shall be delivered to persons served at the tap that was sampled either by mail or by another method approved by DEP. The system shall provide notice to all persons served by the tap that was sampled, including consumers who do not receive water bills.

§ 109.1107(a)(5) Consumer notice of lead tap monitoring results reporting requirements.

Under 109.1107(a)(5), the water supplier shall submit to DEP within 3 months of the end of the monitoring period in which lead tap monitoring was conducted a sample copy of the consumer notice of lead tap monitoring results along with a certification form (3800-FM-WSFR0205) that the notices were distributed by mail or by another method approved by DEP.

§ 109.1107(d)(1) Initiation of lead service line replacement.

Under 109.1107(d)(1), the first year of lead service line (LSL) replacement begins on the first day following the end of the monitoring period in which the action level was exceeded. If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which sampling occurred.

§ 109.1107(d)(6) Resumption of lead service line replacement.

Under 109.1107(d)(6), water systems that resume a LSL replacement program shall update their LSL inventory to include those sites that were previously excluded if the water supplier sampled the LSL in accordance with 109.1103(h)(5) and none of the lead concentrations in any service line samples from that line exceeds 0.015 mg/L. Systems shall divide the updated number of remaining LSLs by the number of remaining years in the replacement program to determine the number that must be replaced each year. If the system has completed a 15-year LSL replacement program, DEP will determine a schedule for replacing or retesting LSLs that were previously tested out under the replacement program.