

Drinking Water Regulatory Update

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Acronym Check

CWA	Clean Water Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
LCR	Lead and Copper Rule
MDBP	Microbial Disinfection Byproduct Rule
NDWAC	National Drinking Water Advisory Council
OGWDW	EPA Office of Ground Water and Drinking Water
SDWA	Safe Drinking Water Act

Microbial Disinfection Byproduct Rule (MDBP) – Stage 3

1. Disinfectant Residual – Address the potential for no or low disinfectant residual in surface water Public Water System (PWS) distribution systems (DS)
2. Premise Plumbing – EPA should advance a national building water quality improvement initiative based on an enhanced partnership among federal agencies and state SDWA oversight agencies.
3. DBPs of Emerging Concern – Address data and analysis gaps associated with DBPs of emerging concern.
4. Multi-Benefit Precursor Control – Establish a PWS source water evaluation screening requirement and, under defined conditions, provide additional mandatory treatment to reduce DBP formation and disinfectant demand.

Microbial Disinfection Byproduct Rule (MDBP) – Stage 3

6. Chloramination – Improve chloramination practices to promote control of microbial contamination and DBP formation potential and improve overall consistency of water quality.
7. Consecutive Systems – Improve water quality and regulatory compliance rates for consecutive systems.
8. Source Control – Leverage non-SDWA authorities, CWA, CRLA



Microbial Disinfection Byproduct Rule (MDBP) – Stage 3

9. Environmental Justice (EJ) Improvement Opportunities –
Conduct analyses to characterize the current gap in MDBP rule implementation and affordability pressures faced by public water systems serving EJ, disadvantaged and historically underserved communities.

Provide strategies for ensuring this gap is filled and to work toward more equitable implementation of the MDBP rules across demographic groups.

Ensure that new requirements can be implemented consistently, with sufficient additional resources provided to equitably receive the benefits anticipated to result from the rule revisions.



Microbial Disinfection Byproduct Rule (MDBP) – Stage 3

10. Public Water System (PWS) Technical, Managerial, and Financial (TMF) Capacity – Provide and align additional TMF capacity for small, rural, EJ, disadvantaged and historically underserved communities consistent with new demands placed on PWS by MDBP rules revision.
11. Primacy Agency Capacity – Address SDWA Primacy Agency capacity needs associated with the new demands anticipated from MDBP rule revisions.
12. MDBP Overall Data and Analysis Gaps – Address gaps in data and analysis related to microbial and DBP contaminants.
13. Ground Water Under the Direct Influence of Surface Water (GWUDI) – EPA should revisit the definition, determination methods, and guidance for GWUDI to ascertain what changes should be made to improve the protection of public health.

LCRI Timeline

Date	Description
12/06/23	Proposed LCRI Published
01/16/24	Virtual Public Hearing
02/05/24	Comments Due
TBD	Final Rule Publication (prior to October 16, 2024)
TBD + 60 days	Effective Date
TBD + 3 years	Compliance Date



Compliance Dates

“Water systems would need to comply with some mix of the LCR and the LCRR while preparing to comply with the LCRI requirements three years (or earlier) after promulgation.”

- LCRI compliance date of three years after promulgation of a final rule
- Continue to comply with the LCR until that date
- With the exception of the LCRR requirements for
 - Initial LSL inventory
 - Notification of service line material
 - Associated reporting requirements
 - Tier 1 public notification for a lead action level exceedance

Key Provisions of the Proposed LCRI

- Achieving 100% lead pipe replacement within 10 years
- Locating legacy lead pipes
 - Inventory updates
 - Lead service line replacement (LSLR) plan
 - Identification of all unknowns
- Improving tap sampling
 - First- and fifth-liter samples from LSLs or lead premise plumbing
- Lowering the lead action level
 - 15 $\mu\text{g}/\text{L}$ to 10 $\mu\text{g}/\text{L}$
- Strengthening protections to reduce exposure
 - Multiple lead action level exceedances would require additional outreach and provision of filters

Service Line Inventory

- Initial service line inventory by October 16, 2024
- LCRI Baseline inventory by compliance date (3 years after final LCRI published)
 - Must include information on lead connectors
- Annual updates
- Inventory Validation
 - Subset of non-lead service lines in LCRI inventory in 7 years
 - Two-point visual inspection
 - For shared ownership, must visually inspect both portions of the service line
- **Identify all unknowns**



Lead Service Line Replacement

- Lead and galvanized requiring replacement service lines and lead connectors “under the control” of the water system
- Under system’s control whenever a water system has adequate access (e.g., legal access, physical access) to conduct **full service** line replacement
- EPA is not proposing to delineate the prerequisites or elements of access that a system would need
- Water system must identify in its LSLR plan any laws or tariff agreement requirements pertaining to its ability to gain adequate access
- Where customer consent is required, the system must make a reasonable effort to engage the customer (a minimum of four attempts using at least two methods)