



State Implementation Guidance for the Lead and Copper Rule Minor Revisions

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DISCLAIMER

The statements in this document are intended solely as guidance. This document is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the United States. EPA may decide to follow the guidance provided in this document, or to act at variance with the guidance based on its analysis of the specific facts presented. This guidance may be revised without public notice to reflect changes in EPA's approach to implementing the authorities discussed in the Guidance or to clarify and update text.

Executive Summary

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List of Acronyms

AWWA	American Water Works Association
CCSC	Corrosion Control Study Completed (Obsolete Milestone)
CCSR	Corrosion Control Study Required (Obsolete Milestone)
CCT	Corrosion Control Treatment
CFR	Code of Federal Register
CU90	Copper 90 th Percentile Exceedance
CWS	Community Water System
DSC	Data Sharing Committee
DTF	Data Transfer File (Format)
DV	Data Verification
EPA	Environmental Protection Agency
FR	Federal Register
LCR	Lead and Copper Rule
LCRMR	Lead and Copper Rule Minor Revisions
LSL	Lead Service Line
LSLR	Lead Service Line Replacement or System required to begin Lead Service Line Replacement (Milestone)
M/R	Monitoring and Reporting (Violation)
MCLG	Maximum Contaminant Level Goal
MDL	Method Detection Limit
mg/L	Milligrams per Liter
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPL	Maximum Permissible Level
MPLS	Maximum Permissible Levels Designated (Obsolete Milestone)
NPDWRs	National Primary Drinking Water Regulations
NRDC	Natural Resource Defense Council

List of Acronyms

NSF	National Sanitation Foundation International
NTNCWS	Non-Transient Non-Community Water System
OCCT	Optimal Corrosion Control Treatment
OECA	Office of Enforcement and Compliance Assurance
OGC	Office of General Council
OGWDW	Office of Ground Water and Drinking Water
ORC	Office of Regional Council
OTDE	Optimal Corrosion Control Treatment Designated (Obsolete Milestone)
OTIN	Optimal Corrosion Control Treatment Installed (Obsolete Milestone)
OWQP	Optimal Water Quality Parameter
PB90	Lead 90 th Percentile Exceedance
PN	Public Notification
ppb	Parts per Billion
PQL	Practical Quantitation Level
PSA	Public Service Announcement
PWS	Public Water System
Q & A	Questions and Answers
RTC	Return To Compliance
SDWA	Safe Drinking Water Amendment
SDWIS	System (STATE or FEDERAL Version)
SNC	Significant Non-Compliance or Significant Non-Complier
SOWT	Source Water Treatment (Obsolete Milestone)
STDE	Source Water Treatment Designated (Obsolete Milestone)
STIN	Source Water Treatment Installed (Obsolete Milestone)
TT	Treatment Technique (Violation)
U.S.C.	United States Code

List of Acronyms

WQP	Water Quality Parameter
WQPS	Water Quality Parameter Designated by the State (Obsolete Milestone)

Introduction

The purpose of this guidance manual is to provide aid to EPA, States, and public water systems (PWSs) for the implementation of the Lead and Copper Rule Minor Revisions (LCRMR). The LCRMR were published in the *Federal Register* on January 12, 2000.

This manual was developed through a workgroup process involving Regions, States, and Stakeholders, and contains the following sections:

Section I summarizes the LCRMR and presents a timetable for implementation of these revisions. Section II addresses changes to violation and SNC determination and associated SDWIS reporting requirements, including violation tables to assist States in their compliance activities. Section III covers State Primacy Revision Requirements, including a detailed timetable for the application review and approval process and a Primacy Revision Application crosswalk. This section also contains guidance and references to help States adopt each new special primacy requirement included in these rules. Section IV contains: 1) a summary of the LCRMR Technical Guidances; 2) a Question and Answer document containing EPA's responses to implementation and reporting questions that arose during data verifications conducted in State program offices, the development of rule language, fact sheets, flow charts, and assorted guidance materials, and training for the LCRMR; and 3) five Fact Sheets to help States and large, medium, small, and Tribal systems comply with the new requirements.

The Appendices of this document also provide information that will be useful to States and EPA Regions throughout the primacy revision application process. Appendix A contains a comparison of the rule language of the LCR against the LCRMR using the redline (or red text) and strikeout features of Word Perfect 8.0 or MS Word 97. Appendix B contains the LCR Reporting Guidance. Appendix C contains Safe Drinking Water Information System (SDWIS) contaminant codes and flowcharts describing SDWIS reporting. Appendix D contains a sample Implementation Agreement which will allow States and EPA to document how they will share rule implementation responsibilities if the State does not submit a primacy application by the deadline. Appendix E contains the sample Memorandum of Understanding between EPA and the States which will allow States and EPA to document how they will share rule implementation responsibilities if the State does not submit a primacy application by the deadline. Appendix F contains a "Statement of Principles" which outlines the criteria EPA will use to determine whether States with audit laws have retained adequate enforcement and information gathering authority to meet the requirements of the Safe Drinking Water Act (SDWA). Appendix G contains training presentation materials of the LCR and its minor revisions.

More information can be obtained from:

- A. National Primacy Drinking Water Regulations for Lead and Copper
65 FR 1949 (January 12, 2000); and
www.epa.gov/OGWDW/safewater/pws
- B. The EPA Safe Drinking Water Hotline, Telephone: 1-800-426-4791

Section I.

Rule Requirements

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I-A. Rule Executive Summary

I-A.1. Purpose

The purpose of this summary is to acquaint State decision-makers and public health officials with the Lead and Copper Rule Minor Revisions (LCRMR). The LCRMR were published in the *Federal Register* on January 12, 2000 (FR Vol. 65 No. 8; www.epa.gov/safewater/pws/pwss). The purpose of the minor revisions is to streamline requirements, promote consistent national implementation, and, in many cases, reduce monitoring and reporting requirements. The LCRMR do not change the action levels of 0.015 milligrams per liter (mg/L) for lead and 1.3 mg/L for copper, or the Maximum Contaminant Level Goals (MCLGs) established by the 1991 Lead and Copper Rule (LCR), which are 0 mg/L for lead and 1.3 mg/L for copper. They also do not affect the Rule's basic requirements to optimize corrosion control and, if appropriate, treat source water, deliver public education, and replace lead service lines (LSLs). The LCRMR continue to exclude transient non-community water systems from the requirements of the Rule.

The provisions can be divided into two major categories. The first include those provisions that are more stringent than the 1991 Rule and must be implemented on April 11, 2000. The second category include those provisions that States have the option to adopt as they are not more stringent than the provisions in the 1991 LCR. The rule summary, which is presented in Section C of this Section I, discusses only those provisions that have been added, modified, or deleted by the LCRMR. The summary is organized by major rule section (i.e., §141.81, §141.82, §§141.84-141.90, and §141.43). Where appropriate, the major rule sections are further divided into the two provision categories. The LCRMR do not impact any of the requirements in §141.80 (General requirements), §141.83 (Source water treatment requirements), and §141.91 (Record keeping requirements for systems). Therefore, these sections are not included in this summary. A comparison of the rule language of the LCR against the LCRMR using the redline (or red text) and strikeout features of Word Perfect 8.0 or MS Word 97 is provided as Appendix A.

I-A.2. Background

EPA promulgated maximum contaminant level goals (MCLGs) and National Primary Drinking Water Regulations (NPDWRs) for lead and copper in 1991 (56 FR 26460, June 7, 1991). The goal of the LCR is to provide maximum human health protection by reducing lead and copper levels at consumers' taps to as close to the MCLGs as is feasible. To accomplish this goal, the LCR establishes requirements for CWSs and NTNCWSs. These systems must conduct periodic monitoring and optimize corrosion control. In addition, these systems must perform public education when the level of lead at the tap exceeds the lead action level, treat source water if it is found to contribute significantly to high levels of lead or copper at the tap, and replace lead service lines in the distribution system if the level of lead at the tap continues to exceed the lead action level after optimal corrosion control and/or source water treatment has been installed.

The minor revisions were intended to improve implementation of the LCR. Most of these changes were recommended by a work group EPA formed in 1993 composed of Headquarters and Regional EPA staff, and several State drinking water officials, to identify implementation issues. Two revisions resulted from legal challenges to the 1991 LCR brought by the American Water Works Association (AWWA) and the Natural Resources Defense Council (NRDC). As a result of the AWWA challenge, EPA redefined

“control” of lead service lines to mean that portion of the lines owned by the water system. The NRDC challenged the LCR’s exclusion of transient non-community water systems. In response to this challenge, EPA reviewed existing studies and decided to retain this exclusion.

I.A.3. Development of the LCRMR

In April 1996, EPA proposed a number of minor revisions to the LCR (60 FR 16348, April 12, 1996). The proposed revisions do not affect the lead and copper MCLGs, action levels, or basic regulatory requirements. EPA proposed some of the minor revisions to streamline and reduce regulatory burden where such changes can be made without jeopardizing the level of public health protection or protection of the environment. The Agency proposed other minor changes to clarify requirements and to improve the rule's implementation. Finally, the Agency addressed two issues that were the subject of a judicial remand. The April 1996 Proposal also requested comment on several provisions for which no specific regulatory changes were proposed.

In an April 1998 Notice, the Agency published, and made available for public review and comment, new data relating to two of the provisions discussed in the April 1996 proposal and several additional regulatory options that the Agency was considering (63 FR 20038, April 22, 1998). Finally, in August 1998, EPA requested additional public comment on a refinement of one of the options discussed in the April 1996 Notice (63 FR 44214, August 18, 1998).

I.A.4. Benefits of the LCRMR

The LCRMR are not expected to change the level of public health protection resulting from implementation of the lead and copper regulations. The Agency therefore has not identified any quantifiable benefits associated with the LCRMR. EPA believes there should be some non-quantifiable benefits, however, because improved implementation should result in some health benefits being achieved sooner.

I.A.5. Applicability and Compliance Dates

The LCRMR apply to public water systems (PWSs) that are classified as either community water systems (CWSs) or non-transient non-community water systems (NTNCWSs).

There are some provisions of the LCRMR that are either more or less stringent than the original LCR or that clarify the existing provisions of the 1991 LCR. Systems must comply with the more stringent requirements by April 11, 2000. Water systems in States where the State program requirements are more stringent than the revisions in the LCRMR must wait until their State or other primacy agency formally adopts the less stringent changes into their State regulations before they can implement them. Some States may have other mechanisms that will allow systems to take advantage of these changes prior to State adoption.

I-B. Key Dates of the Rule

I-B.1 Timetable

The effective date for the Lead and Copper Rule Minor Revisions (LCRMR) is April 11, 2000. The LCRMR include two categories of provisions. The first category includes those provisions that are more stringent than the 1991 Rule and therefore, must be implemented as of April 11, 2000. The second category includes those provisions that States have the option to adopt as they are not more stringent than the provisions in the 1991 LCR. The table in Figure 1 presents the timetable for implementation of the LCRMR including the schedule for States to prepare and submit a revised primacy package and to implement the new reporting requirements.

WS Timetable for the LCRMR Requirements

Date	LCRMR Requirement
January 12, 2000	Rule is published in <i>Federal Register</i> [65 FR 1949]. March 11, 2000 60-day legal challenge period ends.
April 11, 2000	Effective date of regulation.
January 20, 2000	States can begin reporting in compliance with the new reporting requirements. ¹ (<i>Refer to Section II and Appendix B for more detail</i>)
June 2000	State and EPA Region establish a process and agree upon a schedule for application review and approval. (<i>Refer to Section III for more detail</i>)
January 2001 (suggested)	State, at its option, submits <i>draft</i> program revision package. (<i>Refer to Section III for more detail</i>)
April 2001	Regional (and Headquarters if necessary) review of draft program revision package. (<i>Refer to Section III for more detail</i>)
July 12, 2001	Systems that are deemed to have optimized corrosion control under §141.81(b)(3) (i.e., (b)(3) systems) must have 90 th percentile copper levels at or below the copper action level in monitoring conducted on or after this date in order to maintain their (b)(3) status.
October 2001 ²	State submits final program revision package. (<i>Refer to Section III for more detail</i>)
January 2002	EPA final review and determination regarding State's final program revision package. (<i>Refer to Section III for more detail</i>)
January 12, 2002	States must implement the new reporting requirements. (<i>Refer to Section II and Appendix B for more detail</i>)
<p>¹ The LCRMR specify that States may begin reporting in accordance with the new requirements on May 15, 2000. EPA has completed changes to the Safe Drinking Water Information System (SDWIS) ahead of schedule and therefore, can begin accepting these data immediately.</p> <p>² EPA suggests submitting a primacy revision application by October, 2001 to ensure timely primacy update. Final primacy revision applications are due January 2002. States may request an extension of up to 2 additional years.</p>	

More information can be obtained from:

- National Primacy Drinking Water Regulations for Lead and Copper
65 FR 1949 (January 12, 2000); and
www.epa.gov/OGWDW/safewater/pws
- The EPA Safe Drinking Water Hotline, Telephone: 1.800.426.4791

I-C. Rule Summary

The following summarizes the LCRMR by Federal rule section.

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Section 141.81

Applicability of Corrosion Control Treatment Steps to Small, Medium-Size and Large Water Systems

Provisions with which all systems must comply as of April 11, 2000.

§141.81(b)¹

If the system has corrosion control treatment but is not required to conduct water quality parameter (WQP) monitoring, the system must:

- Properly operate and maintain corrosion control treatment at all times; *and*
- Meet any requirements the State deems are needed to ensure this treatment is maintained.

§141.81(b)(2)

If, prior to December 7, 1992, the system completed treatment steps equivalent to those described in the 1991 LCR, the system must:

- Routinely monitor for WQPs after the State designates optimal water quality parameters (OWQPs) (*unless the system serves 50,000 or fewer people and no longer exceeds an action level*); *and*
- Continue lead and copper tap sampling.

§141.81(b)(3)

If the system has demonstrated that the difference between the 90th percentile lead level at the tap and the highest concentration of lead in the system's source water is less than 0.005 mg/L for two, consecutive six-month periods and to continue as a (b)(3) system under the LCRMR the system must:

- Collect a round of lead and copper tap samples between October 1, 1997 and September 30, 2000 at the reduced number of sites and continue monitoring every three years thereafter;

¹These are not new provisions. They clarify provisions in the 1991 LCR.

- Notify the State in writing of any change in treatment or addition of a new source within 60 days of the change, unless the State requires earlier notification. The State may require the system to conduct additional monitoring or perform other activities to ensure that optimal corrosion control is maintained;
- Not exceed the copper action level after July 12, 2001; *and*
- Begin corrosion control treatment steps if during any round of monitoring:
 - the difference between the system's 90th lead and source water levels is more than 5 ppb, (*and the system serves more than 50,000 people*); *or*
 - the system is above the lead action level (*any size system*); *or*
 - above the copper action level on or after July 12, 2001 (*any size system*).

Note: Those systems, serving more than 50,000 people, that are triggered into corrosion control treatment steps (for one of the three reasons listed above) must follow the corrosion control treatment schedule for medium-size systems outlined in §141.81(e), beginning with the requirement to complete a corrosion control study. These systems must complete this study within 18 months of the date they were triggered into the corrosion control treatment steps.

Revisions that Cannot Be Implemented Prior to Approval of State's
Primacy Revision

§141.81(b)(3)

If the system's source water lead levels are below the Method Detection Limit (MDL) and its 90th percentile lead level is 0.005 mg/L or less, the State may deem the system to be optimized under §141.81(b)(3). (*The system would then be affected by the other provisions contained in §141.81(b)(3).*)

Section 141.82

Description of Corrosion Control Treatment Requirements

Revisions that Cannot Be Implemented Prior to Approval of State's Primacy Revision

§141.82(g)

The LCRMR modify the procedure for assessing compliance with WQP monitoring after the State has designated OWQPs.

- Compliance determinations are always based on a six-month period, regardless of the system's monitoring schedule (e.g., daily, biweekly, semi-annually, annually, triennially) or whether the sample is from an entry point or the distribution system.
- Daily values are calculated for each WQP at each sampling location, and are based on the sampling frequency for that WQP and sampling point. Daily values are recorded even if no sampling has occurred. In this situation, the daily value would be the last daily value calculated.
- An excursion is any "daily value" for a WQP that is below the minimum value or outside the range of OWQPs set by the State.
- The system cannot have excursions for more than a total of nine days at a specific sampling point or combination of sampling points, or for a specific WQP or combination of WQPs during a six-month period.
- Daily values for a sampling location are calculated as follows:
 - ▶ On days when more than one measurement for a WQP at a specific sampling site is collected, the daily value is the average of all results collected during the day, *unless the State tells the system to use a method other than averaging.*
 - ▶ A daily value is calculated in the same manner, regardless of whether the measurements are collected using continuous monitoring, grab sampling, or both.
 - ▶ On days when only one measurement is collected, the daily value is the result of that measurement.

Note: EPA has developed a guidance document for the States, entitled, *How to Determine Compliance with Optimal Water Quality Parameters as Revised by the Lead and Copper Rule Minor Revisions*, February 2001, EPA 815-R-99-019, that provides a detailed explanation of the revised procedure for assessing compliance with OWQPs.

Section 141.84

Lead Service Line Replacement Requirements

Provisions with which all systems must comply as of April 11, 2000.

§141.84(b)

The system now must document in its files the portions of lead service lines (LSLs) it owns and the relevant legal authorities.

§141.84(d)

Under the LCRM:

- The system must replace the portion of the LSL that it owns.
- The system must notify the owner (or owner's authorized agent) about the replacement, and offer to replace the owner's portion of the line.
- The system is not required to pay for replacing the privately-owned portion of the line.
- The system is not required to replace the privately-owned portion of the line if precluded by law, *or* where the owner chooses not to pay the cost of replacing the privately-owned portion.
- If the system does not replace the privately-owned portion of the line, it must:
 - ▶ Notify all residents served by the line to be replaced, at least 45 days prior to partial replacement. The State can allow the system to provide less advanced notice if the line is being replaced in conjunction with emergency repairs.
 - ▶ Inform the resident(s) served by the line that the system will, at its expense, collect a sample representative of the water in the service line and have it analyzed for lead within 72 hours of the partial LSL replacement.
 - ▶ Report the results of the analysis to the owner and residents within three business days of receiving these results.

Section 141.85

Public Education and Supplemental Monitoring Requirements

Revisions that Cannot Be Implemented Prior to Approval of State's Primacy Revision

Note: EPA restructured §141.85(a) to allow separate written language for community water systems (CWSs) and non-transient non-community water systems (NTNCWSs). This required EPA to extensively renumber the paragraphs within §141.85(a). Refer to Section IV: Other Sources – “The Lead and Copper Rule Minor Revisions Compared to the 1991 Rule”, for a comparison of the numbering scheme used in the 1991 Rule and the LCRM. Those numbers that are shaded (if you are using the Word Perfect 8.0 version) or **appear lighter in color** (if you are using the MS Word 97 version) indicate the new numbering under the LCRM. Those numbers with a line through them (~~or **strikeout**~~) are the citations from the 1991 Rule.

§141.85(a)(1)

If the system is a Community Water System:

- It may make the following modifications to its mandatory public education language:
 - ▶ The system can delete information regarding LSLs, if it does not have any in its service area, *and the system receives State approval.*
 - ▶ The system can change the language regarding the availability of building permit records and consumer access to these records, *if the system receives State approval.*
 - ▶ The system can delete the references to “control” of a LSL.
- The system can use up its old public education material, even after the LCRM have taken effect.
- Newly printed public education materials must discuss the system’s responsibilities to its customers if it replaces only part of a LSL. This language is included in our revised mandatory language.

§141.85(a)(2)

If the system is a NTNCWS, it may:

- Use the mandatory language specified for CWSs or the new language that is geared toward NTNCWSs.
- Delete information pertaining to LSLs, *if approved by the State*.
- Substitute electronic transmission of public education information instead of or combined with printed materials, as long as this achieves at least the same coverage.

§141.85(c)(2)

- EPA has also clarified in the rule that a CWS is only required to deliver public education materials within 60 days of exceeding the lead action level, if:
 - This is the first time the system has exceeded the lead action level, *or*
 - The system exceeds it again after having monitoring periods in which the system was at or below the lead action level.
- The system now has the flexibility to do a separate mailing of public education materials if it is difficult to send these materials with the regular bills. The system must include the “alert” language in the bill and deliver the mailing within 60 days of exceeding the action level.

§141.85(c)(4)

EPA has clarified in the rule that a NTNCWS is only required to deliver public education materials within 60 days of exceeding the lead action level, if:

- This is the first time the system exceeds the action level, *or*
- The system is exceeding it again after having monitoring periods in which it was at or below the lead action level.

§141.85(c)(7)

If the system is a special-case CWS, such as a prison or a hospital, the system can:

- Request, *in writing*, permission from the State to use the new alternate language for NTNCWSs, *and*
- Request, *in writing*, permission from the State to use the alternate delivery methods allowed for NTNCWSs.

§141.85(c)(8)

If the system is a CWS and serves 500 or fewer persons, the system:

- Does not have to deliver public service announcements.
- Does not have to notify the public via newspapers, ***and***
- Can limit that distribution of pamphlets to facilities that most regularly serve pregnant women and children, *but the system must also:*
 - ▶ mail or hand deliver the public education materials to all of the system's customers who do not already receive water bills; ***and***
 - ▶ repeat these tasks at least once during each calendar year in which the system exceeds the lead action level.

If the system is a CWS and serves 501 to 3,300 persons, the system:

- Does not have to deliver public service announcements.
- *If it has received State permission*, the system also:
 - ▶ does not have to notify the public via newspapers, ***and***
 - ▶ can limit the distribution of pamphlets to facilities that most regularly serve pregnant women and children, *but the system must also:*
 - ◆ mail or hand deliver the public education materials to all of the system's customers who don't already receive water bills, ***and***
 - ◆ repeat these tasks at least once during each calendar year in which the system exceeds the lead action level.

Section 141.86

Monitoring Requirements for Lead and Copper in Tap Water

Provisions with which all systems must comply as of April 11, 2000.

§§141.86(a)(5) & (7)

If the system is a CWS without enough Tier 1, 2, or 3 sampling sites, or a NTNCWS without enough Tier 1 or 2 sites, it must complete its sampling pool with *representative* sites.

§141.86(b)(2)

LCRMR clarify that first-draw samples taken at nonresidential buildings must be 1 liter in volume.

§§141.86(c) & (d)(4)

States now have the authority to specify which sampling locations the system must use if it is on reduced lead and copper tap monitoring.

The system's reduced sampling sites must be representative of the standard monitoring sites.

If the system is required to resume standard monitoring for lead and copper at the tap, it may again:

- Resume **annual** monitoring if it completes two six-month rounds of monitoring that meet the criteria of §141.86(d)(4)(ii) and receives written approval from the State.
- Resume **triennial** monitoring if it completes subsequent rounds of monitoring that meet the criteria of either §§141.86(d)(4)(iii) or (d)(4)(v) and receives written approval from the State.

If the system is on reduced lead and copper tap monitoring, and it adds a new source or change treatment, it must notify the State in writing within 60 days of this addition or change.

The State may require the system to:

- Notify the State of this change earlier than 60 days, *and/or*
- Require the system to take additional measures, such as commencing standard monitoring, increasing WQP monitoring, or re-evaluating corrosion control treatment.

Section 141.86

Monitoring Requirements for Lead and Copper in Tap Water

Revisions that Cannot Be Implemented Prior to Approval of State's Primacy Revision

Deleted from §§141.86(a)(8)

The system no longer has to justify to the State in writing why it could not locate enough Tier 1 sites.

§141.86(a)(8)

The system must still draw 50 percent of its samples from sites with LSLs, lead pipes, or copper pipes with lead solder, but no longer has to explain to the State in writing why it cannot find enough of these sampling sites.

§141.86(b)(2)

The system's non-first-draw samples must be one liter in volume and must be collected from an interior tap that is typically used to provide drinking water.

The LCRMR now make the minimum holding time for acidified lead and copper samples consistent with the analytical methods for other metals. This replaces the original requirement to have the sample stand in the original container for at least 28 hours after acidification.

§141.86(b)(5)

If the system is a NTNCWS (or a special-case CWS), it now can apply to the State to use non-first-draw samples if it does not have enough taps to supply first-draw samples. The system must collect as many first-draw samples as possible and collect the remaining samples from sites with the longest standing times possible. The State can waive this up-front approval either through regulation or written notification to the system.

§141.86(d)(4)

The system is no longer required to request reduced monitoring status from the State. Rather, the State must notify the system in writing when it determines the system is eligible to begin reduced lead and copper tap monitoring. This change applies to both annual and triennial reduced monitoring.

§141.86(d)(4)

If the system is on reduced lead and copper tap monitoring, the State can allow the system to collect its samples in months other than June through September, *if the following conditions are met*:

- The alternate period can be no longer than 4 consecutive months, and
- It must represent a time of normal system operation when the highest levels of lead are most likely to occur.

The LCRMR specify a transition period for switching to a new monitoring period, in those instances where the State designates such an alternate monitoring period.

- Systems on annual monitoring must collect their next round of samples no later than 21 months after the previous round of sampling.
- Systems on triennial monitoring must collect their next round of samples no later than 45 months after the previous round of sampling.
- Small systems with waivers must collect their next round of samples before the end of the 9-year period.

EPA has added an accelerated monitoring provision that allows the system to reduce sampling to once every three years after only 2 consecutive six-month periods of monitoring *if* it has the following 90th percentile lead and copper levels at the tap:

- lead level of less than or equal to 0.005 mg/L; *and*
- copper level of less than or equal to 0.65 mg/L.

If the system is a small or medium-sized system on a reduced lead and copper monitoring schedule, the LCRMR clarify that it must resume standard monitoring for lead and copper at the tap and WQPs if it fails to meet its OWQPs using the new procedure established under the LCRMR (refer back to §141.82(g)).

§141.86(f)(1)

The system may request the State to invalidate a lead or copper tap sample if it can document that *at least one* of the following conditions has occurred:

- The lab documents that the sample was analyzed improperly;
- The State determines that the sample was taken from an improper site;
- The sample container was damaged in transit; *and/or*
- The sample was subject to tampering.

Invalidated samples do not count for compliance.

§141.86(f)(2)

To request sample invalidation, the system must report the results of all the samples to the State, and provide supporting documentation for all the samples it believes should be invalidated.

§141.86(f)(3)

The State must present its decision on whether or not to invalidate the sample(s) in writing. The State may not invalidate a sample simply because the results of a follow-up sample are higher or lower than that of the original sample.

§141.86(f)(4)

If the State invalidates a sample and the system therefore does not have enough valid samples to meet minimum sampling requirements, the system must collect replacement sample(s):

- No later than 20 days after the date the sample was invalidated, or by the end of the monitoring period, whichever occurs later.
- From the same locations as the invalidated samples, or if the system cannot do this, at locations that have not already been used for sampling during that monitoring period.

The system cannot use these replacement samples to meet the monitoring requirements of a subsequent monitoring period.

§141.86(g)

If the system serves 3,300 or fewer people, the State can grant a monitoring waiver if the system meets certain criteria. If a system qualifies for a waiver, it must collect lead and/or copper samples at the tap only once every nine years.

§141.86(g)(1)

To qualify for a full waiver for both lead and copper, the system must certify to the State that it meets specific materials criteria for both in its distribution system and drinking water plumbing.

To qualify for a partial waiver for either lead or copper, the system only needs to meet the materials criteria for that particular contaminant for which it is requesting a waiver.

§141.86(g)(2)

The system must meet specific monitoring criteria to receive a full waiver:

- Its 90th percentile lead level must be less than or equal to 0.005 mg/L.
- Its 90th percentile copper level must be less than or equal to 0.65 mg/L.

- To receive a full waiver, the system must satisfy the criteria for both lead and copper. For a partial waiver, the system only need meet the criteria for the contaminant for which it is requesting a waiver.

§141.86(g)(3)

The system cannot start monitoring according to the waiver until receiving approval from the State in writing.

The State can require the system to perform additional activities, as a condition of the waiver.

§141.86(g)(4)

If a system receives a full waiver, it must:

- Monitor for lead and copper at the tap at least once every nine years, at the reduced number of sampling sites.
- Submit a materials re-certification to the State along with the sample results.

If a system receives a partial waiver, it must:

- Monitor and submit re-certification for the waived contaminant as stated above.
- Monitor for the non-waived contaminant according to §§141.86(d)(1) through (d)(4), as appropriate.

If a system has received a waiver, and later adds a new source of water or changes treatment, it must notify the State in writing within 60 days of the change. In this case, the State may add to or modify the waiver conditions, if it deems necessary.

If a system becomes aware that it is no longer free of lead- or copper-containing materials, it must notify the State in writing within 60 days.

§141.86(g)(5)

A system's waiver will automatically be renewed, unless the system no longer satisfies the monitoring criteria, materials criteria, and/or the State notifies the system in writing that its waiver has been revoked.

If these occur, the waiver will be revoked. If this happens, the system can re-apply for a waiver, when it again meets the appropriate materials and monitoring criteria.

§141.86(g)(6):

If a system's waiver has been revoked *and*:

- The system exceeds the lead and/or copper action level, it must implement corrosion control treatment, and any other applicable requirements.

- The system meets both action levels, it must monitor for lead and copper at least once every three years.

Section 141.87

Monitoring Requirements for Water Quality Parameters

Provisions with which all systems must comply as of April 11, 2000.

§141.87(c)(2)

EPA has added language that clarifies that monitoring once every two weeks is the minimum frequency for entry point monitoring.

Revisions that Cannot Be Implemented Prior to Approval of State's Primacy Revision

§141.87(c)(3)

If the system is a ground water system and has installed corrosion control treatment, it now may limit entry point sampling for WQPs to entry points that are *representative* of water quality conditions throughout the system, with prior approval from the State of the system's sampling plan.

§141.87(d)

If the State has specified OWQPs, the system must determine compliance with OWQPs:

- Every six months, with the first six-month period beginning on the date, the State specified the OWQPs.
- Using the new procedure that is specified under §141.82(g).

EPA has also specified when the system must collect its WQPs if it was on reduced lead and copper tap monitoring and then exceeds the action level.

§141.87(e)(2)

EPA has added an accelerated reduced monitoring provision for WQPs. The system now can reduce the frequency of WQP monitoring at the tap to once every three years more rapidly than before. In order to qualify, the system must:

- Demonstrate for two consecutive monitoring periods that the 90th percentile lead level is no more than 0.005 mg/L and the 90th percentile copper level is no more than 0.65 mg/L, *and*
- Be in compliance with OWQP requirements.

§141.87(e)(4)

EPA has also added language modifying when the system can requalify for annual or triennial reduced monitoring for WQPs at the tap.

Section 141.88

Monitoring Requirements for Lead and Copper in Source Water

Provisions with which all systems must comply as of April 11, 2000.

§141.88(a)(1)

EPA has clarified that compositing must be done by certified lab personnel.

EPA has revised the resampling trigger for composite samples to:

- greater than or equal to 0.001 mg/L for lead, *and*
- greater than or equal to 0.160 mg/L for copper.

Revisions that Cannot Be Implemented Prior to Approval of State's Primacy Revision

§141.88(e)

EPA has added a provision that expands the universe of systems that can qualify for reduced source water monitoring.

If the system exceeds an action level, it may conduct source water monitoring once every nine years *if*:

- The State has determined that source water treatment is unnecessary,
- The system has source water lead levels of 0.005 mg/L or less and source water copper levels of 0.065 mg/L or less.
- The system maintains these source water levels for three consecutive, three-year compliance periods (for groundwater systems) or three consecutive years (surface water systems or systems using both surface and groundwater sources).

Section 141.89

Analytical Methods

Revisions that Cannot Be Implemented Prior to Approval of State's
Primacy Revision

§141.89(a)(1)

Laboratories are no longer required to achieve the copper MDL in order to accept composite samples. This requirement is unnecessary now that EPA has revised the copper resampling trigger to 0.160 mg/L.

Section 141.90

Reporting Requirements

Provisions with which all systems must comply as of April 11, 2000.

§141.90(a)(3)

If a system collects lead and copper tap samples less frequently than every six months, it must notify the State within 60 days of any change to its treatment or addition of a new source.

§141.90(e)(4)

If a system replaces only a portion of a LSL (“*partial replacement*”):

- The system must report the results of the post-replacement lead sample to the State within the first 10 days of the month following the month in which the system received these analytical results, or as specified by the State.
- The State can eliminate the above requirement or require the system to report additional information to verify that it has completed all partial LSL replacement activities.

§141.90(f)(1)

If a system is required to deliver public education:

- The system must submit written documentation to the State, that demonstrates compliance with its public education requirements, within 10 days of the end of each period in which the system is required to perform public education tasks.
- The system is not required to submit its public education distribution list as part of its public education compliance letter, *if* it has already submitted this information previously to the State and certifies that this list has not changed [*Federal cite §141.90(f)(2)*].

Section 141.90

Reporting Requirements

Revisions that Cannot Be Implemented Prior to Approval of State's Primacy Revision

Deleted from rule language

The LCRMR eliminate many of the reporting requirements. The system is no longer required to:

- Certify that its samples are first-draw [deleted from §141.90(a)(1)(ii)].
- Certify that samples were collected properly by residents [deleted from §141.90(a)(1)(iii)].
- Justify in writing to the State why the system has used other than Tier 1 sites [deleted from §§141.90(a)(2) & (3)].
- Explain to the State in writing why 50% of its sampling sites are not served by LSLs [deleted from §141.90(a)(4)].
- Submit a written request to the State to go on reduced monitoring [deleted from §141.90(a)(5)].
System must still receive written approval from the State before it can go on reduced monitoring.
- Demonstrate that it has limited control of a LSL [deleted from §141.90(e)(4)].

§141.90(a)(1)

The LCRMR require the system to submit the following information, *if the system is*:

- Requesting sample invalidation, it must send documentation to the State for each sample it wishes to have invalidated.
- A NTNCWS or special-case CWS without enough taps for first-draw samples, either:
 - ▶ provide to the State in writing an identification of the standing times and locations for the non-first-draw samples, *or*
 - ▶ if the State has waived prior approval of non-first-draw sample sites, identify, in writing, each site that did not meet the minimum standing time and its actual length of standing time. The system must send this information to the State along with the sample results for lead and copper.

The LCRMR also clarify that the system is to report WQP monitoring results within the first 10 days following the end of the six-month monitoring period specified in §141.87(d).

§141.90(a)(4)

If the system is a small system requesting a monitoring waiver, it must submit:

- The required documentation to the State.
- The proper re-certification to the State for each subsequent monitoring period it wishes to keep its waiver.

If the system has a waiver and discovers that it has lead-containing or copper-containing materials in its distribution system, it must notify the State within 60 days of the discovery.

If the system had a waiver prior to the January 12, 2000, it must provide, by October 10, 2001, the required monitoring information to the State in order to retain that waiver, if it has not already done so.

If the system is a ground water system and wishes to limit WQP monitoring to a subset of representative entry points, it must send to the State identification and documentation on the selected entry points.

§141.90(h)

If the State has notified a system that it will calculate the system's 90th percentile values, the system does not need to report these values, *but*:

- *The system must* send the State the sample results and site selection information by the State-specified deadline, along with an explanation for any sample sites that have changed.
- *The State must* provide the results of the calculations, in writing, to the system before the end of the monitoring period.

Section 141.43

Prohibition on Use of Lead Pipes, Solder, and Flux

Provisions with which all systems must comply as of April 11, 2000.

§§141.43(a)(2) & (b)(2)

EPA has deleted the one-time requirement for the system to identify and notify persons that may be affected by lead contamination of their drinking water. This requirement was to be completed by June 1988 and is less comprehensive than the public education requirements. EPA therefore has deleted these requirements.

§141.43(d)

EPA also revised the definition of “lead free” to reflect the provisions of Sections 1417(d) and (e) of the 1996 Safe Drinking Water Act Amendments.

Section 142.14

Records Kept by States

EPA has revised State record keeping requirements to make them consistent with other LCRM changes.

§§142.14(d)(8)-(11)

States with primary enforcement responsibility must keep records of:

- System-specific conditions that States impose on water systems, deemed to have optimized corrosion control under §141.81(b)(1) or (b)(3), to ensure that they continue to operate and maintain their corrosion control treatment;
- Determinations of additional monitoring requirements and/or other actions required to maintain optimal corrosion control by systems monitoring for lead and copper at the tap less frequently than once every six months that change treatment or add a new source of water;
- System-specific decisions regarding the content of written public education materials and/or the distribution of these materials;
- System-specific determinations regarding use of non-first draw samples at NTNCWSs and special-case CWSs that operate 24 hours a day;
- System-specific designations of sampling locations for systems subject to reduced monitoring;
- System-specific determinations pertaining to alternative sample collection periods for systems subject to reduced monitoring;
- Determinations of small system monitoring waivers, waiver recertifications, and waiver revocations;
- Determinations regarding representative entry point locations at ground water systems;
- System-specific determinations regarding the submission of information to demonstrate compliance with partial lead service line replacement requirements;
- System-specific decisions regarding the resubmission of detailed documentation demonstrating completion of public education requirements;
- Reports and any other information submitted by PWSs under §141.90 and records of any 90th percentile values calculated by the State under §141.90(h);
- State activities, and the results thereof, to verify compliance with State determinations issued under §§141.82(f), 141.82(h), 141.83(b)(2), and 141.83(b)(4);
- State activities, and the results of these activities, to verify compliance with the requirements related to partial lead service line replacement under §141.84(d), and compliance with lead service line replacement schedules under §141.84(e);
- State activities, and the results of these activities, to invalidate tap samples for lead and copper under §141.86(f); *and*

- Each system's currently applicable or most recently designated monitoring requirements. If, for the records identified in paragraphs §§142.14(d)(8)(i) through (d)(8)(xvii), no change is made to State determinations during a 12-year retention period, the State must retain the record until a new decision, determination, or designation has been issued.

Deleted from §142.14(d)(8)(vii)

If the State has primary enforcement responsibility, it no longer needs to keep records of determinations that a system does not control entire lead service lines, as was specified in §141.84(e) in the original LCR.

Section 142.15

Reports by States

§142.15(c)(4)

States must report quarterly and in a format and on a schedule prescribed by the EPA Administrator.

§142.15(c)(4)(i)

For any reports provided prior to May 15, 2000, States must report the milestones from §142.15(c)(4) of the original LCR for each applicable PWS, along with the system's name and PWS identification (ID) number.

§142.15(c)(4)(ii)

For any reports provided after May 14, 2000, and before January 12, 2002, States may report according to the requirement of the original LCR or begin reporting as required under the LCRMR.

§142.15(c)(4)(iii)

For all reports submitted on or after January 12, 2002, States must report in accordance with the new requirements under the LCRMR. Specifically, States must report the following:

- The name and PWS ID number and 90th percentile lead levels for each monitoring period for all large and medium-size systems, and the first and last day of the monitoring period for which the 90th percentile lead level was calculated.
- The name and PWS ID number and 90th percentile lead levels for each monitoring period for all small systems that exceeded the lead action level, and the first and last day of the monitoring period in which the exceedance occurred.
- The name and PWS ID number and 90th percentile copper levels for each monitoring period for all PWSs that exceeded the copper action level, and the first and last day of the monitoring period in which the exceedance occurred.
- All name and PWS ID numbers for each PWS for which States have designated optimal WQPs, or which States have deemed to have optimized corrosion control under §141.81(b)(1) or (b)(3), the date of the determination, and the paragraph(s) under which States made their determination.

- All names and PWS ID numbers for each PWS required to begin replacing lead service lines, and the date each system must begin replacement.
- All names and PWS ID numbers for each PWS that has implemented optimal corrosion control, completed source water treatment requirements, and completed lead service line replacement requirements, and the date of the State's determination that these requirements have been met. The date reported must be the latest of:
 - ▶ The date the State designated optimal WQPs or deemed the system to have optimized corrosion control under §141.81(b)(1) or (b)(3);
 - ▶ For systems triggered into source water treatment, the date the State designated maximum permissible source water levels or determined that source water treatment is not required; *or*
 - ▶ For systems triggered into lead service line replacement, the date the system completed such replacement or became eligible to cease such replacement.

Section 142.16

Additional Special Primacy Requirements under the LCRMR

§142.16(d)(1)

States have the option to designate a different method than that outlined in §141.82(g)(1) for aggregating multiple measurements collected during the same day for a water quality parameter (WQP) at a sampling location. Section 141.82(g)(1) specifies that the daily value of a WQP is the average of all results collected during the day at a given site. If they elect to use a different formula, States must explain this alternate formula in their application for primacy.

Deleted from §142.16(d)(3)

The LCRMR eliminate the requirement to designate how States will verify PWS demonstrations of limited control over lead service lines, since EPA has eliminated all reference to "control" of lead service lines in the Minor Revisions.

§142.16(d)(3)

States must explain how they will verify that systems have completed all partial lead service line replacement activities. Under the LCRMR, systems must replace the portion of the lead service line that they own, and must offer the owner to replace the privately-owned portion of the line. Systems replacing only a portion of a line must notify residents served by the line in advance of the replacement. Such systems must also notify residents that the system will collect a sample representative of the water in the service line within 72 hours after completion of partial line replacement, and provide results of the lead concentration of the sample to residents within three business days.

§142.16(d)(4)

Under the LCRMR, States can allow systems on reduced monitoring to collect samples during a period other than June through September. Such a period must be no longer than four consecutive months and must represent a time of normal operation when the levels of lead are most likely to be highest. If States plan to designate an alternative period for sample collection for CWSs subject to reduced lead and copper tap monitoring, they must describe in their application for primacy how they plan to designate

such a period (i.e., how will they ensure that the lead levels will likely be at their highest during the alternate period.)

Section II.

Violation Determination, SDWIS Reporting, and SNC Definitions

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II-A. Summary of Revised State Reporting Requirements

II-A.1. Purpose

The purpose of this summary is to provide State agencies with an understanding of how the State reporting requirements have changed since EPA issued guidance in May 1992, entitled, *Lead and Copper Rule Definitions and Federal Reporting for Milestones, Violations, and SNCs*. The reason for this change is twofold. **First**, on January 12, 2000, EPA published minor revisions to the 1991 Rule. The Lead and Copper Rule Minor Revisions (LCRMR) modify some State reporting requirements, and impact some compliance determinations due to changes in some requirements for water systems. The LCRMR do not change the action levels of 0.015 milligrams per liter (mg/L) for lead and 1.3 mg/L for copper, or the Rule's basic requirements to optimize corrosion control and, if appropriate, treat source water, deliver public education, and replace lead service lines.

Second, through the EPA Data Sharing Committee (DSC), EPA re-evaluated the number of LCR violations that States should report to EPA and have consolidated some of these violation types. EPA has also revised some of the compliance period begin and end dates for some of the violation types to promote better tracking of these violations.

EPA has also developed *Revised State Reporting Requirements for the Lead and Copper Rule*, a reporting guidance to help systems and States understand the reporting requirements for the entire LCR, including the revisions. This guidance is contained in Appendix B of this Implementation Guidance. As noted, this Reporting Guidance contains information needed for reporting on the entire rule, whereas this only discusses the changes to the LCR reporting as impacted by the LCRMR. In addition, flow charts designed to assist regulators with reporting and enforcement issues are presented as Appendix C.

II-A.2. How Have State Reporting Requirements Changed?

To oversee the implementation of the LCR, EPA originally established reporting requirements for 11 milestones and 15 violation types. The revisions to the LCR have impacted the number of milestones that States must report to EPA and have changed some of the criteria for what constitute a violation; however, EPA has not added any new violation types. Instead, EPA has consolidated and expanded the definitions of some of the violation types. An overview of the changes to the milestone, sample, and violation reporting are provided below.

II-A.2.a. Changes to Milestone Reporting and 90th Percentile Values

The LCRMR eliminate the requirement for States to report the completion of several of the interim milestones; however, the minor revisions do not eliminate corresponding State recordkeeping requirements. They also add two new milestones and require States to report **all** 90th percentile lead levels for large and medium-size systems, and clarify in rule language that States must report the first and last day of the compliance period for which the 90th percentile levels were calculated.

To further simplify State reporting requirements, **all exceedances** are reported only **as sample records**, not as milestone records. (SDWIS/FED will no longer generate milestone records from 90th percentile sample records that are also exceedances.)

Table 1 below illustrates the difference in milestone and 90th percentile level reporting requirements between the 1991 Rule (LCR) and the minor revisions (LCRMR).

Table 1 Comparison of Required Reporting for Milestones and 90th Percentile Levels under the LCR and LCRMR			
Milestone Code	Description	Required to be reported under:	
		LCR?	LCRMR?
CU90	Copper action level exceedance	Yes	Yes, but to be reported as a sample record
PB90	Lead action level exceedance	Yes	
N/A	90 th percentile lead levels that are at or below the lead action level	No*	Required for large & medium systems
CCSR	Designates a system that is required to conduct a corrosion control study	Yes	No
CCSC	Designates a system that has completed a corrosion control study	Yes	No
OTDE	Indicates a system in which the State has designated or approved optimal corrosion control treatment (OCCT)	Yes	No
STDE	Indicates a system in which the State has designated or approved source water treatment (SOWT)	Yes	No
OTIN	Indicates a system that has installed OCCT	Yes	No
STIN	Indicates a system that has installed SOWT	Yes	No
WQPS	Indicates a system in which the State has designated or approved ranges for water quality parameters (WQPs)	Yes	No
MPLS	Indicates a system in which the State has designated or approved maximum permissible levels (MPLs) for lead and copper in source water	Yes	No
LSLR	Designates a system that is required to conduct Lead Service Line Replacement	Yes	Yes, but no longer required to report replacement rate

Table 1
Comparison of Required Reporting for Milestones
and 90th Percentile Levels under the LCR and LCRMR

Milestone Code	Description	Required to be reported under:	
		LCR?	LCRMR?
DEEM	Indicates a system for which the State has (1) designated optimal water quality parameters under §141.82(f), or (2) deemed to have optimized corrosion control under §141.81(b)(1), (b)(2), or (b)(3)	No	Yes
DONE	Completed all applicable corrosion control, source water treatment, and lead service line replacement requirements	No	Yes

* The LCR did not require States to report any 90th percentile levels below the action level (i.e., "non-exceedances). However, in the 1992 LCR reporting guidance, EPA requested that States report the 90th percentile lead non-exceedances for all large systems, and for medium and small systems once they exceeded the lead action level.

II-A.2.b. Changes to Violation Reporting

EPA established the EPA DSC to compile drinking water program data needs, review current reporting requirements, and recommend changes to these requirements that would best meet EPA's data objectives. One of the DSC's goals was to reduce the complexity of the LCR reporting requirements. The DSC evaluated the number of violations required to be reported for the LCR, and consolidated some of the violation types, reducing the number of violation types from 15 to 10.

In addition, for some violations, EPA changed how compliance periods are characterized in SDWIS/FED. For these violations, the compliance period begin date reflects the first day after the end of the time period for which the requirement was to be evaluated; the compliance period end date is December 31, 2015. This change will more accurately portray the length of time a system is in violation, and will facilitate tracking of significant noncompliers (SNCs).

Table 2 summarizes the consolidation of violation codes and also specifies any changes to compliance period begin/end dates.

Table 2
Revisions to Lead and Copper Violation Reporting

Old Violation Type		Revised Violation Type		
Violation Type Code	Description	Violation Type Code	Description	Change in Reporting Requirement
51	Initial Lead and Copper Tap M/R	51	Initial Lead and Copper Tap M/R	Violation begin and end dates ¹
52	Follow-up or Routine Lead and Copper Tap M/R	52	Follow-up or Routine Lead and Copper Tap M/R	Violation begin and end dates ¹
53	Initial Water Quality Parameter (WQP) M/R	53	WQP M/R	Combined violation types 53, 54, & 55 under code 53 Violation begin and end dates ²
54	Follow-up or Routine Entry Point WQP M/R			
55	Follow-up or Routine Tap WQP M/R			
56	Initial, Follow-up, or Routine Source Water M/R	56	Initial, Follow-up, or Routine Source Water M/R	Violation begin and end dates ¹
57	Optimal Corrosion Control Treatment Study/ Recommendation	57	Treatment Study/ Recommendation	Combined violation types 57 & 61 under code 57 Violation begin and end dates ¹
58	Optimal Corrosion Control Treatment Installation/Demonstration	58	Treatment Installation/ Demonstration	Combined violation types 58 & 62 under code 58 Violation begin and end dates ²
59	WQP Entry Point Noncompliance	59	WQP Entry Point or Tap Treatment Technique Noncompliance	Combined violation types 59 & 60 under code 59 Violation begin and end dates ²

Table 2
Revisions to Lead and Copper Violation Reporting

Old Violation Type		Revised Violation Type		
Violation Type Code	Description	Violation Type Code	Description	Change in Reporting Requirement
60	WQP Tap Noncompliance			
61	Source Water Treatment Recommendation	57	Treatment Recommendation	Combined violation types 57 & 61 under code 57 Violation begin and end dates ¹
62	Source Water Treatment Installation	58	Treatment Installation/ Demonstration	Combined violation types 58 & 62 under code 58 Violation begin and end dates ¹
63	Maximum Permissible Level Noncompliance	63	Maximum Permissible Level Noncompliance	Violation begin and end dates ¹
64	Lead Service Line Replacement (LSLR)	64	Lead Service Line Replacement	Violation begin and end dates ¹
65	Public Education	65	Public Education	Violation begin and end dates ¹
<p>¹ The begin date is the day after the requirement was to occur. The end date is defaulted by SDWIS/FED to December 31, 2015. The return to compliance date or "intentional no-action" date replaces the defaulted December 31, 2015. This change will better characterize the period of time in which a system is in violation.</p> <p>² The begin date is the first day of the compliance period and the end date is the last day of the compliance period.</p>				

II-A.3. When Should States Begin Reporting These New Violation Type?

As of January 20, 2000, SDWIS/FED has been able to accept all revised reporting requirements (i.e., the revised milestone and sample information required under the LCRMR, the consolidated violation codes, and the revised begin and end dates for violation type codes 51, 57, 58, and 65). Although EPA specified in the

LCRMR that States may begin reporting the revised requirements on May 14, 2000, EPA has completed programming changes in SDWIS/FED, and can accept the revised information ahead of schedule. Until January 14, 2002, States have the option to continue to report violations, samples, and milestones, as described in the 1991 LCR, or States may report according to the revised reporting requirements. By January 14, 2002, States must report the revised milestone and sample information in accordance with the LCRMR. In addition, the data needs to comply with the revised reporting formats to be accepted by SDWIS/FED. A summary of this schedule is provided in Table 3.

Table 3 Schedule for Reporting Revised Milestones, Lead 90th Percentile Data, and Consolidated Violations	
May 14, 2000 to January 13, 2002	States may continue to report the requirements described in the 1992 reporting guidance <p style="text-align: center;"><i>or</i></p> States may report in accordance with the new requirements under the LCRMR: <ul style="list-style-type: none"> S all lead 90th percentile levels for large and medium systems S lead 90th percentile exceedance for small systems S copper 90th percentile exceedances for all systems S streamlined LSLR milestone S Done and Deemed milestones (Initial - deemed and done requested by February 15, 2001)
January 14, 2002 and thereafter	States must report in accordance with all new LCRMR requirements
<p>Note: <i>The LCRMR do not change the frequency of reporting. States are still required to report 90th percentile levels, milestones, and violations quarterly.</i></p>	

In January 2000, the *existing* milestone and violation data in SDWIS/FED were converted as appropriate. Violation data were converted as appropriate to the consolidated violation type codes and compliance periods. In addition, SDWIS/FED created 90th percentile sample records for all 90th percentile copper exceedances and for those 90th percentile lead milestone records, for which a corresponding sample record did not already exist. EPA then archived the obsolete milestone and violation data. These data are available upon request to EPA or in the frozen databases for the periods prior to fiscal year 2000.

From May 14, 2000 to January 13, 2002, for *new* data submissions, SDWIS/FED will convert the violation codes of 54, 55, 60, 61, and 62 into the appropriate consolidated type code. During this time period, 90th percentile exceedances that are reported using the C800 milestone record instead of the C2100 sample record will be converted to sample records. Milestone data for the other deleted milestones and lead service line replacement rates will not be posted to SDWIS/FED but will be rejected. Beginning January 14, 2002, obsolete data will be rejected (i.e., violations with obsolete violation type codes, 90th percentile lead and copper

exceedances reported as milestones, milestone data for the other deleted milestones, and annual rates for lead service line replacement).

II-B. Significant Noncompliers (SNCs)

II-B.1. What is a SNC?

A SNC is a system that has more serious, frequent, or persistent violations. The SNC designation is reserved for those systems that are considered to pose the most serious threats to public health.

II-B.2. Have the SNC definitions been revised as a result of the LCRM?

EPA has not developed any new SNC conditions as a result of the rule revisions. However, under the LCR systems with initial tap lead and copper violations were allowed additional time to return to compliance prior to their being identified as SNC. We are well past the initial tap monitoring periods for all but the very new systems, therefore, the additional time is no longer appropriate. From April 2001 forward, systems will be evaluated against the revised SNC criteria in the 4th month following the quarterly compliance period as are all other SNC/violation conditions. Returned to compliance will be based on the system having completed all appropriate requirements and having monitored for 2 consecutive 6-month periods for the monitoring and reporting conditions listed above. In certain circumstances, completion of the specific requirement may be overtaken by other events, making completion moot. In those circumstances, the State should report the new follow-up action code of “intentional no action.”

In addition, some changes have been made to SNC determination with respect to: consolidation of the OCCT and SOWT installation violations into one violation code (58); changes in system public education reporting requirements; and changes in characterization of violation compliance periods for initial tap M/R and Installation violations (i.e., the violation compliance period begin date will be the first day after the end of the time period for which the requirements were evaluated, and the violation compliance period end date will be December 31, 2015).

When a return to compliance (RTC) is linked to one of these violations, the compliance period end date of December 31, 2015 will be replaced by the RTC date. Until then, if a system is still in violation for one of these violations, it will continue to qualify for SNC status.

II-B.3. What are the SNC Definitions for the three SNC types?

Table 4 provides the SNC definitions for the three types of SNCs.

SNC Type	Systems Affected	Definition
Initial Pb/Cu Tap M/R	All System Sizes	A System which failed to meet all monitoring and reporting requirements.
Treatment Installation/ Demonstration (OCCT or SOWT)	Only systems with 90 th percentile lead levels of ≥ 0.030 mg/L	System with this violation & 90 th percentile lead level of ≥ 0.030 mg/L in most recent monitoring period

Table 4
SNC Definition Under the Lead and Copper Rule Minor Revisions

Public Education	Only systems with 90 th percentile lead levels of ≥ 0.030 mg/L	System with this violation & 90 th percentile lead level of ≥ 0.030 mg/L in most recent monitoring period
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Section III.

State Primacy Revision Application for the LCRMR

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III-A. State Primacy Program Revision

40 CFR 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 Safe Drinking Water Act (SDWA). The 1996 SDWA Amendments update 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 23361).

III-A.1 Primacy Revision Process

Pursuant to §142.12, Revision of State Programs, States must submit to the EPA Administrator complete and final requests for approval of program revisions to adopt new or revised EPA regulations no later than 2 years after promulgation of the new or revised federal regulations (see Figure 1). Until the Lead and Copper Rule Minor Revisions (LCRMR) primacy application is submitted, or the submitted State LCRMR regulations become effective, whichever is later, EPA Regions have responsibility for directly implementing the LCRMR. EPA and the States can enter into agreements under which the States implement the LCRMR between the time that the rule becomes effective and when the States submit a final primacy revision package to EPA. A sample LCRMR implementation agreement that States and EPA may use to assist them in their discussions is provided as Appendix D. This sample agreement has 3 components. Part I lists general implementation responsibilities. Part II lists each of the provisions that were required to be implemented by April 11, 2000. In addition to a listing of provisions, Part II provides a two-column table to allow States and EPA to identify which party has responsibility for each provision. Part III lists provisions that can be implemented now under the federal regulations. States should evaluate whether they can implement these changes under their current regulations.

As Regions and States develop implementation agreements, they can complete the sample implementation agreement and use it to document responsibilities. States and Regions can also use the sample agreement as a basis for discussions and craft their own implementation agreement format. EPA requested that States and Regions complete implementation agreements by April 11, 2000. Extension agreements should cover the period between the rule effective date and the date that the State receives Primacy for the LCRMR.

III-A.1.a. LCRMR Provisions

The LCRMR provisions fall into two general categories: 1) those provisions that systems were required to begin implementing on April 11, 2000 and that States must adopt to retain primacy; and 2) those that are not more stringent, but allow flexibility and improvements in implementation. States are not required to adopt these changes to maintain primacy. Some States may not be able to implement these changes until they update their own regulations.

Provisions That Must Be Adopted— Provisions that became effective on April 11, 2000 and that States must incorporate into their drinking water regulations are marked with a 🔄 in the Primacy Revision Crosswalk (see page III-20). Because the effective date for these provisions is well in advance of the deadline for State adoption of these revised requirements, EPA will take steps to enter into implementation agreements with States to ensure that the new requirements are implemented.

Provisions Designed to Improve Implementation — These provisions are less stringent than the 1991 LCR. They were effective on April 11, 2000 at the federal level. State regulations with more stringent requirements remain in effect in most States until the States adopt their own regulations in response to the LCRMR. EPA anticipates that States will work with their water systems to ensure that the water systems understand which requirements will be enforced in their State.

Figure 1: State Rule Implementation and Primacy Revision Timetable

EPA/State Action	Time Frame
LCRMR published by EPA	January 12, 2000
Rule Effective Date	April 11, 2000
State and EPA Region establish a process and agree upon a schedule for application review and approval	June 2000
State, at its option, submits <i>draft</i> program revision package including: Preliminary Approval Request Draft State Regulations and/or Statutes Regulation Crosswalk	January 2001 (Suggested)
Regional (and Headquarters if necessary) review of draft	Completed within 90 days of State submittal of Draft
State submits final program revision package including: Adopted State Regulations Regulation Crosswalk 40 <i>CFR</i> 142.10 Primacy Update Checklist 40 <i>CFR</i> 142.14 and 142.15 Reporting and Recordkeeping 40 <i>CFR</i> 142.16 Special Primacy Requirements Attorney General's Enforceability Certification	By October 2001 ² (Suggested)
EPA final review and determination: Regional review (program and Office of Regional Council) Headquarters concurrence and waivers (Office of Ground Water and Drinking Water, and Office of Enforcement and Compliance Assurance) Public Notice Opportunity for hearing EPA's Determination	Completed within 90 days of State submittal of final – 45 days Region, 45 days Headquarters for first primacy application received by Region, otherwise 90 days Region

¹ Systems deemed to have optimized corrosion control under §141.81(b)(3), that exceed the copper action level, have until July 12, 2001 to meet the copper action level. States must comply with the revised recordkeeping requirements in §142.14(d)(8) and the revised reporting requirements in §142.15(c) by January 12, 2002.

² EPA suggests that States submit complete and final primacy revision applications by October 2001 to ensure timely program revision. Primacy revision applications, in complete and final form are due to EPA January 12, 2002. States may request an extension of up to 2 additional years.

III-A.1.b. The Revision Process

The approval of State program revisions is recommended to be a two-step process comprised of submission of a draft request (optional) and then submission of a complete and final request for program approval. Figure 2 diagrams these processes and their timing.

Draft Request — At a State's option, it may submit a draft request for EPA review and tentative determination. This request should contain drafts of all required primacy application materials. The State should submit a draft request by January 2001. EPA will make a tentative determination on whether the State's program meets the applicable requirements. The tentative determination should be made within 90 days.

Complete and Final Request — This submission must be in accordance with §§142.12(c)(1) and (2) and include the Attorney General's statement. States must also include their response to any comments and/or program deficiencies identified in the tentative determination (if applicable). EPA Regions should make States aware that submission of only a final request may make it more difficult for States to address any necessary changes within the allowable time for their rule adoption.

EPA requests that States submit their complete and final revision package within 21 months from the date of publication of the LCRMR (i.e., by October, 2001). This will ensure that States will have interim primacy within 24 months and will prevent them from becoming backlogged with revision applications to adopt future federal requirements.

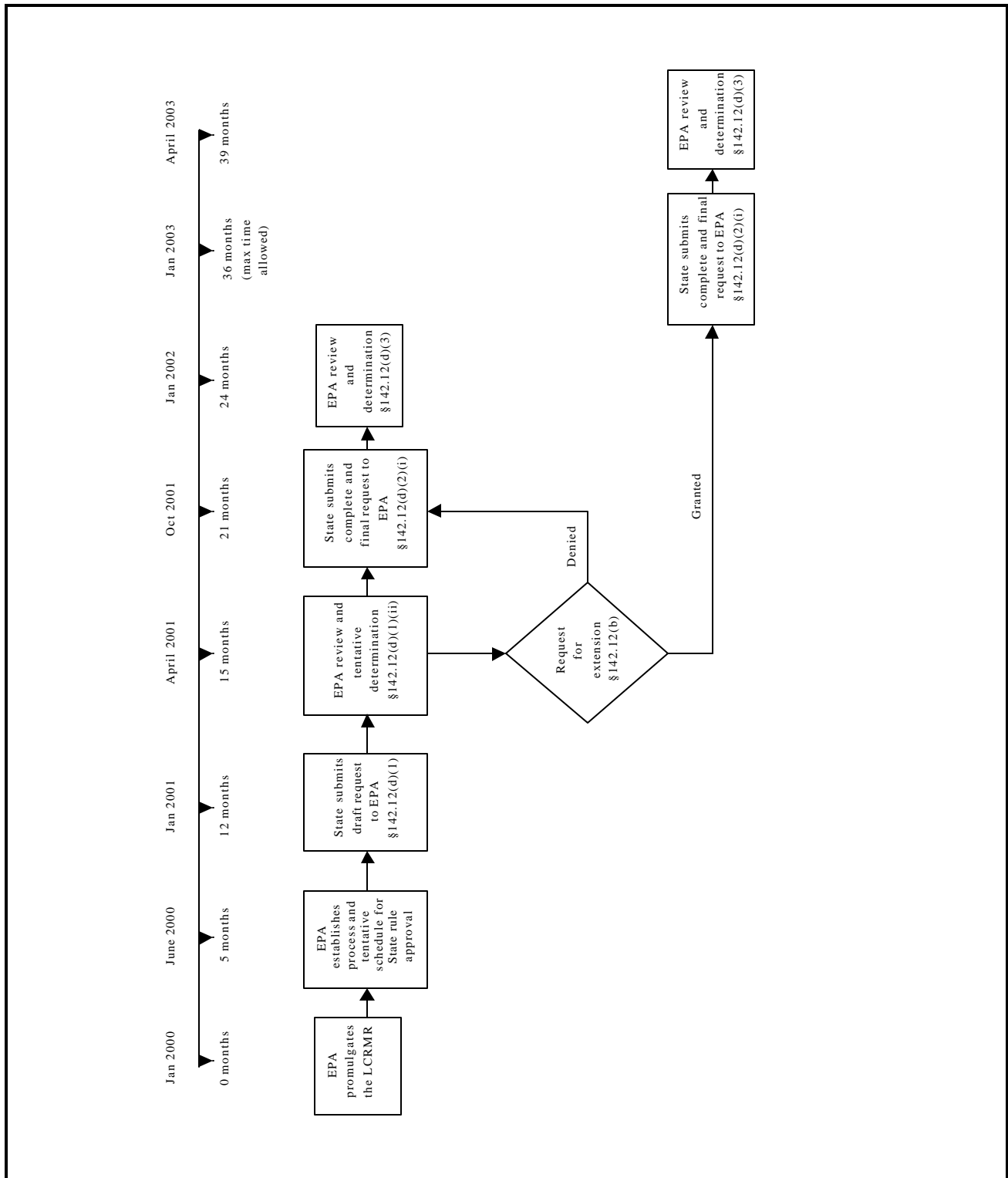
States and EPA Regions should agree to a plan and timetable for submitting State primacy revision application as soon as possible after rule promulgation—ideally within 5 months.

III-A.2. The Final Review Process

Once the State primacy revision application is complete and final, EPA has a regulatory (and statutory) deadline of 90 days to review and approve or disapprove of the revised program. The Offices of Ground Water and Drinking Water (OGWDW) and Enforcement and Compliance Assurance (OECA) will conduct detailed reviews of the first State package from each Region. Upon a satisfactory completion of the review, OGWDW and OECA will waive concurrence on all other State programs in that Region, although they will retain the option to review additional State programs with cause. The Office of General Counsel (OGC) has delegated its review and approval to the Office of Regional Counsel (ORC).

In order to meet the 90-day deadline of the first State package from each Region, the review period will be equally split giving both the EPA Regions and Headquarters 45 days to conduct their respective reviews. For the first package in each Region, Regions should forward copies of the primacy revision application to the Implementation and Assistance Division Director in OGWDW, who will take the lead on the review process. OGWDW will provide OECA with a copy for their concurrent review. OECA will concur on OGWDW approvals.

Figure 2: Recommended Review Process for State Request for Approval of Program Revisions



II-B. State Primacy Program Revision Extensions

III-B.1. The Extension Process

Under §142.12(b), States may request that the 2-year deadline for submitting the complete and final request for EPA approval of program revisions be extended for up to 2 additional years under certain circumstances. The extension request must be submitted to the Region within 2 years of the date that EPA published the regulation (by January 12, 2002), although EPA suggests that States submit this application by January 2001. The Regional Administrator has been delegated authority to approve extension applications. Headquarters concurrence on extensions is not required.

III-B.2. Criteria that an Extension Request Must Meet

For an extension to be granted, a State must demonstrate that the reasons that it cannot meet the original deadline are beyond its control, and that the State made a good faith effort to do so. A critical part of the extension application is the State's proposed schedule for submission of its complete and final request for approval of a revised primacy program. The application must also demonstrate at least one of the following:

- (i) That the State currently lacks the legislative or regulatory authority to enforce the new or revised requirements; or,
- (ii) That the State currently lacks the program capability adequate to implement the new or revised requirements; or,
- (iii) That the State is requesting the extension to group two or more program revisions in a single legislative or regulatory action.

In addition, during this extension period, the State must agree to implement the EPA requirements to be adopted in its program revision within the scope of its current authority and capabilities.

III-B.3. Conditions of the Extension

If an extension is granted, the State and EPA Region will negotiate certain conditions that must be met during the extension period. These conditions will be determined during the extension approval process and are decided on a case-by-case basis. The Region and State must establish a memorandum of agreement to cover this period. EPA recommends that the memorandum of agreement be based on the LCRMR implementation agreement, modified as to include relevant actions. A sample Memorandum of Understanding agreement is presented as Appendix E.

Conditions of an extension agreement may include:

- Informing PWSs that the Region will be overseeing implementation of the requirements until it approves the State program revision or until the State submits a complete and final revision package or until the State regulations in the submitted revision package become effective (whichever comes later), if the State qualifies for interim primacy;
- Collecting, storing and managing laboratory results, public notices, and other compliance and operation data required by EPA's regulations;
- Assisting the EPA Region in the development of the technical aspects of enforcement actions and conducting informal follow-up on violations (telephone calls, letters, etc.);
- Providing technical assistance to PWSs;
- If the State's request for an extension is based on a current lack of program capability adequate to implement the new requirements, taking steps agreed to by the State and EPA Region during the extension period to remedy the deficiency;
- Providing the EPA Region with all the information required under §142.15 on State reporting.

Figure 3 on the next page provides a checklist the EPA Region can use to review State extension requests.

Figure 3: Extension Request Checklist

I. Reason for State Request

- Clustering of Program Revisions
- Statutory Barrier
- Regulatory Barrier
- Lack of Program Capability
 - Insufficient Resources
 - Funding Level
 - Staffing
 - Lack of Adequately Trained Staff
 - Inadequate Procedures, Guidelines, and Policies
- Other _____

II. Actions Taken by the State to Justify an Extension

- | | Schedule Dates
(or attachments) |
|----------------------------------------------------------------------------------|------------------------------------|
| <input type="checkbox"/> Seeking Increases in Program Resources | _____ |
| <input type="checkbox"/> Training Existing Personnel/Revising Training Programs | _____ |
| <input type="checkbox"/> Revising State Regulations or Statutes | _____ |
| <input type="checkbox"/> Developing Revised/New Procedures, Guidelines, Policies | _____ |
| <input type="checkbox"/> Other _____ | _____ |
| _____ | _____ |

III. Extension Decision

- Extension Request Approved Date: / /
- Period of Extension Request: / / to / /
- Extension Request Denied Date: / /
- Reason Cited: _____

IV. Conditions of the Extension

During the extension period the State will (check all that apply):

- Inform public water systems that EPA will be overseeing their implementation until the State's program is approved or submitted if State qualifies for interim primacy
- Collect and store laboratory results and other compliance data
- Provide technical assistance to public water systems
- Provide EPA with the information required under §142.15 of the primacy rule
- Other _____

I-C. State Primacy Package

The Primacy Revision Application package should consist of the following sections:

III-C.1. The State Primacy Revision Checklist (40 *CFR* 142.10)

This section is a checklist of general primacy requirements, taken from 40 *CFR* 142.10, as shown in Figure 4. In completing this checklist, States must identify the program elements that they have revised in response to new Federal requirements. If an element has been revised, since the last primacy application approval, States should indicate a “Yes” answer in the second column next to the list of program elements and should submit appropriate documentation. For elements that need not be revised, States need only list the citation and the date of revision in the second column. During the application review process, EPA will insert findings and comments in the third column.

Figure 4: State Primacy Revision Checklist

	Required Program Elements	Revision to State Program	EPA Findings/Comments
§142.10	Primary Enforcement — Definition of Public Water System*		
§142.10(a)	Regulations No Less Stringent		
§142.10(b)(1)	Maintain Inventory		
§142.10(b)(2)	Sanitary Survey Program		
§142.10(b)(3)	Laboratory Certification Program		
§142.10(b)(4)	Laboratory Capability		
§142.10(b)(5)	Plan Review Program		
§142.10(b)(6)(i)	Authority to apply regulations		
§142.10(b)(6)(ii)	Authority to sue in courts of competent jurisdiction		
§142.10(b)(6)(iii)	Right of Entry		
§142.10(b)(6)(iv)	Authority to require records		
§142.10(b)(6)(v)	Authority to require public notification		
§142.10(b)(6)(vi)	Authority to assess civil and criminal penalties		
§142.10(c)	Maintenance of Records		
§142.10(d)	Variance/Exemption Conditions (if applicable)**		
§142.10(e)	Emergency Plans		

§142.10(f)	Administrative Penalty Authority*		
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* New requirement from the 1996 Amendments. Regulations published in the April 28, 1998 *Federal Register*.

** New regulations published in the August 14, 1998 *Federal Register*.

States may still receive interim primacy for the LCRMR even if they have not yet revised their base program to comply with the new statutory requirements (PWS definition and administrative penalty authority) provided that the time to adopt these requirements (including the extension period if applicable) has not expired.

States may bundle the LCRMR primacy revision packages with other regulations (e.g., new PWS definition, administrative penalty authority, variance and exemption requirements). States should be careful to insure the submittal date (two years plus two year extension) has not lapsed on any of the regulations. If States choose to bundle the LCRMR requirements with those of other requirements, States must include the text of their regulation/statute for which they are requesting primacy. The Attorney General statement should reference each regulation/statute included in the primacy package.

III-C.2. Text of the State's Regulation

Each primacy application package should include the text of the State regulation.

III-C.3. Primacy Revision Crosswalk

The Primacy Revision Crosswalk summarizes *only* those provisions in §§141.80-141.82 and §§141.84-141.90 that have been amended since the LCR was published on June 7, 1991. It includes the three technical amendments that were published in the *Federal Register* (on July 15, 1991; June 29, 1992; and June 30, 1994), and the new requirements under the LCRMR. Section 141.83, Source Water Treatment Requirements and §141.91, Recordkeeping requirements (for systems), were not revised and are not included in the Crosswalk. Further, the Crosswalk contains §141.43, Prohibition on Use of Lead Pipes, Solder, and Flux. This section was also included as part of the LCRMR. The summaries of each revision in the Crosswalk are intended to assist States in revising their regulations.

In the Crosswalk, those provisions that States *must* adopt in order to retain or obtain primacy are marked with a ★. A State must adopt these provisions by January 12, 2002, unless EPA has granted a State an extension. For any provisions *not* marked with a ★, States can choose to implement them, or decide not to implement them. States may also choose the timeframe in which they implement these requirements.

Some of the revisions to the rule are only clarifications that explain what EPA intended in the 1991 LCR; they are not actually new requirements. EPA has marked these revisions in the crosswalk with the word, **clarification**. If such a requirement as clarified by EPA is already explicitly written in the State's drinking water regulations, the State does not need to adopt the provision before implementing it.

States should complete the Crosswalk by specifying the sections of their statute or regulation that contain enforceable provisions comparable to those contained in the revised federal regulations. EPA will use the Crosswalk to review the State applications for consistency with federal law. If the State’s provisions differ from Federal requirements, the State should explain how its requirements are “no less stringent”. It is important that States include the title of the revised statute or regulations, the new or revised section or paragraph number, and the page number on which the relevant provision can be found. Providing this information will be helpful to the EPA Regions when reviewing the State’s request for approval of its primacy revisions.

The crosswalk is large and therefore has been included at the end of Section III.

III-C.4 State Reporting and Recordkeeping Checklist (40 CFR 142.14 and 142.15)

This checklist, presented as Figure 5, addresses State reporting and recordkeeping requirements for the LCRMR. This checklist only includes the requirements that have been revised by the LCRMR. States should use this checklist to explain how their reporting and recordkeeping requirements are consistent with Federal requirements. If a State’s requirements are different from the Federal requirements, it must explain how its requirements are none the less in compliance with federal requirements.

Figure 5: Reporting and Recordkeeping Checklist for the LCRMR

Requirement	Are the State’s policies consistent with Federal requirements? If not, please explain.
<p><u>Recordkeeping</u></p> <p>States with primary enforcement responsibility must keep records of:</p>	
<p>System-specific conditions that States impose on water systems, deemed to have optimized corrosion control under §141.81(b)(1) or (b)(3), to ensure that they continue to operate and maintain their corrosion control treatment, as per §142.14(d)(8)(i).</p>	
<p>Determinations of additional monitoring requirements and/or other actions required to maintain optimal corrosion control by systems monitoring for lead and copper at the tap less frequently than once every six months that change treatment or add a new source of water, as per §142.14(d)(8)(ix).</p>	
<p>System-specific decisions regarding the content of written public education materials and/or the distribution of these materials, as per §142.14(d)(8)(x).</p>	
<p>System-specific determinations regarding use of non-first draw samples at NTNCWSs and special-case CWSs that operate 24 hours a day, as per §142.14(d)(8)(xi).</p>	
<p>System-specific designations of sampling locations for systems subject to reduced monitoring, as per §142.14(d)(8)(xii).</p>	

Requirement	Are the State's policies consistent with Federal requirements? If not, please explain.
System-specific determinations pertaining to alternative sample collection periods for systems subject to reduced monitoring, as per §142.14(d)(8)(xiii).	
Determinations of small system monitoring waivers, waiver recertifications, and waiver revocations, as per §142.14(d)(8)(xiv).	
Determinations regarding representative entry point locations at ground water systems, as per §142.14(d)(8)(xv).	
System-specific determinations regarding the submission of information to demonstrate compliance with partial lead service line replacement requirements, as per §142.14(d)(8)(xvi).	
System-specific decisions regarding the resubmission of detailed documentation demonstrating completion of public education requirements, as per §142.14(d)(8)(xvii).	
Reports and any other information submitted by PWSs under §141.90 and records of any 90 th percentile values calculated by the State under §141.90(h), as per §142.14(d)(9).	
State activities, and the results thereof, to verify compliance with State determinations issued under §§141.82(f), 141.82(h), 141.83(b)(2), and 141.83(b)(4), as per §142.14(d)(10)(i).	
State activities, and the results of these activities, to verify compliance with the requirements related to partial lead service line replacement under §141.84(d), and compliance with lead service line replacement schedules under §141.84(e), as per §142.14(d)(10)(ii).	
State activities, and the results of these activities, to invalidate tap samples for lead and copper under §141.84(f), as per §142.14(d)(10)(iii).	
Each system's currently applicable or most recently designated monitoring requirements. If, for the records identified in paragraphs §142.14(d)(8)(i) through (d)(8)(xvii), no change is made to State determinations during a 12-year retention period, the State must retain the record until a new decision, determination, or designation has been issued, as per §142.14(d)(11).	
If the State has primary enforcement responsibility, it no longer needs to keep records of determinations that a system does not control entire lead service lines, as was specified in §141.84(e) in the original LCR.	
<p>Reporting</p> <p>States must follow these reporting requirements if they have primary enforcement responsibility.</p>	
States must report quarterly and in a format and on a schedule prescribed by the EPA Administrator, as per §142.15(c)(4).	

Requirement	Are the State's policies consistent with Federal requirements? If not, please explain.
For any reports provided prior to May 15, 2000, States must report the milestones from §142.15(c)(4) of the original LCR for each applicable PWS, along with the system's name and PWS identification number, as per §142.15(c)(4)(i).	
For any reports provided after May 14, 2000, and before January 12, 2002, States may report according to the requirement of the original LCR or begin reporting as required under the LCRM, as per §142.15(c)(4)(ii).	
For all reports submitted on or after January 12, 2002, States must report in accordance with the new requirements under the LCRM, as per §142.15(c)(4)(iii). Specifically, States must report the following:	
<ul style="list-style-type: none"> • The PWS ID number and 90th percentile lead levels for each monitoring period for all large and medium-size systems, and the first and last day of the monitoring period for which the 90th percentile lead level was calculated. 	
<ul style="list-style-type: none"> • The PWS ID number and 90th percentile lead levels for each monitoring period for all small systems that exceeded the lead action level, and the first and last day of the monitoring period in which the exceedance occurred. 	
<ul style="list-style-type: none"> • The PWS ID number and 90th percentile copper levels for each monitoring period for all PWSs that exceeded the copper action level, and the first and last day of the monitoring period in which the exceedance occurred. 	
<ul style="list-style-type: none"> • All PWS ID numbers for each PWS for which States have designated optimal WQPs, or which States have deemed to have optimized corrosion control under §141.81(b)(1) or (b)(3), the date of the determination, and the paragraph(s) under which States made their determination. 	
<ul style="list-style-type: none"> • All PWSs required to begin replacing lead service lines, and the date each system must begin replacement. 	
<ul style="list-style-type: none"> • All PWS ID numbers for each PWS that have implemented optimal corrosion control, completed source water treatment requirements, and completed lead service line replacement requirements, and the date of the State's determination that these requirements have been met. The date reported must be the latest of: <ul style="list-style-type: none"> - The date the State designates optimal WQPs or deem the system to have optimized corrosion control under §141.81(b)(1) or (b)(3); - For systems triggered into source water treatment, the date the State designate maximum permissible source water levels or determine that source water treatment is not required; or - For systems triggered into lead service line replacement, the date the system completes such replacement or becomes eligible to cease such replacement. 	

III-C.5. Guidance for Special Primacy Requirements (40 CFR 142.16)

This section contains guidance States can use when addressing the special primacy requirements of 40 *CFR* 142.16 -- requirements unique to specific regulations of the LCRMR. This section addresses:

- the three new special primacy conditions added by the LCRMR (the addition of paragraph 142.16(d)(4) and revision of paragraphs (d)(1) and (d)(3)),
- the one condition eliminated by these minor revisions, and
- the technical correction to the special primacy requirements.

States must describe in their application how they will implement the following new provisions. The first provision regarding partial lead service line replacement is one States *must* adopt in order to retain primacy, and States must describe in their application for primacy revision how they plan to implement this provision. A State is only required to include descriptions for the second and third provisions if they have adopted the relevant portion of the LCRMR and plan to implement them in their State.

States should note that, in several sections, the guidance makes suggestions and offers alternatives that go beyond the minimum requirements indicated by reading the subsections of §142.16. EPA does this to provide States with information and/or suggestions that may be helpful to States' implementation efforts. Such suggestions are prefaced by "may" or "should" and are to be considered advisory. They are not required elements of States' applications for program revision.

ALL STATES MUST RESPOND TO THE FOLLOWING SPECIAL PRIMACY REQUIREMENT

§142.16 Special Primacy Requirements (d)(3): *Section 141.90 (e) – Verifying compliance with lead service line replacement schedules and completion of all partial lead service line replacement activities.*

Guidance

Section 141.84(b) requires that systems shall replace annually at least 7 percent of the initial number of lead service lines in its distribution system. The annual replacement program must begin on the date the lead action level was exceeded which triggered the lead service line replacement program. Under the LCRMR, systems must:

- Replace the portion of the lead service line that they own, and
- Offer to the owner to replace the privately-owned portion of the line.

Section 141.90(e) requires systems to report any additional information as specified by the State, and in a time and manner prescribed by the State, to verify that all partial lead service line replacement activities have taken place. For §142.16(d) States must explain how they will document or verify that systems have completed all partial lead service line replacement activities.

To address this provision, States may impose a requirement for systems to report annually, monthly or on an alternative schedule no less frequently than annually, their progress in completing all lead service line replacements and meeting the annual replacement schedules required in §141.84. System reporting used to verify progress and completion may include any or all of the following:

- A signed statement by the system owner verifying all lead service lines (or an annually required number of lines) have been replaced in part or in whole. If any lead service lines were only partially replaced, the number of partial replacements should be reported.
- A signed statement by the owner of the service line or their authorized agent (when other than the owner of the water system) acknowledging receipt of the system's offer to replace the privately-owned portion of the line, and whether the offer was accepted or declined.
- Documentation from contractor records, billing receipts or other means by which the State can verify replacement of lead service lines has been completed.

Note: *States that have no systems with lead service lines should include a statement to that effect in their primacy package.*

**SPECIAL PRIMACY REQUIREMENTS REQUIRED ONLY IF THE STATE HAS
ADOPTED THE RELEVANT PORTIONS OF THE LCRM AND PLANS TO
IMPLEMENT THEM**

§142.16 Special Primacy Requirements (d)(1) State designation of optimal corrosion control (ii):
Section 141.82(g) – Designating an alternative approach for aggregating multiple measurements collected during the same day for a water quality parameter at a sampling location, if the State elects to adopt a formula other than the one specified in Sec. 141.82(g)(1) of this chapter.

States adopting §141.82(g)(1) as is do not need to respond to this special primacy requirement.

Guidance

States have the option to designate a different formula than that outlined in §141.82(g)(1) for aggregating multiple measurements collected during the *same day* for a water quality parameter (WQP) at a sampling location. Section 141.82(g)(1) specifies that the daily value of a WQP is the average of all results collected during the day at a given site, regardless of whether they are collected through continuous monitoring, grab sampling, or a combination of both.

Some States may elect to use an alternative methodology for calculating daily values for optimal water quality parameter requirements. If so, the State must explain their alternative method and provide justification sufficient to show it is at least as stringent as the average of the daily values described in §141.82(g)(1).

In considering this option, States may have reason to believe an alternative formula may be more representative for calculating daily values for WQPs for some systems. Examples of situations which may trigger an alternative methodology include the following:

- For systems performing continuous monitoring of a WQP(s), the State may prescribe the monitoring frequency at which data would be used for calculating the daily value. For example, values recorded every four hours may be used to calculate the daily average.
- For systems with large fluctuations in the values obtained for a WQP(s) the extreme value most detrimental to corrosion of distribution system piping may be required to be reported (e.g., the lowest pH value obtained).
- For sample locations at a common header which is served by multiple sources (and where water quality fluctuates based on the particular sources in service at the time of sampling), a formula representing the water quality contribution of the source providing the most water may be required.

§142.16 Special Primacy Requirements (d)(4): *Section 141.86 (d)(4)(iv)(A) – Designating an alternative period for sample collection for community water systems subject to reduced monitoring.*

Guidance

Section 141.86(d)(4)(iv)(A) adds the provision that States may approve a different period for conducting the lead and copper tap sampling for systems performing reduced monitoring. The alternative period would be other than the current four-month period of June, July, August and September, specified in §141.86 (d)(4)(iv). The June through September time period was defined because it was believed the highest levels of lead at the tap were most likely to occur during warm weather months. Under the LCRM, States can allow systems on reduced monitoring to collect samples during a period other than June through September. Such a period must be no longer than four consecutive months and must represent a time of normal operation when the levels of lead are most likely to be highest.

Recently published data and analyses pertaining to the effect of temperature on lead and copper leaching indicate there are several factors which might explain why metal levels could frequently be higher in cold weather months, various combinations of which may be simultaneously present in a given water system. These factors include:

- The intrinsic net solubility of many minerals, especially carbonates, increases as the temperature decreases.
- Corrosion inhibitors, especially orthophosphate, may react more slowly at lower temperatures, so passivating film formation is less effective in colder water.
- Corrosion inhibitors and other treatment chemicals may be more viscous at lower temperatures. Therefore, the chemical feed rates may be lower when cold.
- Many pipes are near heating systems, and in the winter the operation of the heating systems causes the pipes to be hotter. Plus, the change in temperature could also disrupt the existing protective films in the pipes built up over the earlier months of more stable temperatures.
- Dissolved oxygen levels are often higher in colder waters, resulting in increased concentrations of oxidants (e.g., oxygen, free chlorine, chloramines) in the water. This causes more rapid increases in metal levels through enhanced oxidation during short standing times (less than 16 hours).

The revised language of the LCRMR allow States to retain the requirement to conduct reduced monitoring during the months of June through September. However, EPA believes that the requirement to limit reduced monitoring to warm weather months is no longer justified. If States plan to designate an alternative period for sample collection for reduced lead and copper tap monitoring, they must describe in their application for primacy how they plan to designate such a period (i.e., how they will ensure that the lead levels will likely be at their highest during the alternate period).

A State may detail program criteria using appropriate items cited above, additional information pertinent to their State or systems, or by describing how criteria will be established on a system-by-system basis.

The person or entity responsible for making the determinations should be identified and should include those most knowledgeable about the particular water system, its operational practices and water chemistry, and other system-specific issues that may affect lead corrosion.

<p style="text-align: center;">PROVISIONS OF THE LCRM SPECIAL PRIMACY REQUIREMENTS THAT DO NOT REQUIRE RESPONSE</p>

§142.16 Special Primacy Requirements (d)(1) State designation of optimal corrosion control (i):
Sections 141.82(d), 141.82(f) and 141.82(h) – Designating optimal corrosion control treatment methods, optimal water quality parameters, and modifications thereto.

Note this is solely a renumbering of the requirements and requires no response.

Deleted from §142.16(d)(3)

The LCRM eliminate the requirement to designate how States will verify PWS demonstrations of limited control over lead service lines, since EPA has eliminated all reference to “control” of lead service lines in the Minor Revisions.

Repromulgation of §142.16(d)

The June 30, 1994 (59 FR 33864) Technical Correction repromulgates the special primacy requirements under §142.16(d) that were initially promulgated in the 1991 LCR. Section 142.16(d) had been inadvertently deleted during the promulgation of the Phase II rulemaking (56 FR 3526, January 30, 1991).

III-C.6. Attorney General’s Statement of Enforceability

The complete and final primacy revision application must include an Attorney General statement certifying that his/her State regulations were duly adopted and are enforceable. The Attorney General statement should also certify that his/her State does not have any audit privilege or immunity laws, or if it has such laws, that these laws do not prevent the State from meeting the requirements of the SDWA. Similarly, if the State is not adopting the new PWS definition because it has no “constructed conveyance systems,” the Attorney General should certify that his/her State statute or regulation is “as stringent as” the federal requirements and that any future constructed conveyance systems will be prohibited. If the State has submitted this certification with a previous revision package, then it should indicate the date of submittal and the Attorney General need only certify that the status of the audit laws has not changed since the prior submittal. An example of an Attorney General statement is presented in Figure 6. A “Statement of Principles”, which outlines the criteria EPA will use to determine whether States with audit laws have retained adequate enforcement and information gathering authority to meet the requirements of the SDWA, is presented as Appendix F.

Figure 6: Example of Attorney General 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.

Guidance For States on Audit Privilege and/or Immunity Laws

In order for EPA to properly evaluate the State’s request for approval, the State Attorney General or independent legal counsel should certify that the State’s environmental audit immunity and/or privilege and immunity law does not affect its ability to meet enforcement and information gathering requirements under the Safe Drinking Water Act. This certification should be reasonably consistent with the wording of the State audit laws and should demonstrate how State program approval criteria are satisfied.

EPA will apply the criteria outlined in its “Statement of Principles” memo issued on 2/14/97 (See Appendix F) in determining whether States with audit laws have retained adequate enforcement authority for any authorized federal programs. The principles articulated in the guidance are based on the requirements of federal law, specifically the enforcement and compliance and State program approval provisions of environmental statutes and their corresponding regulations. The Principles provide that if provisions of State law are ambiguous, it will be important to obtain opinions from the State Attorney General or independent legal counsel interpreting the law as meeting specific federal requirements. If the law cannot be so interpreted, changes to State laws may be necessary to obtain federal program approval. Before submitting a package for approval, States with audit privilege and/or immunity laws should initiate communications with appropriate EPA Regional Offices to identify and discuss the issues raised by the State’s audit privilege and/or immunity law.

Model Language

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 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 law] of the [State/Commonwealth of (3)] does not affect (3) ability to meet enforcement and information gathering requirements under the Safe Drinking Water Act because the [audit privilege and/or immunity law] does 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 law] does 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 law].

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 law] of the [State/Commonwealth of (3)] does not affect (3) ability 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 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

PRIMACY REVISION CROSSWALK

PRIMACY REVISION CROSSWALK FOR THE LCRMR

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
SUBPART E—SPECIAL REGULATIONS, INCLUDING MONITORING REGULATIONS AND PROHIBITION ON LEAD USE			
§141.43 PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND FLUX			
Deletes requirement for each PWS to notify persons who may be affected by lead contamination in their drinking water. EPA has not added any new requirements to this paragraph.	§141.43(a)(2)(i)-(ii)		
Deletes requirement which specified the effective date for public notice requirements. EPA has not added any new requirements to this paragraph.	§141.43(b)(2)		
Adds a third definition of lead free, which is: Plumbing, fittings and fixtures intended by the manufacturer to dispense water for human ingestion: those that comply with standards established in accordance with 42 U.S.C. 300g-6(e).	§141.43(d)(3)		
SUBPART I—CONTROL OF LEAD AND COPPER			
§141.80 GENERAL REQUIREMENTS			
☛ Corrects errors in effective dates for §§141.86-141.91 and Part 142 to become effective on July 7, 1991, and for §§141.80-141.85 to become effective on December 7, 1992. <i>(Technical Corrections, July 15, 1991 & June 29, 1992)</i>	§141.80(a)(2)		
§141.81 APPLICABILITY OF CORROSION CONTROL TREATMENT STEPS TO SMALL, MEDIUM-SIZE AND LARGE WATER SYSTEMS			
Determination of optimal corrosion control treatment ☛ Systems deemed to have optimized corrosion control must continue to operate optimal corrosion control treatment already in place, and to fulfill any other tasks that State requires to ensure such treatment is maintained.	§141.81(b)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☼” to retain/obtain primacy.</i>			
<p>☼ <i>*Clarification*</i>: Systems deemed to have optimized corrosion control under this paragraph must comply with State-designated optimal water quality parameters (OWQPs) and continue lead and copper tap and WQP sampling.</p> <p>System may be deemed to have optimized corrosion control under §141.81(b)(3) if source water lead levels are below the method detection limit (MDL) and 90th percentile tap lead level is less than or equal to the practical quantitation level (PQL) for lead, for 2 consecutive 6-month monitoring periods.</p>	<p>§141.81(b)(2)</p> <p>§141.81(b)(3)(i)</p>		
<p>☼ System deemed to have optimized corrosion control under §141.81(b)(3) must continue tap monitoring for lead and copper, using reduced number of sites, at least once every 3 years, according to §141.86(d)(4)(iv).</p> <p>☼ Any such system which has not conducted this monitoring since September 30, 1997, must complete a round of monitoring no later than September 30, 2000.</p>	<p>§141.81(b)(3)(ii)</p>		
<p>☼ System deemed to have optimized corrosion control according to §141.81(b)(3) must notify State in writing of any change in treatment or addition of new source.</p> <p>☼ State may require system to do additional monitoring or perform other tasks to ensure minimal corrosion in distribution system.</p>	<p>§141.81(b)(3)(iii)</p>		
<p>☼ System must meet copper action level in order to be deemed to have optimized corrosion control according to §141.81(b)(3). If system does not meet copper action level, it must implement corrosion control treatment according to §141.81(b)(3)(v).</p>	<p>§141.81(b)(3)(iv)</p>		
<p>☼ Any system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under §141.81(b)(3) must begin corrosion control treatment steps according to deadlines in §141.81(e).</p> <p>☼ Any such large system must adhere to schedule specified in §141.81(e) for medium-size systems, with the time periods for completing each step being triggered by the date system is no longer deemed to have optimized corrosion control.</p>	<p>§141.81(b)(3)(v)</p>		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☉” to retain/obtain primacy.</i>			
☉ Specifies that small or medium-size systems must implement corrosion control treatment steps if they exceed lead or copper action level, even if they were previously deemed to have optimized corrosion control according to §141.81(b)(1). (<i>Technical Correction, June 30, 1994</i>)	§141.81(c)		
§141.82 DESCRIPTION OF CORROSION CONTROL TREATMENT REQUIREMENTS			
<p>Continued operation and monitoring</p> <ul style="list-style-type: none"> • Compliance will be determined every 6 months as specified under §141.87(d). • System is out of compliance during any 6-month period in which it has excursions for any State-specified parameter on more than 9 days during period. • An excursion occurs when the daily value for any WQP is below minimum value or outside range designated by the State. • Daily values for a sampling location are calculated as follows: 	§141.82(g)		
<p>S On days when more than one measurement for WQP is collected, daily value is average of all results collected during day.</p> <p>S Daily value is calculated in same manner, regardless of whether measurements are collected using continuous monitoring, grab sampling, or both.</p> <p>S If EPA has approved alternative formula under §142.16, the State’s formula is to be used to aggregate multiple measurements taken at sampling point for WQP in lieu of formula in this paragraph.</p>	§141.82(g)(1)		
<p>S On days when only one measurement is collected, daily value is the result of that measurement.</p>	§141.82(g)(2)		
<p>S On days when no WQP measurement is collected, daily value is one calculated on most recent day on which WQP was measured at sample site.</p>	§141.82(g)(3)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
§141.83 SOURCE WATER TREATMENT REQUIREMENTS - <i>There were no revisions to this section.</i>			
§141.84 LEAD SERVICE LINE REPLACEMENT			
<ul style="list-style-type: none"> ☛ When identifying initial number of lead service lines (LSLs) in distribution system, systems must identify portion(s) of lines they own. ☛ Identification is based on materials evaluation and relevant legal authorities. 	§141.84(b)		
<p>Partial LSL replacement</p> <ul style="list-style-type: none"> ☛ System must replace portion of LSL that it owns. ☛ When replacing part of line that it owns, systems must notify owner (or owner’s authorized agent) about the replacement, and offer to replace owner’s portion of line. ☛ System is not required to bear cost of replacing privately owned portion of line, or to replace privately-owned portion where precluded by local law, or where owner chooses not to pay cost of replacing privately-owned portion. ☛ Systems replacing only portion of LSL must: 	§141.84(d)		
<ul style="list-style-type: none"> ☛ At least 45 days prior to partial line replacement, notify all residents served by line of possible temporary increase in lead levels and provide guidance on minimizing exposure to lead. State can approve shorter time for this advance notice if replacement done in conjunction with emergency repairs. ☛ Inform residents that system will, at system’s expense, collect a sample representative of water in line within 72 hours after partial line replacement. ☛ Collect sample and mail/post results of lead analysis to owner and residents within 3 business days of receiving results. 	§141.84(d)(1)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> ☛ System must provide post-replacement sample results to residents of individual dwellings by mail or other State-approved methods. ☛ For multi-family dwellings, system has option to post this information at conspicuous location. 	§141.84(d)(2)		
<ul style="list-style-type: none"> ☛ Eliminates original language in paragraph (e) pertaining to system’s “control” of LSL and system’s submission of documentation that proves limited control of LSL. <p>§141.84(f) has been renumbered as (e). The language in (f) has not changed.</p>	§141.84(e)		
<ul style="list-style-type: none"> ☛ Specifies that systems must meet lead action level in first-draw tap water samples, rather than LSL samples, in order to cease LSL replacement. <i>(Technical Correction June 29, 1992)</i> <p>§141.84(g) has been renumbered as (f).</p>	§141.84(f)		
<p>§141.84(h) has been renumbered as (g). The language in (h) has not changed.</p>	§141.84(g)		
§141.85 PUBLIC EDUCATION AND SUPPLEMENTAL MONITORING			
Content of written public education materials	§141.85(a)		
<p>Content of written public education materials for CWSs:</p> <ul style="list-style-type: none"> • If approved by State, systems may now delete information pertaining to LSLs if no LSLs exist in system. • If approved by State, systems may now modify language at §§141.85(a)(1)(iv)(B)(5) and (a)(1)(iv)(D)(2) regarding building permit record availability and consumer access to these records. • Systems may continue to use pre-printed materials that meet public education language requirements of original Rule promulgated on June 7, 1991. 	<p>§141.85(a)(1) <i>formerly §141.85(a)</i></p>		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☼” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> Modifies public education language regarding LSLs, to require system to include in public education materials the fact that it is required to replace portions of LSLs that it owns. Specifies that the mandatory public education language should state that systems must replace LSLs that contribute lead levels of <u>more than</u> 15 ppb, rather than 15 ppb or more. <i>(Technical Correction June 29, 1992)</i> 	§141.85(a)(1)(i) <i>formerly §141.85(a)(1)</i>		
Redesignates the following paragraphs without additional language changes: <ul style="list-style-type: none"> §141.85(a)(2) §141.85(a)(3) §141.85(a)(3)(i) §141.85(a)(3)(ii) §141.85(a)(3)(iii) §141.85(a)(4) §141.85(a)(4)(i) §141.85(a)(4)(ii) §141.85(a)(4)(ii)(A) §141.85(a)(4)(ii)(B) §141.85(a)(4)(ii)(C) §141.85(a)(4)(ii)(D) §141.85(a)(4)(ii)(F) 	§141.85(a)(1)(ii) §141.85(a)(1)(iii) §141.85(a)(1)(iii)(A) §141.85(a)(1)(iii)(B) §141.85(a)(1)(iii)(C) §141.85(a)(1)(iv) §141.85(a)(1)(iv)(A) §141.85(a)(1)(iv)(B) §141.85(a)(1)(iv)(B)(1) §141.85(a)(1)(iv)(B)(2) §141.85(a)(1)(iv)(B)(3) §141.85(a)(1)(iv)(B)(4) §141.85(a)(1)(iv)(B)(6)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> • §141.85(a)(4)(iii) • §141.85(a)(4)(iii)(A) • §141.85(a)(4)(iii)(B) • §141.85(a)(4)(iv) • §141.85(a)(4)(iv)(A) • §141.85(a)(4)(iv)(C) • §141.85(a)(4)(v) 	<ul style="list-style-type: none"> §141.85(a)(1)(iv)(C) §141.85(a)(1)(iv)(C)(1) §141.85(a)(1)(iv)(C)(2) §141.85(a)(1)(iv)(D) §141.85(a)(1)(iv)(D)(1) §141.85(a)(1)(iv)(D)(3) §141.85(a)(1)(iv)(E) 		
<ul style="list-style-type: none"> • Revises language regarding LSLs to be consistent with the changes in §141.84. Systems are required to inform public of system’s new partial LSL notification requirements. 	<ul style="list-style-type: none"> §141.85(a)(1)(iv)(B)(5) <i>formerly</i> §141.85(a)(4)(ii)(E) 		
<ul style="list-style-type: none"> • Corrects a minor typographical error: The text now reads “city or county department,” instead of “city of county department.” (<i>Technical Correction, June 29, 1992</i>) 	<ul style="list-style-type: none"> §141.85(a)(1)(iv)(D)(2) <i>formerly</i> §141.85(a)(4)(iv)(B) 		
<p>Adds language for printed public education material for NTNCWSs:</p> <ul style="list-style-type: none"> • System may use CWS language or use following text in public education program; any information added by system must be consistent with EPA language and be in plain English. • If approved by State, systems may delete information pertaining to LSLs, if no lead service lines exist in system. 	<ul style="list-style-type: none"> §141.85(a)(2) 		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> • Introduction <ul style="list-style-type: none"> - lead levels exceed 15 ppb in some samples in facility - system required to minimize lead in drinking water by a certain date through corrosion control treatment, and/or source water treatment, and public education - if, after treatment program in place, a LSL contributes lead levels > 15 ppb, system required to replace portion of each LSL that it owns - insert system’s phone number so consumers can call with questions 	§141.85(a)(2)(i)		
<ul style="list-style-type: none"> • Health effects of lead <ul style="list-style-type: none"> - places where lead is normally found - lead poses significant risk to health - greatest risk is to pregnant women and young children 	§141.85(a)(2)(ii)		
<ul style="list-style-type: none"> • Lead in drinking water 	§141.85(a)(2)(iii)		
<ul style="list-style-type: none"> - lead in drinking water can significantly increase a person’s total lead exposure, especially in infants 	§141.85(a)(2)(iii)(A)		
<ul style="list-style-type: none"> - lead enters drinking water primarily through corrosion of distribution mains and household plumbing containing lead - in 1986, Congress passed laws regulating lead content in plumbing 	§141.85(a)(2)(iii)(B)		
<ul style="list-style-type: none"> - tap water that has been standing for several hours can contain high lead levels 	§141.85(a)(2)(iii)(C)		
<ul style="list-style-type: none"> • Steps to Reduce Exposure 	§141.85(a)(2)(iv)		
<ul style="list-style-type: none"> - flush tap before using water for drinking or cooking when water has been unused for more than 6 hours 	§141.85(a)(2)(iv)(A)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
- use cold water, not hot, for drinking and cooking	§141.85(a)(2)(iv)(B)		
- if still concerned about lead levels, use bottled water for drinking and cooking	§141.85(a)(2)(iv)(C)		
- doctor can perform a blood test for lead - other sources of information about lead:	§141.85(a)(2)(iv)(D)		
-- name and phone number of drinking water supply official	§141.85(a)(2)(iv)(D)(1)		
-- phone number of State, county, or city public health department	§141.85(a)(2)(iv)(D)(2)		
<i>*Clarification*</i> : CWSs need only deliver public education within 60 days of an action level exceedance if they are not already repeating public education tasks.	§141.85(c)(2)		
If CWSs cannot easily deliver public education through normal billing process, they can now use a separate mailing for delivery, as long as information is delivered within 60 days of exceeding action level. Systems must include mandatory alert language in package or on outside of envelope.	§141.85(c)(2)(i)		
Modifies the rule citation from §141.85(a) to §141.85(a)(1) to be consistent with numbering changes in §141.85(a).	§141.85(c)(2)(ii)		
Modifies the rule citations from §141.85(a)(2) and (a)(4) to §141.85(a)(1)(ii) and (a)(1)(iv) to be consistent with numbering changes in §141.85(a).	§141.85(c)(2)(iii)		
<i>*Clarification*</i> : NTNCWSs need only deliver public education within 60 days of action level exceedance if they are not already repeating public education tasks. NTNCWSs have option to use either the language specified for CWSs or for NTNCWSs.	§141.85(c)(4)		
States may allow NTNCWSs to use electronic transmission in lieu of or combined with printed materials as long as it achieves same coverage.	§141.85(c)(4)(ii)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “★” to retain/obtain primacy.</i>			
<p>CWSs may now apply to State in writing to use alternative language written for NTNCWSs and to use delivery methods allowed for NTNCWSs if they:</p> <ul style="list-style-type: none"> • Are facilities where the population cannot make improvements to plumbing or install point of use treatment devices, and 	§141.85(c)(7)(i)		
<ul style="list-style-type: none"> • Provide water as part of cost of services provided and do not separately charge for water use. 	§141.85(c)(7)(ii)		
<p>CWSs serving 3,300 or fewer people may omit submitting public service announcements as long as they distribute to every household they serve. May further reduce public education program as follows:</p>	§141.85(c)(8)(i)		
<ul style="list-style-type: none"> • CWSs serving 500 or fewer people may omit submitting information to newspapers and limit distribution of pamphlets to facilities that are most likely to be visited regularly by pregnant women and children, unless notified by State in writing that they must make broader distribution. 	§141.85(c)(8)(i)(A)		
<ul style="list-style-type: none"> • CWSs serving 501 to 3,300 people may limit such public education delivery in same way, if approved by State in writing. 	§141.85(c)(8)(i)(B)		
<ul style="list-style-type: none"> • CWSs serving 3,300 or fewer people that deliver public education according to §141.85(c)(8)(i) must repeat required public education tasks at least once during each calendar year in which they exceed lead action level. 	§141.85(c)(8)(ii)		
§141.86 MONITORING REQUIREMENTS FOR LEAD AND COPPER IN TAP WATER			
<ul style="list-style-type: none"> ★ CWSs with insufficient tier 1, 2, and 3 sampling sites must complete sampling pool with representative sites throughout distribution system. A site is representative if plumbing materials used at site would be commonly found at other sites served by system. 	§141.86(a)(5)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
☛ NTNCWSs with insufficient tier 1 and 2 sites must complete sampling pool with representative sites throughout distribution system. A site is representative if plumbing materials used at site would be commonly found at other sites served by system.	§141.86(a)(7)		
<ul style="list-style-type: none"> ☛ Specifies that systems must collect first-draw samples, rather than LSL samples, from sites served by LSLs. <i>(Technical Corrections, June 29, 1992)</i> • Systems no longer have to justify to State in writing why they do not use sufficient number of tier 1 sites or sites served by LSL. These requirements were contained in §§141.86(a)(8) and (9). • EPA has deleted the old language in (a)(8), and moved the remaining language in (a)(9) to (a)(8). There is no longer an (a)(9). 	§141.86(a)(8)		
Samples collected under §141.86(b)(5) are not required to be first-draw samples.	§141.86(b)(1)		
<ul style="list-style-type: none"> • Non-first-draw samples collected in place of first-draw samples under §141.86(b)(5) must be one liter and must be collected from interior tap from which water is typically consumed. • Changes minimum holding time for acidified lead and copper samples prior to analysis to be “the time specified in the approved EPA method.” <p><i>*Clarification*</i>: First-draw samples from nonresidential buildings must also be one liter in volume.</p> <ul style="list-style-type: none"> • Includes a sentence that was omitted from original rule of June 7, 1991: allowing acidification of first-draw samples up to 14 days after sample is collected. <i>(Technical Corrections, July 15, 1991)</i> 	§141.86(b)(2)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “★” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> • NTNCWSs (and CWSs that meet criteria of §141.85(c)(7)) without enough taps to supply first-draw samples may apply to State in writing to substitute non-first-draw samples. • Such systems must collect as many first-draw tap samples as possible, and identify sampling times and locations that would likely result in longest standing time for remaining sample sites. • State can waive requirement for prior State approval of non-first-draw sample sites. 	§141.86(b)(5)		
<ul style="list-style-type: none"> ★ Reduced monitoring sites must be representative of sites required for standard monitoring. ★ States may now specify sampling locations for systems on reduced monitoring. 	§141.86(c)		
<ul style="list-style-type: none"> ★ Specifies that small and medium-size systems that meet both action levels during 2 consecutive 6-month periods can reduce number and frequency of tap sampling. (<i>Technical Corrections, June 29, 1992</i>) 	§141.86(d)(1)(ii)(B)		
<p>Systems no longer have to request State permission to go on annual reduced monitoring. State instead must review water quality data submitted by system and provide written approval when it determines system is eligible for annual reduced monitoring.</p>	§141.86(d)(4)(ii)		
<p>Systems no longer have to request State permission to go on triennial reduced monitoring. State instead must review water quality data submitted by system and provide written approval when it determines system is eligible for triennial reduced monitoring.</p>	§141.86(d)(4)(iii)		
<ul style="list-style-type: none"> ★ <i>*Clarification*</i>: System on reduced monitoring must collect samples from representative sites. 	§141.86(d)(4)(iv)		
<ul style="list-style-type: none"> • Systems on reduced monitoring can now monitor during different period besides June - September, if approved by State. 	§141.86(d)(4)(iv)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☼” to retain/obtain primacy.</i>			
<p>S If State approves alternate sampling period, it must be no longer than 4 consecutive months and must represent time of normal operation where highest lead levels are most likely to occur.</p> <p>S For NTNCWSs that do not operate during June - September, and for which period of highest lead levels is not known, State must designate period that represents time of normal operation.</p>	§141.86(d)(4)(iv)(A)		
<ul style="list-style-type: none"> • If system on annual reduced monitoring switches from sampling in June - September to different State-approved sampling period, it must collect next round during a period that ends no later than 21 months after previous round of sampling. • If system on triennial reduced monitoring switches from sampling in June -September to different State-approved sampling period, it must collect next round during a period that ends no later than 45 months after previous round of sampling. • System must collect subsequent rounds of sampling annually or triennially. • If small system with monitoring waiver switches from sampling in June - September to a different State-approved sampling period, it must collect next round before end of 9-year monitoring period. 	§141.86(d)(4)(iv)(B)		
<p>If system has 90th percentile lead level at tap of ≤ 0.005 mg/L, and 90th percentile copper level at tap of ≤ 0.65 mg/L for 2 consecutive 6-month periods, it may reduce number of samples and reduce frequency of sampling to once every 3 calendar years.</p>	§141.86(d)(4)(v)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☼” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> ☼ System that has lost eligibility for annual monitoring may resume annual reduced lead and copper tap monitoring after it has completed two subsequent consecutive 6-month rounds of monitoring that are at or below the action level. System that has lost eligibility for triennial monitoring may resume once meet criteria in §141.86(d)(4)(iii) or §141.86(d)(4)(v). • Language regarding systems that fail to operate according to WQPs specified by State has been moved to §141.86(d)(4)(vi)(B) and revised. ☼ Specifies that small and medium-size systems that exceed action level while on reduced monitoring must collect WQPs during period in which they had exceedance. <i>(Technical Corrections, June 29, 1992)</i> 	§141.86(d)(4)(vi)(A) <i>formerly</i> §141.86(d)(4)(v)		
<ul style="list-style-type: none"> • Any system failing to operate in accordance with State-specified WQPs for more than 9 days in a 6-month period must resume standard monitoring for lead and copper at tap. Such a system must also resume WQP monitoring in distribution system according to §141.87(d). • Such a system may resume reduced monitoring for lead and copper at tap and for WQPs in distribution system under following conditions: 	§141.86(d)(4)(vi)(B)		
<p>S System may resume annual reduced lead and copper tap monitoring after:</p> <ul style="list-style-type: none"> -- completing 2 subsequent consecutive 6-months of monitoring that again meet criteria for annual reduced monitoring, and -- receiving written approval from State to resume annual reduced monitoring. 	§141.86(d)(4)(vi)(B)(1)		
<p>S System may resume triennial reduced lead and copper tap monitoring after:</p> <ul style="list-style-type: none"> -- completing enough subsequent rounds of monitoring that again meet the criteria for triennial reduced monitoring, and -- receiving written approval from State to resume triennial reduced monitoring. 	§141.86(d)(4)(vi)(B)(2)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> System may resume reduced monitoring for WQPs at tap. System must re-qualify for triennial monitoring according to §141.87(e)(2) in order to resume triennial monitoring for WQPs at tap. 	§141.86(d)(4)(vi)(B)(3)		
<ul style="list-style-type: none"> ☛ Systems on reduced monitoring that add new source of water or change treatment must notify State in writing within 60 days, unless State requires earlier notification. ☛ State may require system to take additional measures, such as commencing standard monitoring, increased WQP monitoring, or re-evaluation of corrosion control treatment. 	§141.86(d)(4)(vii)		
<p>Invalidation of lead or copper tap samples</p> <ul style="list-style-type: none"> Systems may request that State invalidate samples, under certain circumstances. An invalidated sample does not count toward determining 90th percentile levels or toward meeting minimum monitoring requirements. 	§141.86(f)		
The State may invalidate a lead or copper tap sample if at least one of following occurs:	§141.86(f)(1)		
<ul style="list-style-type: none"> Improper analysis at lab caused erroneous results 	§141.86(f)(1)(i)		
<ul style="list-style-type: none"> Sample was taken from site that did not meet site selection criteria 	§141.86(f)(1)(ii)		
<ul style="list-style-type: none"> Sample container was damaged in transit 	§141.86(f)(1)(iii)		
<ul style="list-style-type: none"> State believes sample may have been subject to tampering 	§141.86(f)(1)(iv)		
System must report to State results of all samples and all documentation of reasons for invalidation.	§141.86(f)(2)		

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<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> To invalidate sample, State decision and reason for decision must be documented in writing. State may not invalidate sample solely because follow-up sample result is higher or lower than original sample. 	§141.86(f)(3)		
<ul style="list-style-type: none"> System must take replacement samples after invalidation if it has too few samples to meet minimum sampling requirements. Replacement samples must be collected for invalidated samples within 20 days of date State invalidates samples, or by end of applicable monitoring period, whichever occurs later. Replacement samples taken after end of applicable monitoring period cannot also be used to meet monitoring requirements of subsequent monitoring period. Replacement samples must be taken at same locations as invalidated samples; if that is not possible, at locations other than those already used for sampling during that monitoring period. 	§141.86(f)(4)		
<p>Waiver from Monitoring Requirements</p> <ul style="list-style-type: none"> Small system is eligible to apply for waiver to conduct lead and copper tap monitoring once every 9 years, if it meets following materials and monitoring criteria. If State regulations permit, small system that meets criteria only for lead, or only for copper, may apply to State for waiver for that contaminant only (a partial waiver). 	§141.86(g)		
<p><u>Materials Criteria:</u></p> <p>System must certify that distribution, service lines, and drinking water plumbing are free of lead-containing materials and/or copper-containing materials, as follows:</p>	§141.86(g)(1)		
<p>To qualify for full waiver, or for partial waiver for lead, system must certify that it is free of following lead-containing materials:</p>	§141.86(g)(1)(i)		

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<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> Plastic pipes or plastic service lines which contain lead plasticizers, and 	§141.86(g)(1)(i)(A)		
<ul style="list-style-type: none"> Lead service lines, lead pipes, lead soldered pipe joints, or leaded brass or bronze alloy fittings and fixtures, unless these fittings and fixtures meet standards that are acceptable under 42 U.S.C. 300g-6(e) (SDWA section 1417(e)). 	§141.86(g)(1)(i)(B)		
To qualify for full waiver, or for partial waiver for copper, system must certify that it contains no copper pipes or copper service lines.	§141.86(g)(1)(ii)		
<u>Monitoring Criteria:</u> System can apply for waiver after completing at least one 6-month round of standard lead and copper tap monitoring after becoming free from the lead and copper materials described in §§141.86(g)(1)(i)-(ii).	§141.86(g)(2)		
To qualify for full waiver, or lead waiver, system must demonstrate that 90 th percentile lead level does not exceed 0.005 mg/L.	§141.86(g)(2)(i)		
To qualify for full waiver, or copper waiver, system must demonstrate that 90 th percentile copper level does not exceed 0.65 mg/L.	§141.86(g)(2)(ii)		
<ul style="list-style-type: none"> State must notify system of waiver determination in writing, as well as any conditions of waiver. As a condition of waiver, State may require system to perform specific activities to ensure that lead and copper contamination is avoided. System must continue monitoring for lead and copper at tap according to §§141.86(d)(1) through (d)(4), as appropriate, until it receives written approval of waiver from State. 	§141.86(g)(3)		

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<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
Monitoring frequency for systems with waivers	§141.86(g)(4)		
<ul style="list-style-type: none"> System with full waiver must conduct lead and copper tap monitoring at least once every 9 years in accordance with requirements of §141.86(d)(4)(iv). System must provide materials certification for both lead and copper to State with monitoring results. 	§141.86(g)(4)(i)		
<ul style="list-style-type: none"> System with partial waiver must conduct tap monitoring for waived contaminant at least once every 9 years in accordance with requirements of §141.86(d)(4)(iv). System must provide materials certification for waived contaminant to State with the monitoring results. System must continue to monitor for the non-waived contaminant according to §§141.86(d)(1) through (d)(4), as appropriate. 	§141.86(g)(4)(ii)		
<p>If system with waiver adds new source or changes treatment, it must inform State in writing within 60 days of change, in accordance with §141.90(a)(3).</p> <p>State may require such a system to add or modify waiver conditions if it deems necessary.</p>	§141.86(g)(4)(iii)		
<p>If system with waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, it must notify State in writing within 60 days after becoming aware of change.</p>	§141.86(g)(4)(iv)		
<p><u>Continued eligibility</u></p> <p>Waiver will be renewed automatically, unless system no longer satisfies one or more of conditions of waiver.</p> <p>If system’s waiver has been revoked, it may re-apply for a waiver once it again has met appropriate materials and monitoring criteria.</p> <p>System’s waiver will be revoked if any of the following occur:</p>	§141.86(g)(5)		

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<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> System with full waiver or lead waiver no longer satisfies materials criteria of §141.86(g)(1)(i) or has 90th percentile lead level > 0.005 mg/L. 	§141.86(g)(5)(i)		
<ul style="list-style-type: none"> System with full waiver or copper waiver no longer satisfies materials criteria of §141.86(g)(1)(ii) or has 90th percentile copper level > 0.65 mg/L. 	§141.86(g)(5)(ii)		
<ul style="list-style-type: none"> State notifies system, in writing, that waiver has been revoked, explaining basis of its decision. 	§141.86(g)(5)(iii)		
System whose full or partial waiver has been revoked by State must meet following requirements, as appropriate:	§141.86(g)(6)		
<ul style="list-style-type: none"> If system exceeds lead or copper action level, it must follow the deadlines toward completing optimal corrosion control treatment according to §141.81(e), and implement any other applicable requirements. 	§141.86(g)(6)(i)		
<ul style="list-style-type: none"> If system meets both action levels, it must resume lead and copper tap monitoring at least once every 3 years at reduced number of sites. 	§141.86(g)(6)(ii)		
<p><u>Pre-existing waivers</u></p> <p>Small system waivers approved by State in writing prior to April 11, 2000 will remain in effect under following conditions:</p>	§141.86(g)(7)		
<ul style="list-style-type: none"> If system has demonstrated that it is both free of lead-containing and copper-containing materials and that its 90th percentile lead and copper levels meet waiver monitoring criteria, waiver remains in effect so long as system continues to meet waiver eligibility criteria of §141.86(g)(5). First round of tap water monitoring conducted according to §141.86(g)(4) must be completed no later than 9 years after the last time system has monitored for lead and copper at tap. 	§141.86(g)(7)(i)		

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<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> • If system has met materials criteria of §141.86(g)(1) but not the monitoring criteria of §141.86(g)(2), it must conduct a round of monitoring for lead and copper at tap demonstrating that it meets criteria of §141.86(g)(2) no later than September 30, 2000. • Thereafter, the waiver will remain in effect as long as system meets continued eligibility criteria of §141.86(g)(5). • First round of tap water monitoring conducted according to §141.86(g)(4) must be completed no later than 9 years after round of monitoring conducted according to §141.86(g)(2). 	§141.86(g)(7)(ii)		
§141.87 MONITORING REQUIREMENTS FOR WATER QUALITY PARAMETERS			
☛ Specifies that all large systems must conduct WQP monitoring, not just those that exceed action level. (<i>Technical Correction, June 30, 1994</i>)	§141.87 introductory text		
Adds language which conforms to §141.87(c)(3), explaining that certain groundwater systems do not have to sample at every entry point to distribution system.	§141.87(a)(2)(ii)		
<p>Adds language which conforms to §141.87(c)(3), explaining that certain groundwater systems do not have to sample at every entry point to distribution system when conducting follow-up monitoring.</p> <p><i>*Clarification*</i>: Systems must collect at least one sample no less frequently than every 2 weeks.</p>	§141.87(c)(2)		

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<i>States must adopt those Provisions marked with a “☼” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> • Groundwater system can limit entry point WQP sampling to entry points that are representative of water quality and treatment conditions throughout system. • If water from untreated ground water sources mixes with water from treated ground water sources, systems must monitor for WQPs both at representative entry points receiving treatment and representative entry points receiving no treatment. • Before monitoring, systems must provide to State in writing identification of selected entry points and documentation that demonstrates sites are representative of water quality and treatment conditions throughout entire system. 	§141.87(c)(3)		
<ul style="list-style-type: none"> • Systems must determine compliance with State-specified WQP values every 6 months with the first 6-month period beginning on the date State specifies optimal WQPs. • Deletes language regarding confirmation samples. • If any small or medium-size system is on reduced monitoring when it exceeds either action level, the end of the 6-month period for WQP monitoring will coincide with the end of the applicable monitoring period under §141.86(d)(4). • Compliance with State-designated OWQPs must be determined as specified under §141.82(g). 	§141.87(d)		
Specifies that systems that maintain State-specified WQPs in distribution system for 3 consecutive years can reduce WQP monitoring from annually to triennially. (<i>Technical Correction, June 29, 1992</i>)	§141.87(e)(2)(i) <i>formerly §141.87(e)(2)</i>		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “✱” to retain/obtain primacy.</i>			
<p>Systems may reduce frequency of tap monitoring for WQPs to every 3 years if they demonstrate for 2 consecutive monitoring periods that:</p> <ul style="list-style-type: none"> • 90th percentile lead level at tap is ≤ the PQL for lead, • 90th percentile copper level at tap is ≤ 0.65 mg/L, and • they maintain range of values for WQPs reflecting optimal corrosion control treatment. 	§141.87(e)(2)(ii)		
<ul style="list-style-type: none"> • System on reduced monitoring that fails to operate according to State-specified values for WQPs for more than 9 days in 6-month monitoring period must resume monitoring for each WQP at tap at standard number and frequency. • System may resume annual monitoring for WQPs at tap at reduced number of sites specified in §141.87(e)(1) after it has completed 2 subsequent consecutive 6-month rounds of monitoring that meet criteria of that paragraph. • Such a system may resume triennial monitoring for WQPs at tap at reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets criteria of either §§141.87(e)(2)(i) or 141.87(e)(2)(ii). <p>✱ Corrects a reference: Systems on reduced monitoring that fail to operate according to State-specified WQPs must resume monitoring according to §141.87(d), not §141.87(c). (<i>Technical Correction, June 29, 1992</i>)</p>	§141.87(e)(4)		
§141.88 MONITORING REQUIREMENTS FOR LEAD AND COPPER IN SOURCE WATER			
<p>Note: The requirements for source water sample location, number of source water samples, and collection methods have been incorporated directly into §141.88(a)(1) and the reference to §§141.23(a)(1)-(4) have been eliminated.</p>			

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “★” to retain/obtain primacy.</i>			
<p>The information contained in:</p> <ul style="list-style-type: none"> • §141.23(a)(1) • §141.23(a)(2) • §141.23(a)(3) 	<p>Is now found in:</p> <ul style="list-style-type: none"> • §141.88(a)(1)(i) • §141.88(a)(1)(ii) • §§141.88(a)(1)(iii) 		
<p>Systems may composite samples from a maximum of 5 samples, provided that</p> <ul style="list-style-type: none"> ★ Compositing is done by certified lab personnel; and ★ If composite sample has lead level ≥ 0.001 mg/L or copper level ≥ 0.160 mg/L, then either: <ul style="list-style-type: none"> ★ A follow-up sample can be taken and analyzed within 14 days at each sampling point included in the composite; or ★ If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the system may use these instead of resampling. 	<p>§141.88(a)(1)(iv)</p> <p><i>formerly contained in §141.23(a)(4)</i></p>		
<ul style="list-style-type: none"> ★ Corrects a reference in this paragraph: the requirement to install source water treatment is contained in §141.83(a)(3), not §141.83(a)(2). (<i>Technical Correction, June 29, 1992</i>) 	<p>§141.88(c)</p>		
<p>Systems using ground water may reduce source water sampling to once in every 9-year compliance cycle if:</p>	<p>§141.88(e)(1)</p>		
<ul style="list-style-type: none"> • System maintains lead and copper levels in water entering distribution system below maximum permissible concentrations specified by State for at least 3 consecutive compliance periods; or 	<p>§141.88(e)(1)(i)</p>		
<ul style="list-style-type: none"> • State determines that source water treatment is not needed, and • System maintains lead level ≤ 0.005 mg/L in source water, and copper level ≤ 0.65 mg/L in source water, for at least 3 consecutive compliance periods. 	<p>§141.88(e)(1)(ii)</p>		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> ☛ Corrects a reference in this paragraph: the definition of “9-year compliance cycle” is contained in §141.2, not §141.23. <i>(Technical Correction, June 29, 1992)</i> • Systems using surface water (or combination of surface water and ground water) may reduce source water sampling to once in every 9-year compliance cycle if: 	§141.88(e)(2)		
<ul style="list-style-type: none"> - System maintains lead and copper levels in water entering distribution system below maximum permissible concentrations specified by State for at least 3 consecutive years; or 	§141.88(e)(2)(i)		
<ul style="list-style-type: none"> - State determines source water treatment not needed, and - System maintains source water lead level ≤ 0.005 mg/L, and source water copper level ≤ 0.65 mg/L, for at least 3 consecutive years. 	§141.88(e)(2)(ii)		
§141.89 ANALYTICAL METHODS			
<ul style="list-style-type: none"> ☛ Specifies that the lead PQL is 0.005 mg/L and the copper PQL is 0.050 mg/L. <i>(Technical Correction, June 30, 1994)</i> 	§141.89(a)(1)(ii)		
<ul style="list-style-type: none"> • Eliminates requirement that labs achieve the copper method detection limit in order to accept composite samples. • Deletes paragraphs §141.89(a)(1)(iii)(A) and (B) since they are no longer necessary. 	§141.89(a)(1)(iii)		
Revises §141.89(a)(3) to consolidate §§141.89(a)(3) and (4) and to reference the lead and copper PQLs defined in §141.89(a)(1)(ii). <i>(Technical Correction, June 30, 1994)</i>	§141.89(a)(3)		
Corrects an error in the identification of one-half the copper PQL: this value should be 0.025 mg/L, not 0.015 mg/L. <i>(Technical Correction, June 29, 1992)</i>	§141.89(a)(4)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☼” to retain/obtain primacy.</i>			
§141.90 REPORTING REQUIREMENTS			
Except as provided in §141.90(a)(1)(viii), systems must report information specified in §141.90 for all lead and copper tap samples and WQP samples specified in §141.87 within first 10 days after end of each monitoring period.	§141.90(a)(1)		
Deletes requirement for systems to certify that all samples are first-draw. This is replaced by requirement for systems to submit documentation to State for each lead or copper tap sample for which they request invalidation.	§141.90(a)(1)(ii)		
Deletes requirement for systems to certify that residents collected samples after system had informed them of the proper sampling procedures. [Note: EPA has added no new requirements to this paragraph.]	§141.90(a)(1)(iii)		
Systems do not have to submit 90 th percentile concentrations if State calculates 90 th percentile levels for system.	§141.90(a)(1)(iv)		
Systems must now report results of all WQP samples collected under §141.87(c)-(f) during each six-month monitoring period specified in §141.87(d) within first 10 days following end of monitoring period unless State has specified more frequent reporting requirement.	§141.90(a)(1)(viii)		
<ul style="list-style-type: none"> • Deletes requirement that CWSs justify their selection of tier 2 and/or tier 3 sites. • NTNCWSs and special-case CWSs that do not have enough taps to supply first-draw samples must either: 	§141.90(a)(2)		
<p>S Provide written documentation to State identifying standing times and locations for enough non-first-draw samples to make up sampling pool under §141.86(b)(5) by the start of the monitoring period, unless State has waived prior approval of non-first-draw sample sites selected by system; or</p>	§141.90(a)(2)(i)		

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<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
<p>S If State has waived prior approval of non-first-draw sample sites selected by system, include with the lead and copper tap results a written identification of each site that did not meet 6-hour minimum standing time, and length of standing time for the substitute sample.</p>	§141.90(a)(2)(ii)		
<p>Deletes requirement that NTNCWSs justify their selection of non-tier 1 sites.</p> <p>☛ Systems on reduced lead and copper tap monitoring, granted monitoring waiver, or that are deemed to have optimized corrosion control must describe any addition of new source or change in treatment to State in writing within 60 days of change.</p> <p>☛ If prior State approval of treatment change or new source is not required, systems are encouraged to notify State before making the change to minimize the risk that the treatment change or new source may adversely affect optimal corrosion control.</p>	§141.90(a)(3)		
<ul style="list-style-type: none"> • Systems no longer have to justify to State why they are unable to find sufficient number of sites served by lead service lines. • Small systems applying for monitoring waiver, or that are subject to waiver under §141.86(g)(3), must provide following information to State in writing by specified deadline: 	§141.90(a)(4)		
<ul style="list-style-type: none"> • By start of first applicable monitoring period in §141.86(d), any small system applying for waiver must provide documentation that demonstrates that it meets waiver criteria of §§141.86(g)(1) and (2). 	§141.90(a)(4)(i)		
<ul style="list-style-type: none"> • No later than nine years after monitoring previously conducted according to §141.86(g)(2) or §141.86(g)(4)(i), each small system desiring to maintain monitoring waiver must provide information required by §§141.86(g)(4)(i) and (ii). 	§141.90(a)(4)(ii)		

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<i>States must adopt those Provisions marked with a “✳” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> No later than 60 days after it becomes aware that it is no longer free of lead-containing and/or copper-containing materials, system with waiver must notify State in writing, explaining circumstances resulting in lead-containing and/or copper-containing materials being introduced into system and what corrective action, if any, system plans to remove these materials. 	§141.90(a)(4)(iii)		
<ul style="list-style-type: none"> By October 10, 2000, any small system with waiver granted prior to April 11, 2000 and that has not previously met requirements of §141.86(g)(2) must provide information required by that paragraph. 	§141.90(a)(4)(iv)		
<ul style="list-style-type: none"> Deletes requirement for systems to formally request to State that they be allowed to go to reduced monitoring. Groundwater systems that limit WQP monitoring to subset of entry points under §141.87(c)(3) must, before such monitoring begins, provide to State in writing: <ul style="list-style-type: none"> identification of selected entry points, and information which demonstrates that sites are representative of water quality and treatment conditions throughout system. 	§141.90(a)(5)		
<ul style="list-style-type: none"> ✳ Corrects a reference in this paragraph: systems should report corrosion control treatment information found in §141.81(b)(2) or (3), not §141.82(b)(2) or (3). <i>(Technical Correction, June 29, 1992)</i> 	§141.90(c)(1)		
<ul style="list-style-type: none"> ✳ Changes the reference “§141.84(f)” to “§141.84(e)” to be consistent with the Minor Revisions. 	§141.90(e)(2)(i)		
<ul style="list-style-type: none"> ✳ Corrects a reference in this paragraph: reference should be to §141.84(c) rather than §141.84(b). <i>(Technical Correction, June 29, 1992)</i> ✳ Changes the reference “§141.84(f)” to “§141.84(e)” to be consistent with the Minor Revisions. 	§141.90(e)(2)(ii)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> ☛ Deletes requirement for systems to submit documentation to State if system believes it does not control entire length of LSL. ☛ Replaced by partial LSL reporting requirements: ☛ Systems which collect LSL samples after partial lead service line replacement must report results to State within first 10 days of month following month in which system receives results, or as specified by State. States can eliminate this requirement at their discretion. ☛ States can also require systems to report additional information to verify that systems have completed all partial lead service line replacement activities. 	§141.90(e)(4)		
<ul style="list-style-type: none"> ☛ Systems must submit written documentation to State demonstrating that they have met public education requirements within 10 days after end of each period in which systems are required to perform public education tasks. 	§§141.90(f)(1)(i) & (ii)		
<ul style="list-style-type: none"> ☛ If system certifies that public education materials have been distributed to same list as submitted previously, it need no longer resubmit information required in §141.90(f)(1)(ii) to State, as long as there have been no changes in the list. State can require system to resubmit this information. 	§141.90(f)(2)		
<p>Corrects paragraph to require systems submitting additional data to State to submit such data within 10 days after end of monitoring period, rather than by end of reporting period. <i>(Technical Correction, June 30, 1994)</i></p>	§141.90(g)		
<ul style="list-style-type: none"> • Allows States to calculate 90th percentile values for systems. • A system is not required to report 90th percentile levels to State if: 	§141.90(h)		
<ul style="list-style-type: none"> • State notifies system that it will calculate system’s 90th percentile levels and specifies a date before end of monitoring period by which system must provide these results in writing; and 	§141.90(h)(1)		

Federal Requirement	Federal Citation	State Citation (document title, page number, section/paragraph)	Different from fed. requirement? If yes, explain on separate sheet
<i>States must adopt those Provisions marked with a “☛” to retain/obtain primacy.</i>			
<ul style="list-style-type: none"> • System provides following information to State by date specified in §141.90(h)(1): 	§141.90(h)(2)		
<ul style="list-style-type: none"> - results of all lead and copper tap samples, including location of each site and criteria of selection for each site; and 	§141.90(h)(2)(i)		
<ul style="list-style-type: none"> - identification of sampling sites used during current monitoring period that were not sampled during previous monitoring periods, and explanation why sampling sites have changed; and 	§141.90(h)(2)(ii)		
<ul style="list-style-type: none"> • State has provided results of 90th percentile calculations, in writing, to system before end of monitoring period. 	§141.90(h)(3)		
§141.91 RECORDKEEPING REQUIREMENTS - <i>There were no revisions to this section.</i>			

Section IV.

Other Resources and Guidance

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IV-A. List of Materials

The following materials are intended to help States and PWSs comply with the Lead and Copper Rule Minor Revisions (LCRMR). These materials are designed to be “stand-alone” resources that meet specific informational needs.

Technical Information Available on the LCRMR

Four guidance manuals published by EPA.

- ✓ *How to Determine Compliance with Optimal Water Quality Parameters as Revised by the Lead and Copper Rule Minor Revisions*
- ✓ *Lead and Copper Rule: Summary of Revisions*
- ✓ *Monitoring Waivers under The Lead and Copper Rule Minor Revisions for Systems Serving 3,300 or Fewer People*
- ✓ *Notification and Reporting Requirements for Partial Lead Service Line Replacement under the Lead and Copper Rule*

LCRMR Q&A

Answers to implementation and reporting issues related to the Lead and Copper Rule (LCR) and its minor revisions. A copy of the LCRMR Q&A document is attached, and is current as of the date of publication of this guidance.

EPA Fact Sheets

Highlights of the LCRMR. The fact sheets are included in this section.

- ✓ *Fact Sheet for State Primacy Agencies*
- ✓ *Fact Sheet for Public Water Systems that Serve More Than 50,000 Persons*
- ✓ *Fact Sheet for Public Water Systems that Serve 3,301 to 50,000 Persons*
- ✓ *Fact Sheet for Public Water Systems that Serve 3,300 or Fewer Persons*
- ✓ *Fact Sheet for Tribal Water System Owners and Operators*

Rule Presentation

A presentation that can be used for workshops for the LCRMR can be found in Appendix G of this guidance.

IV-B. Technical Information Available on the LCRMR

A series of guidance manuals will support the LCRMR. The manuals will aid EPA, State agencies, and affected PWSs in implementing the rule revisions and will help ensure that implementation among these groups is consistent. EPA made these manuals available for public review in Spring 1999, and has revised them based on the comments received. A brief description of each manual is provided below.

How to Determine Compliance with Optimal Water Quality Parameters as Revised by the Lead and Copper Rule Minor Revisions (EPA 815-R-99-019)

This guidance document explains the new procedure for determining compliance with optimal water quality parameters (OWQPs), as modified by the LCRMR. It provides seven examples that illustrate how to assess OWQP compliance under various monitoring scenarios (e.g., multiple WQP samples collected per day, triennial monitoring, monitoring by seasonal systems). This guidance also includes the federal regulatory language from the LCRMR that pertains to water quality parameter monitoring, related system reporting requirements, and the revised OWQP compliance procedure.

Lead and Copper Rule: Summary of Revisions (EPA 815-R-99-020)

This guidance contains a discussion of each of the important revisions to water system requirements that were made to the LCR by the LCRMR, and identifies when systems must begin following these new requirements. The appendix to this document contains a comparison of the rule language of the LCR against the LCRMR. This comparison is also provided as Appendix A to the Implementation Guidance and is available as a Word Perfect 8.0 or MS Word 97 file.

Monitoring Waivers under The Lead and Copper Rule Minor Revisions for Systems Serving 3,300 or Fewer People (EPA 815-R-99-021)

This guidance provides a detailed discussion of monitoring waivers to help small systems understand if they might qualify for a waiver and how to apply for one. It contains examples of waiver application forms that a system can use to apply for a monitoring waiver and instructions on how to complete them. This guidance also contains federal regulatory language from the LCRMR that explains the monitoring waiver requirements.

Notification and Reporting Requirements for Partial Lead Service Line Replacement under the Lead and Copper Rule (EPA 815-R-99-022)

This guidance document explains how the LCRMR have changed the information a system must provide to its customers who are served by lead service lines, and to the State, in the event that the system does not replace the entire length of a lead service line (i.e., partial lead service line replacement). This document also provides systems with suggested language to use when notifying their customers who are connected to a partially-replaced lead service line and the federal regulatory language that pertains to partial lead service line replacement requirements.

Links to these manuals can be found at the website www.epa.gov/safewater/leadcop. They are also available free of charge (while supplies last) from the National Service for Environmental Publications (NSCEP, formerly NCEPI) at 1.800.490.9198 and the Office of Water Resource Center at 1.202.260.7786. Customers can purchase these documents for a fee from the National Technical Information Service (NTIS) at 1.800.553.6847.

For more information, contact EPA's Safe Drinking Water Hotline: 1.800.426.4791, or see the Office of Ground Water and Drinking Water website at

IV-C. Questions and Answers

EPA has developed interpretations for implementing and reporting issues related to the Lead and Copper Rule (LCR) that were raised during data verification (DVs) audits. In addition, while developing rule language, fact sheets, flow charts, and assorted guidance materials, and providing training for the Lead and Copper Rule Minor Revisions (LCRMR), EPA raised and discussed many issues related to implementation and reporting. The Office of Enforcement and Compliance Assistance, Office of Water (Regulatory Implementation Branch, Data Management Branch, Standards Division), the Office of General Counsel, the LCR Workgroup, EPA Regions, and States have had the opportunity to provide input on the interpretation of these LCR issues. Based on discussions and responses, EPA has compiled and summarized the issues relating to the implementation and reporting for the LCR and Lead and Copper Rule Minor Revisions (LCRMR). Questions and interpretations are outlined below.

1. *Definitions for Compliance Period, Monitoring Period, Event Due Date, Noncompliance Period*

A. How and why is EPA defining the terms: "compliance period", "monitoring period", "event due date", and "noncompliance period".

A: EPA is using these terms to characterize when a requirement must be completed and to define noncompliance as follows:

Compliance Period: The period associated with the overall period of time or frequency interval established for a requirement (e.g., 6 months, annual, triennial, or 9-year waiver period).

Monitoring Period: The specific period within the compliance period in which the system was designated to perform the requirement (e.g., June-September).

Event Due Date: The due date or deadline for an event (e.g., installation completion date).

Noncompliance Period: The first day after the due date of the requirement to the day compliance achieved.

2. *Schedule for New State Reporting Requirements*

Q: When must States report according to the new reporting requirements? According to the Federal Register, this date is January 14, 2002.

A: Although the LCRMR regulatory language refers to January 12, 2000 as the date States must begin reporting the new requirements, the Federal Register lists January

14, 2002 as the date for required reporting. This is because January 12, 2002 is a Saturday.

3. *Minimum Sampling Requirements*

Q: Some States allow systems to collect fewer samples than required according to the table in 40 CFR 141.86. For example, if a system does not have enough sites, a State required the system to sample only from the sites the system did have. Second, if a system had multiple taps at a site (e.g. a highrise), the State allowed the system to collect only one sample for that particular site. Are either of these scenarios allowed?

A: **The LCRMR clarify that all systems are required to collect samples from a minimum number of sites in accordance with §141.86(c), even if a sufficient number of high-risk sites are not available. If a system has an insufficient number of high-risk sites, it must collect samples from representative sites. The system should collect samples from multiple taps at the site, if different plumbing materials are used at various taps at the site. The system should evaluate a site to determine the number of samples that accurately reflect lead and copper exposure to consumers. For some systems, more than one sample will need to be collected from the same site to meet the minimum sampling requirements. If this is necessary, the samples should be collected on different days.**

Q: If a system has collected enough samples to determine if the 90th percentile levels exceed the action levels (or not), but has not collected the required minimum number, must the system take the rest of the samples?

A: **Yes, the system must still take the minimum number of samples.**

Q: If a system collects fewer than five samples, how should they calculate their 90th percentiles?

A: **According to the LCR, 90th percentile values cannot be calculated with fewer than five samples. The system must collect a least 5 samples to calculate the 90th percentile level.**

4. *Failing to Finish Initial Tap Sampling*

Q: What are the monitoring requirements for a system that was placed on reduced monitoring before it had enough rounds at or below the action level?

A: **Since it did not qualify for reduced monitoring, it must properly perform initial monitoring (i.e., collect two consecutive, 6-month rounds of monitoring) and progress from that point onward.**

Q: Systems sometimes fail to complete two rounds of initial sampling. Either they miss a round entirely, the two rounds are not collected in consecutive six-month periods, or they do not collect enough samples in one or both rounds. Is a "51" violation (initial lead/copper tap M/R) recorded

for each round that was missed? If the system does not monitor beyond the two first rounds, should the State continue to report a 51 violation?

A: Under the revised LCRMR SDWIS/FED Reporting requirements, if a system has a monitoring violation in the first and/or second round, the State should report a single "51" violation. The initial monitoring requirement is to collect 2 sets or rounds of tap samples within 2 consecutive 6-month periods. There is no additional initial monitoring after the two consecutive 6 month rounds - or the one for those med/small who exceed in the first round. Therefore, the single 51 violation lasts until both rounds are taken. See Appendix B (the reporting guidance) for specific details. Additionally, the system no longer has the 3-6-12 month additional time to complete the initial monitoring before it becomes an SNC. If a system gets a 51 violation, it becomes a SNC. Additionally, the system would only receive a single 51 violations and not two 51 violations.

Q: If a system was incorrectly placed on reduced monitoring, and failed to sample during the period specified by the State, should a follow-up M/R violation be reported?

A: The system should be required to complete all required monitoring within the appropriate regulatory timelines AND the system should receive the appropriate monitoring violation for the specific monitoring requirement it failed to complete. **Example:** If the state incorrectly placed the system on triennial monitoring after only 2 annual sample sets, the system should receive a routine monitoring violation (type 52). If the system failed to conduct the initial monitoring, two consecutive 6-month rounds before it was placed on annual, it should receive a 51 violation and should be required to conduct the two consecutive rounds. In the second scenario, because the system did not complete initial monitoring, it cannot incur a violation for follow-up/routine monitoring.

Q: Some systems fell behind and did not complete two initial rounds according to the schedule cited in the rule. To avoid becoming SNCs, some States considered systems to be in compliance as long as the system completed two full rounds of sampling within one year. Is this acceptable?

A: When the Rule was first implemented, many States and their labs were falling behind in completing the required two initial rounds of monitoring. If the two initial rounds of monitoring were conducted and completed in the year time period (one round during warm weather), this was acceptable.

5. *Reduced Lead and Copper Tap Monitoring*

Q: Is a system on annual monitoring required to monitor every 12 months or some time during the specified year? Is a system on triennial monitoring required to monitoring every 36 months, or at some time during the specified 36-month period?

A: The system must monitor during the months of June through September (unless the State has designated other consecutive months to conduct monitoring), each year (if on annual monitoring) or every third year (if on triennial monitoring).

Q: In those situations where a system on reduced lead and copper tap monitoring is transitioning to an alternate monitoring period, is the 21 and 45 months counted from the month the most recent

samples were collected, or the respective monitoring period or compliance period for which they conducted monitoring?

A: The 21 and 45 month deadlines are calculated starting the day after the end of the previous monitoring period, (i.e., the June to September period, or the actual period they had sampled). The 21-month transition period allows for the alternate monitoring period to be reached without requiring the system to monitor twice in the same current annual monitoring period, or to extend the period of monitoring beyond a full annual compliance period. The same philosophy applies to the 45-month transition period for those on triennial monitoring. Failure to meet these deadlines would result in a 52 violation. Violations of these transition periods should have a violation begin date of the first day after the end of the designated alternate monitoring period, not the first day of the 22nd or 46th month.

Q: Can 2 consecutive 6-months rounds of lead and copper tap monitoring in which both 90th percentile levels are at or below the action level count as the first year toward a small or medium-size system's qualifying for triennial lead and copper tap monitoring?

A: Yes, the wording of §141.86(d)(4)(iii), "A small or medium-size system that meets the lead and copper action levels during three consecutive years . . . ", is consistent with this interpretation. Therefore, a system that serves 50,000 or fewer people that is at or below both action levels for two, consecutive 6 months, followed by two consecutive annual rounds of monitoring would qualify for triennial lead and copper tap monitoring.

Q: Is a system eligible for accelerated reduced lead and copper tap monitoring after two consecutive annual rounds of monitoring?

A: No. Two consecutive 6-month periods are required for a system to be eligible for accelerated reduced lead and copper tap monitoring because a system that meets the accelerated reduced monitoring criteria after 2 consecutive rounds of annual monitoring would already qualify for triennial lead and copper tap monitoring. However, eligibility for accelerated reduced water quality parameter monitoring is based on 2 consecutive rounds of any duration.

6. *Reporting 90th Percentile Values*

Q: Can copper non-exceedances be accepted by SDWIS?

A: No. EPA is not accepting these data at this time.

Q: According to the 1992 LCR Reporting Guidance, 90th percentile lead levels were to be reported for small systems starting with the first lead action level exceedance, and forever, thereafter, regardless of whether subsequent exceedances occurred. Is this still the case?

A: States are only required by the rule to report 90th percentile lead and copper levels which exceed the action level for small systems. However, EPA encourages the reporting of all 90th percentile *lead* levels for all water systems, regardless of size.

7. *Rounding and Significant Figures*

Q: What is EPA's policy concerning rounding and significant digits, (e.g., 5 is always rounded upward)?

A: **EPA's policy when calculating data for compliance purposes, is to round-off by dropping the digits that are not significant. The last significant digit is increased by one unit if the digit dropped is 5 or higher. If the digit is 4 or lower, the preceding number is not changed. This policy is outlined in Water Supply Guidance 21, Joseph A. Cotruvo, Ph.D., Director of Criteria and Standards Division, ODW; Memorandum - "Procedures for Rounding-Off Analytical Data to Determine Compliance with Maximum Contaminant Levels Present in NIPDWR", April 6, 1981.**

8. *Sample Invalidation*

Q: Can a sample be invalidated if the sample is taken from a vacant house or one that has been unoccupied for a while?

A: **Samples taken from vacant houses or ones that have been unoccupied for an extended period of time are valid samples, and should not be invalidated unless the criteria for invalidation have been met. Systems should provide instructions to residents or persons taking the samples to first flush their taps if they have been away for several days, let the water sit unused for at least six hours, and then collect the sample.**

Q: A system is on reduced lead and copper tap monitoring and is required to sample from June to September. It samples in September and the samples are invalidated on September 30. Should the system collect replacement samples, or have they missed this monitoring period, and incur a violation?

A: **If replacement samples are taken by October 20, the system is in compliance because the replacement samples were collected with 20 days of the State's invalidation decision, even though sampling was not conducted within the 4-month monitoring period. If samples are taken on October 21 or later, the system has a violation. The late samples may not be used to determine 90th percentile levels. This system must wait until June - September of the following year to monitor. If the system properly monitors and reports, it can RTC at that time. EPA recommends that systems sample early in the monitoring period to prevent a monitoring violation from occurring.**

Q: If a State allowed samples to be invalidated prior to January 12, 2000, is this considered acceptable?

A: **No. A State cannot implement new provisions before they are effective.**

9. *Monitoring Waivers*

Q: Once a monitoring waiver is granted, should the new compliance period begin on the day after the end of the previous monitoring period, or on the day after the last sample was taken? For example, a system on triennial monitoring (compliance period = Jan. 1999 to Dec. 2001,

monitoring period from June to September) is granted a 9-year monitoring waiver on April 10, 2000. It collected samples and reported to the State on June 10, 2000.

A: The new compliance period would begin on the day after the end of the most recent monitoring period, (not compliance period). So, the new compliance period would be October 1, 2000 to September 30, 2009.

Q: If a system that was granted a monitoring waiver is late in submitting its sampling results, should the waiver be revoked?

A: According to the LCRMR, the system no longer meets the waiver criteria and the waiver must be revoked.

10. Demonstrating that a System Meets the (b)(3) Criteria

Q: Does a system that meets the criteria of §141.81(b)(3) (also referred to as a (b)(3) system) need to continue to prove it meets the (b)(3) criteria?

A: The State may require the system to continue to collect source water samples to confirm its (b)(3) status. In this instance, the system would collect source water samples during the same monitoring period that it collects triennial lead and copper tap samples.

Under §141.81(b)(3), a system is deemed to have optimized corrosion control if it meets the following criteria :

- **the difference between the 90th percentile tap water lead level and the highest source water lead level is less than or equal to 0.005 mg/L.**
- **for 2, consecutive, 6-month periods the systems that has source water lead levels below the MDL and 90th percentile lead levels that are less than or equal to 0.005 mg/L.**

In addition, a (b)(3) system that exceeds the copper action level after July 12, 2001 will no longer qualify as a (b)(3) system. Such a system must begin corrosion control treatment steps, unless such treatment is already in place.

11. Water Quality Parameter Monitoring

Q: How should large systems that monitor daily or more frequently for water quality parameters (WQPs) report their results?

A: The State may specify how frequently these values must be recorded and reported. In those instances where the State has adopted the new procedure for determining compliance with optimal water quality parameters (OWQPs), the LCRMR clarify that a system must report WQP monitoring results within the first 10 days following the end of the 6-month monitoring compliance period specified in §141.87(d).

12. Water Quality Parameter Compliance

Q: If a system has excursions at the very end of June, how many excursions in July are needed for the system to be considered in violation with its OWQP requirements?

- A:** The daily value count would start over with a new 6-month compliance period. The system would not be in violation until it had excursions for more than nine days between July and December, even if it had excursions for nine days at the end of June. The system would have to use the excursion from the last monitoring period as the daily value for each subsequent day until it sampled again. Thus, the system could potentially have excursions for 18 straight days without being in violation (9 in June, 9 in July).
- Q:** Is a small or medium-size system considered to have returned to compliance for a WQP M/R violation, if its 90th percentile levels for lead and copper are at or below the action levels? Or would it still be required to collect WQPs? The 1992 LCR reporting guidance indicated that these systems would not be required to sample.
- A:** It would still be required to conduct the WQP sampling for it to be considered “returned to compliance.” If it fails to conduct the WQP sampling, an “intentional no action” record would be reported which indicates other circumstances made specific compliance with the violated requirement moot, in this case 2 consecutive 6-month rounds of lead and copper tap results at or below the action levels. A medium or small system which exceeds the action level is required to collect WQP samples in the period in which the action level exceedance occurred. At the same time, the system is triggered into corrosion control treatment steps. Medium and small systems are required to submit a recommendation for corrosion control to the state within 6 months after the exceedance and the WQP data is an integral part of the information necessary for the system to make (and the state to approve) its recommendation. Failure to do so should result in a recommendation violation. To return to compliance for the WQP monitoring violation, the system would complete the required round of sampling as soon as possible to ensure its recommendation is timely.
- Q:** If a system fails to collect enough entry point samples, it incurs a WQP M/R violation. If it monitors properly for the next 6-month compliance period, is it considered to have returned to compliance?
- A:** Yes.
- Q:** How does a system return to compliance if it is in violation of its OWQP requirements (i.e., has a WQP noncompliance violation)? Must it have no more than 9 days with excursions in the subsequent 6-month compliance period?
- A:** A WQP Noncompliance Violator whose 90th percentile levels no longer exceed the action level, is not required to monitor, nor would the excursion values carry over into the next subsequent period for an exceedance. This should be reported as Intentional No-Action, since it technically did not RTC in this case. (Refer to the table on page IV-15 for more detail.) If it is still above the action level, it must complete the next 6 months with no violation of WQPs in order to return to compliance.
- Q:** Has EPA approved field test kits for WQPs?

A: Yes, EPA has approved field test kits for WQPs. This will help systems to more quickly obtain information about WQPs, determine excursions, and perform follow-up monitoring as needed.

13. DEEM and DONE Milestones

Q: What are the DEEM and DONE Milestones?

A: The DEEM Milestone is a new milestone which indicates that the system has met certain criteria which exempts the system from further corrosion control treatment steps under the LCRMR other than continued Lead and Copper tap monitoring and water quality monitoring for those systems already having corrosion control treatment in place. The specific criteria for classifying a system as “Deemed to be Optimized” is located in §141.81(b)(1)-(3). These criteria are as follows: (b)(1) - a system serving 50,000 or fewer people that has met the lead and copper action levels during each of two consecutive 6-month monitoring periods; (b)(2) - any water system that optimized corrosion control treatment before December 7, 1992, based on the state’s review of water quality parameters, report on evaluation and selection of OCCT, report on OCCT installation and maintenance, and tap samples; and (b)(3) - a system with minimally corrosive water in its distribution system, that demonstrates for two consecutive 6-month periods that the difference between the 90th percentile tap water lead level and the highest source water lead concentration is less than 0.005 mg/L. Also, the LCRMR expand the definition to include systems whose source water lead levels are below the Method Detection Limit and whose 90th percentile lead level is ≤0.005 mg/L.

The DONE Milestone is a new milestone to indicate when a system has completed all applicable requirements for corrosion control, source water treatment, and lead service line replacement.

Q: What date should be reported for systems that meet the Done or Deem criteria on or before April 11, 2000?

A: If a system meets the criteria for Done or Deem on or before April 11, 2000, EPA prefers that the State report the actual date that the State made this decision. However, if the State believes reporting the actual date a system was deemed and/or done will be overly burdensome, it may instead report a date of April 11, 2000 for these systems. Where States choose not to use the actual date, EPA asks States to use April 11, 2000 because this is the effective date for the LCRMR. Any system deemed and/or done beyond April 11, 2000 should use the actual date the system meets the criteria.

Q: When must a State report Done and Deem for systems that meet these criteria?

A: EPA is *requesting* that States report by February 15, 2001, those systems the meet the Done and/or Deem milestone criteria by January 11, 2001. After January 11, 2001 the Done and/or Deem milestone is reported within 45 days after the end of the quarter in which the State determined the system met the Done or Deem milestone criteria. Systems are *required* to begin reporting the LCRMR milestones by January 12, 2000.

Q: Must the State report that a system is Undone in the quarter following the quarter in which it becomes aware of this fact, or should it wait until the system meets the Done criteria?

A: **The end date of the appropriate Done milestone should be modified to reflect that the system has become “Undone”. This should be reported in the quarter following the quarter in which it becomes aware of this. When the system again becomes Done, a new Done milestone should be reported.**

14. Lead Service Line Replacement Milestone

Q: Systems that fail to meet the lead action level after installing OCCT and/or SOWT must begin annual replacement of lead service lines (LSLs). Should the begin date for the lead service line replacement (LSLR) milestone be the day it exceeds the action level, or the day after the end of the compliance period or monitoring period for which the exceedance occurred?

A: **If the designated monitoring period is January to June (follow-up or routine), the begin date would be the last sampling date within that period.**

15. Return to Compliance and Violation Reporting

Q: A system is required to perform two consecutive 6-month rounds of initial tap monitoring, but only performs one round. An initial tap M/R (51) violation is reported. It later correctly performs an additional round. Should return to compliance be reported for this 51 violation.

A: **No. The system must perform two consecutive 6-month rounds of initial monitoring, in order to be considered to have returned to compliance.**

Q: When should Intentional No-Action be reported, instead of return to compliance?

A: **In some cases, a requirement no longer applies to system because it is at or below the lead and/or copper action level for a specified period of time. In most of these cases, an Intentional No-Action should be reported, instead of return to compliance. Refer to the table on page IV-15 for more detail.**

Q: What dates should be used for violation begin and end dates?

A: **For all LCRMR violations except WQP M/R and noncompliance with its OWQPs, the violation begin date is the day after the end of the monitoring period. The end date is December 31, 2015. For WQP M/R and OWQP noncompliance violations, the begin and end dates reflect the actual monitoring period.**

Q: Can States continue to report compliance period begin and end dates for violations as they do now, and let SDWIS/FED determine new begin and end dates based on these data for the noncompliance period?

A: **States may continue to report compliance begin and end dates as they currently do until the 2002 deadline. SDWIS/FED will replace the end date with the defaulted violation end date of 12/31/2015. However, because these violations are characterized by the period of noncompliance, which begins the day after the due date of the requirement,**

SDWIS/FED is not able to determine the begin date of the violation period because the timing of many requirements are triggered on the completion of the previous requirement. Therefore, by the 2002 deadline, if not before, the state needs to report the begin of the violation period as described in the reporting guidance.

Q: What date should be reported for the noncompliance period begin date for a system on annual or reduced monitoring? Should it be the first day after the end of the 4-month monitoring period, or should it be the first day after the end of the 1-year, 3-year, or 9-year compliance period?

A: The noncompliance period begin date should be the first day after the end of the respective 4-month monitoring period, rather than the first day after the end of the respective compliance period.

Q: Small and medium systems with exceedances must submit treatment recommendations to the State within six months after the end of the compliance period for which they had an exceedance. Large systems are assumed to include the recommendations with the study that is due within 12 months.

- a. If the State has decided to make the recommendation on behalf of a small or medium system, but fails to do so within 6 months, should a violation be reported?
- b. If a small/medium system is required to conduct a study, is the system still required to submit a separate recommendation?

A. a. The system is responsible for making treatment recommendations. Even if the State decides to make the recommendation on behalf of the system a violation should be reported because a specific rule requirement was not met.
b. Yes, The recommendation is required to make the determination of whether a study will be required. The recommendation is due within 6 months after the end of the compliance period for which the exceedance occurred and the study is due within 12 months if the State designates a study is to be conducted.

Q: A system is required to replace 7 percent of its LSLs annually starting January 1, 2000, but fails to do so in 2000. It then replaces 7 percent by August 15, 2001, and another 7 percent by December 31, 2001. How should this be reported?

A: The system would have a LSLR violation with begin date of January 1, 2001, with an associated RTC of August 15, 2001.

Q: A system is required to replace 7 percent of its LSLs each year. In the first year, it replaces 5 percent. In the second year, it replaces 5 percent. It performs lead and copper tap monitoring annually, and is below the lead action level for two consecutive years. What should be reported?

A: The system would incur a LSLR violation for the first year. It would not incur a LSLR violation for the second year, because it was below the lead action level for two consecutive periods and can stop replacing LSLs. This system would be considered RTC for the first year when 2 percent of LSLs were replaced in Year 2.

Q: How many violations should be reported for LSLR? One violation per year? Multiple violations? Distinguish between violations for failure to replace lines from partial LSLR ones?

A: One violation should be reported for any and all violations in a given year of replacement. Remember that the first year of lead service line replacement begins on the date the action level was exceeded in samples collected after corrosion control treatment or source water treatment was installed (whichever occurs later). The system is considered to have returned to compliance when all requirements are fulfilled and the end of the replacement year arrives or when the system meets the lead action level in tap samples for two consecutive compliance periods.

16. *Changes in Population Served*

Q: In the event a medium-size water system on reduced monitoring experiences an increase in population bumping it into the large-size category, what must it do to comply with the LCR?

A: Although the January 1, 1997 deadline for large systems to complete installation of corrosion control treatment has passed, the water system should follow the compliance steps and time frames provided in the rule for large systems (e.g., the system would have four years to install corrosion control). However, a system that can demonstrate that it is deemed to have optimized corrosion control under §141.81(b)(3) would not be required to conduct a study, install corrosion control treatment, or collect WQPs. The system would be expected to comply with all LCR monitoring and reporting requirements for large systems.

A: In the event a large-size water system with State-established water quality control parameters experiences a drop in population and thus becomes a medium system, can the system discontinue WQP monitoring?

A: If the water system is at or below the action level, then the State may allow the system to discontinue monitoring for WQPs. However, if the water system exceeds the action level, then it must continue monitoring for WQPs.

Q: If a small water system that is on annual reduced monitoring becomes a medium system, must it perform semi-annual monitoring?

A: No. It may remain on annual reduced monitoring, as long as the system continues to maintain lead and copper 90th percentile levels at or below the action levels. However it must increase its number of required samples according to §141.86(c). Additionally, the system would report all 90th percentile values for lead, as is required for medium-sized systems under the LCRMR.

17. *Public Education Requirements*

Q: If a system has a public education violation, but in a subsequent period, the 90th percentile lead level is at or below the lead action level, is the system still required to conduct public education?

A: Yes, the system must still conduct one more round of public education in order to RTC.

Q: What is the reasoning for requiring a system to conduct public education after lead levels are at or below the action level? It seems like an unnecessary effort, since systems are required to notify

the public of lead exceedances or violations through public notification (PN) and the consumer confidence report (CCR).

A: Although the PN and CCR rules also require that the system notify the public of problems, by providing health effects language (PN & CCR), and exceedances (CCR), public education requires the system to notify the public more quickly and is distributed to a wider audience, than would be required by PN and CCR.

Q: Can the CCR be used to satisfy some of the requirements for public education?

A: The system can satisfy the annual delivery requirement for those customers that receive water bills if the system includes the mandatory public education language in its CCR and the CCR is delivered no later than 12 months from the last time the system provided public education.

Q: Are the semi-annual and annual periods for performing public education considered to start on the day after or 61 days after the end of the compliance period for which the exceedance occurred?

A: The semi-annual and annual periods for performing public education start 61 days after the end of the compliance period for which the exceedance occurred.