

Public Water Systems Required To Comply With Two New Federal Lead And Copper Requirements By Oct. 16, 2024

The federal Lead and Copper Rule Revisions (LCRR) went into effect in December 2021. Under the LCRR, public water systems (PWS) are required to comply with two new requirements by Oct. 16, 2024. First, PWS that get a lead action level exceedance (ALE) will be required to post a tier 1 public notice. Second, PWS are required to complete and submit a full service line inventory and meet associated public accessibility requirements. Both are federal requirements, so although the Wisconsin Department of Natural Resources (DNR) is responsible for administering these requirements under a primacy agreement with the U.S. Environmental Protection Agency (EPA), it will be the EPA taking enforcement against PWS that do not comply with these regulations.

Tier 1 Public Notice Requirements

Effective Oct. 16, 2024, PWS that exceed the lead action level will be required to issue a tier 1 public notice to their consumers. The tier 1 public notice must be issued within 24 hours of learning of the lead ALE. Impacted PWS must also provide a copy of the tier 1 public notice to the EPA and Wisconsin DNR. This new requirement is due to a federal congressional action Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)) amended by Congress to require tier 1 public notices for lead ALEs. Although this requirement was initiated by Congress and not by the EPA, the EPA is responsible for the implementation and enforcement of this regulation. The EPA is currently working on implementation guidance, which is expected to be released this summer.

Lead Service Line Inventory Requirements

PWS are also required to submit a full service line inventory by the Oct. 16, 2024 compliance date. PWS must review all available records in accordance with the LCRR when developing their inventory. Inventories must include all sections of every service line, regardless of who owns the service line. All service lines in the distribution system must also be included, regardless of actual or intended use. PWS that have conducted inventory activities in recent years associated with updating their lead and copper monitoring site plan are still required to complete and submit a full service line inventory to meet this federal requirement. **Note:** This Oct. 16, 2024 federal service line inventory requirement cannot be met by the PWS updating their lead and copper monitoring site plan.

Associated Inventory Requirements - Public Accessibility And Service Line Material Consumer Notifications

In addition to completing a full service line inventory, systems must also make the inventory publicly accessible by Oct. 16, 2024. The publicly accessible inventory must include the materials classification of each service line, along with a unique locational identifier for each Lead (L) and Galvanized Requiring Replacement (GRR) service line. If all service lines in the distribution system have been identified as non-lead, regardless of ownership, then systems can opt to provide a written statement that there are no lead or GRR service lines, along with a general description of the sources specified in the regulations used to make that determination.

In addition to making the inventory publicly accessible, public water systems with one or more L, GRR and/or lead status unknown (UNK) service lines must meet Consumer Notification requirements.

Consumers served by a L, GRR, or UNK service line must be notified within 30 days of the completion of the initial inventory.

DNR Review Of Inventory And Related Requirements

Under DNR's agreement with EPA, Wisconsin is responsible for determining whether PWS inventories have met all federal inventory requirements. The DNR will be using the checklist to the right to review inventories and determine compliance with federal requirements. To avoid a violation and federal enforcement, PWS should use this checklist to confirm their inventory meets all requirements before submitting it to the department.

DNR Checklist For Inventory Review

- Was the inventory submitted to the department on or before Oct. 16, 2024?
- Does the inventory include all service lines connected to the distribution system?
- Does the inventory include both utility and customer owned portions of service lines?
- Does the inventory include material information for every portion of every service line sufficient to classify it in accordance with the LCRR?
- Did the PWS review all available records required by the LCRR?
- Is the system collecting and tracking service line material information during normal operations?
- Does the inventory include a locational identifier for every service line classified as lead and galvanized requiring replacement?
- Did the water system make its inventory publicly accessible?
- Is the inventory publicly accessible via an appropriate method and format?
- Does the publicly accessible inventory include a locational identifier for every service line classified as lead and galvanized requiring replacement?

Materials For Public Water Systems To Submit To The DNR By Oct. 16

The DNR will use the materials listed below to determine whether a PWS's service line inventory meets all federal requirements. To avoid incurring violations and facing federal enforcement, PWS should complete and submit all materials listed below on or before Oct. 16, 2024.

- Complete Lead Service Line inventory
- Lead and Copper Rule Revisions Service Line Inventory Methods & Completeness Form¹
- Lead and Copper Rule Revisions Public Accessibility Verification Form¹

Additionally, the Environmental Protection Agency has directed states to verify PWS inventory completeness by comparing the total number of public and private service lines included in a water system's inventory to other reported service line data. Therefore, if the total number of public and private service lines reported by a PWS is different than the number reported by the PWS to the Public Service Commission in their annual report, the PWS should explain the reason for the discrepancy in their Inventory Methods & Completeness Form.

¹ Public water systems may submit information requested by these forms in a different format.

Public water systems should submit their service line inventory and the associated materials listed above to DNRDGLeadCopperInventories@wisconsin.gov and copy their DNR Field Representative.

Submit Your Inventory To The DNR Early!

The Wisconsin DNR strongly encourages PWS to submit their inventory, associated information and forms to the department well in advance of the **Oct. 16, 2024** deadline. Nearly 2,000 PWS in Wisconsin required to submit a service line inventory. Therefore, the department will not have time to review and provide feedback to PWS that submit their inventory shortly before the deadline. However, the DNR will review inventories submitted well in advance of the deadline and provide timely feedback to the PWS so that any identified deficiencies can be addressed and the inventory can be resubmitted by the PWS before the Oct. 16 deadline, thereby avoiding federal enforcement. Another advantage of submitting an inventory early is that it gives PWS time to prepare and deliver their service line consumer notices, which are due to consumers by Nov. 15, 2024. The DNR will aim to review and respond to inventories submitted in June and July of 2024 by August and September of 2024. The DNR will review and respond to inventories submitted after July in the order they are received, as time allows.