

Date Signed: March 23, 2005

MEMORANDUM

SUBJECT: Issues with Lead Service Line Replacement

FROM: Cynthia Dougherty, Director
Office of Ground Water and Drinking Water

TO: Jane Downing, Associate Director for Drinking Water Policy
EPA Region I

Region I asked the Office of Ground Water and Drinking Water to give an opinion as to when a water system may cease lead service line replacement required under the Lead and Copper Rule. As system required to perform lead service line replacement pursuant to 40 C.F.R. § 141.84 may cease replacement whenever the system submits to the State the results of two consecutive rounds of monitoring conducted pursuant to 40 C.F.R. § 141.86(b)(2) that demonstrate 90th percentile lead concentrations at or beneath the action level of 15 parts per billion.

The provisions of the Lead and Copper Rule relating to lead service line replacement are set forth at 40 C.F.R. §141.84. They provide that a system triggered into lead service line replacement “shall replace annually at least 7 percent of the initial number of lead service lines in its distribution system.” 40 C.F.R. § 141.84(b). The first year of lead service line replacement “shall begin on the date the actions level was exceeded in tap sampling.....” *Id.* The regulation continues to provide that a system may stop its lead service line replacement program “whenever first draw samples ... meet the lead action level during each of two consecutive monitoring periods and the system submits the results to the State.” 40 C.F.R. § 141.84(f). Whenever samples collected thereafter exceed the action level, the regulations direct the system to “recommence replacing lead service lines....” *Id.*

Our interpretation of these provision is as follows. A lead service line replacement program begins on the first day after the end of the monitoring period during which the system exceeded the action level (i.e. January 1 or July 1). From the date, the system has one year to replace at least 7% of its lead service lines. The system may discontinue its lead service line replacement as soon as the system submits to the State the results of two consecutive six-month monitoring periods demonstrating 90th percentiles of lead at or below the action level. Under these circumstances, a system that completes 2 rounds of monitoring within the first year may cease its replacement program even if it had not yet replaced a minimum of 7% of its lead service lines. If the system has not submitted their second sampling round at or below the action level by the end of the first year, they would be required to complete the full 7% lead service line replacement.

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The system would be required to continue to replace 7% of its lead service lines each year until it shows two sampling rounds at or below the action level.

This addresses solely the issue noted above; I recognize that there may be many more complicated scenarios in which this question is posed, but I hope this answers your specific questions. If you require additional information, please feel free to contact me or Ron Bergman, Acting Chief of the Drinking Water Protection Branch, at 202-564-3823.