Consultation and Coordination Plan: National Primary Drinking Water Regulation for Lead and Copper

Background Information

Studies conducted in diverse populations of children consistently demonstrate the harmful effects of lead exposure on cognitive function, as measured by IQ decrements, decreased academic performance and poorer performance on tests of executive function. Lead exposure is also associated with decreased attention, and increased impulsivity and hyperactivity in children. In adults, long-term lead exposure results in increased blood pressure and hypertension. In addition to its effect on blood pressure, lead exposure can also lead to coronary heart disease and death from cardiovascular causes and is associated with cognitive function decrements, symptoms of depression and anxiety, and immune effects in adults. Copper can cause stomach and intestinal distress, liver or kidney damage, and complications of Wilson's disease in genetically predisposed people.

EPA established the Lead and Copper Rule (LCR) in 1991 to protect public health by limiting exposure to lead and copper through drinking water. As required by the Safe Drinking Water Act, EPA established non-enforceable Maximum Contaminant Level Goals for these chemicals. The MCLG for lead is zero, since there is no level of exposure to lead that is without risk, and the MCLG for copper is 1.3 mg/L. The goal of the LCR is to reduce lead and copper concentrations at consumer's taps as close to the MCLG as feasible.

The primary contribution of lead and copper to drinking water is corrosion from lead and copper containing service lines and in-home plumbing materials. Therefore, one key aspect of the current LCR requires tap sampling at homes with lead service lines and lead containing plumbing materials. Systems compare sample results to the action level of 0.015 mg/L (15 ppb) for lead and 1.3 mg/L for copper. If 10 percent of the samples from these homes have water concentrations that are greater than the action level, then the system must take actions to reduce lead or copper exposure.

A second key aspect requires water systems to implement corrosion control treatment that reduces lead and copper in tap water. Water systems must work with the EPA, state, or tribe with enforcement authority (primacy) to identify and implement optimal corrosion control treatment. The corrosion control treatment makes the water less corrosive to lead and copper in service lines and plumbing materials.

A third key aspect requires public water systems that exceed the lead action level to undertake public education to inform their consumers of the elevated levels of lead, the potential health effects of lead, and the actions they can take to reduce their exposure to lead (e.g., flushing the pipes before drinking). The systems must reach out to partners in the community (e.g., pediatricians) who can help to spread the message about lead in drinking water.

A final key aspect of the current LCR is a requirement for water systems to conduct lead service line replacement. If a water system that has already optimized corrosion control treatment exceeds the action level, then that system must replace seven percent of its lead service lines

each year. A water system is required to replace the portion of the lead line that the system owns, and must offer the homeowner the opportunity to replace their portion of the lead service line but is not required to pay for the costs of the private portion of the line.

EPA is evaluating potential revisions to the LCR to improve public health protection while ensuring effective implementation. EPA is considering revisions in all key aspects briefly discussed above in addition to specific copper requirements.

Potential Impacts to Tribes

The LCR applies to community water systems and non-transient non-community water systems as defined by the Safe Drinking Water Act (SDWA). Revisions to the LCR would impact a tribal government that operates public water systems. Revisions to the LCR would also impact a tribal government that has primary enforcement authority (primacy) for public water systems on tribal lands.

Tribal Government Involvement in the LCR Regulatory Revision Process

EPA is requesting input from tribal governments on potential revisions to the LCR that maintain or improve public health protection. To this end, EPA is requesting input from tribal governments on potential regulatory revisions to the current LCR and suggestions that would assist tribal governments in implementing and complying with the revised rule. Specific regulatory revisions under consideration include:

- Tap Sampling
- Corrosion Control and Treatment
- Public Education for Transparency
- Full Lead Service Line Replacement
- Copper Requirements

Opportunities for Tribes to Participate

The tribal consultation process table below lays out the process and timeline for government-to-government consultation and coordination. EPA is also looking for additional opportunities to engage with tribes on this issue during the consultation period.

Tribes may access this letter and related consultation information via EPA's Tribal Consultation Opportunities Tracking System, located at https://tcots.epa.gov. Additional information and current activities related to potential LCR regulatory revisions can be found at: https://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions.

At any point in the tribal consultation process, tribes may submit written comments to:

1) E-mail: LCRConsultation@epa.gov, or

2) Mail: U.S. Environmental Protection Agency, Office of Water, Water Policy Staff, Mail Code: 4101M, 1200 Pennsylvania Ave. NW, Washington, DC 20460, Attention: LCR Tribal Consultation

EPA intends to hold two informational webinars for tribal governments. The intent of the webinars is to provide an overview of the potential LCR revisions under consideration and answer questions. The presentation content of each webinar will be the same, so tribes can elect to participate in whichever webinar date works best or can participate in more than one webinar. In addition, EPA is open to one-on-one consultation meetings with interested tribal governments. Tribes that wish to request individual meetings with EPA should send the request in writing to the email address above by March 16, 2018. EPA will work to honor those requests as time and resources permit.

Following consultation, EPA will prepare proposed regulatory revisions to the LCR for publication in the Federal Register for public review and comment.

Tribal Consultation and Coordination Process Timeline

Date	Event	Contact Information
January 16, 2018	Start of consultation period. Tribal consultation letter mailed to tribal leaders of Federally Recognized Tribes. Copies of consultation letter and plan posted to EPA's TCOTS website *https://tcots.epa.gov*	Bob Rose Phone: 202-564-0322 Email: LCRConsultation@epa.gov
January 31, 2018 (1:00 – 2:30 PM ET)	First of two identical national tribal webinars Toll free: 844-569-6824; **Conference ID 5489283** https://epawebconferencing.acms.com/leadcopperconsultation/	EPA's TCOTS website *https://tcots.epa.gov* for details www.epa.gov/tribal
February 15, 2018 (1:00 – 2:30 PM ET)	Second of two identical national tribal webinars Toll free: 844-569-6824; **Conference ID 3275119** https://epawebconferencing.acms.com/leadcopperconsultation/	EPA's TCOTS website *https://tcots.epa.gov* for details www.epa.gov/tribal
March 16, 2018	End of consultation period. Deadline for feedback and comments. Deadline for written requests from tribal governments seeking one-on-one consultation meetings.	Comment letters should be submitted via email. Email: LCRConsultation@epa.gov