



Lead and Copper Rule Revisions (LCRR) Frequently Asked Questions (FAQ) for Operators and Owners

This document is intended to provide New Hampshire’s drinking water system operators and owners with additional information and clarification on the details of EPA’s Lead and Copper Rule Revisions (LCRR).

This document will be updated and published on the New Hampshire Department of Environmental Services (NHDES) [LCRR webpage](#) as new information becomes available. Please note some information is subject to change following the release of EPA’s Lead and Copper Rule Improvements (LCRI) expected to be released in fall 2023.

BACKGROUND

What is the Lead and Copper Rule Revision (LCRR)?

LCRR is a federal drinking water rule implemented by the Environmental Protection Agency (EPA) in December 2021. This rule revises, updates and improves upon the original Lead and Copper Rule of 1991. This revision requires all community (CWS) and non-transient non-community (NTNC) water systems to prepare and submit a materials inventory of all service lines in their system, with a corresponding replacement plan for all lead and galvanized requiring replacement (GRR) lines by the federal deadline of October 16, 2024. The LCRR also includes changes in sampling protocols, public notice notifications, and corrosion control requirements. The LCRR can be broken down into three main parts: inventory, replacement plan and sampling plan.

INVENTORY

In what format does the service line inventory need to be submitted to NHDES?

The inventory needs to be submitted using the NHDES Inventory Template format, found on the NHDES [LCRR webpage](#).

Does every service line in the system need to be on the inventory sheet?

Yes. All service lines, including fire service lines, need to be included in the inventory template. The entire length of the service line from main to the house needs to be included in the inventory, regardless of ownership.

Should the operator or the owner of a small water system be reaching out to their assigned consultant?

The owner of each water system is responsible for their water systems' compliance. It may change on a system-by-system basis. The owners need to coordinate with their operators and decide who will be taking the lead on this and be the primary contact communicating with the assigned consultant.

What are the consequences if my water system does not submit the service line inventory and replacement plan by the federal deadline of October 16, 2024?

If any CWS or NTNC water system does not comply with the LCRR by the federal deadline, they will be subject to federal enforcement action.

My water system has very little data and very few records, so there will probably be a lot of unknown service lines in the inventory. Is that okay?

Yes. NHDES expects a lot of unknown services in the inventory. Unknowns require additional public notice and should be explored and identified as soon as possible.

Does NHDES consider galvanized pipe that was or is downstream of a lead gooseneck/pigtail/connector to be galvanized requiring replacement (GRR)?

Yes. NHDES does consider a galvanized pipe preceded by a lead gooseneck/pigtail/connector to be galvanized requiring replacement (GRR). Unless it can be proven that there was never a lead component upstream of a galvanized pipe, that galvanized pipe is considered GRR until proven otherwise.

Does each water system need to make the inventory publicly available online?

If a CWS or NTNC water system serves under 50,000 people, it must be publicly accessible and instructions to access it must be included in the Consumer Confidence Report (CCR). If a community water system serves 50,000 or more people, the inventory must be made available online.

If a water system is confident there is no lead and no GRR service lines, do they still need to submit an inventory?

Yes. All community CWS and NTNC water systems are required to submit an inventory, and replacement plan if applicable, to NHDES by the federal deadline of October 16, 2024. Once the initial inventory is submitted, if there are no lead or unknown service lines, that system is not required to submit annual updates.

What methods will be accepted as adequate service line verification?

There needs to be more than one method of service line verification, and you need to be able to confidently defend your methods should they come into question. Some information that can play a part in verifying your service lines include but are not limited to building age, visual inspection, records review and reviewing meter replacement files. All information relevant to service line material will be important to review, but no one method of verification should stand by itself.

What is the minimum information that NHDES is willing to accept in the inventory template?

The template should be filled out to the best of your ability. There needs to be enough information in each inventory to confidently assign a Sampling Tier to each service line. Sampling Tier definitions can be found in the NHDES Service Line Inventory Template in the “Classifying SLs” tab. Even if some information is not required by the EPA, NHDES wants to see as much data as possible.

REPLACEMENT PLAN**How do I know if my system needs to submit a replacement plan?**

If a CWS or NTNC water system has any lead, GRR or unknown service lines in their inventory, a replacement plan must be submitted along with the inventory by the federal deadline of October 16, 2024.

What needs to be included in the replacement plan?

The lead service line replacement plan must include the following:

1. A strategy for determining the composition of lead status unknown service lines in its inventory.
2. A procedure for conducting full lead service line replacement.
3. A strategy for informing customers before a full or partial lead service line replacement.
4. For systems that serve more than 10,000 persons, a lead service line replacement goal rate recommended by the system in the event of a lead trigger level exceedance.
5. A procedure for customers to flush service lines and premise plumbing of particulate lead.
6. A lead service line replacement prioritization strategy based on factors including but not limited to the targeting of known lead service lines, lead service line replacement for disadvantaged consumers and populations most sensitive to the effects of lead.
7. A funding strategy for conducting lead service line replacements which considers ways to accommodate customers that are unable to pay to replace the portion they own.

**Since the water system does not own the customer-owned portion of the service line, does the water system still have to replace it?**

The water system must offer to replace the customer-owned portion of the service line if it is lead or GRR but is not required to front the cost. EPA is discouraging partial replacements of service lines because it will cause more long-term exposure to lead in drinking water. Funding is available for lead service line replacements through the Drinking Water State Revolving Fund (DWSRF) Lead Service Line Replacement (LSLR) program. If a water system is applying for a lead service line replacement using the DWSRF LSLR loan, partial replacement of lead service lines will not be covered. Only full replacements of lead service lines are eligible.

SAMPLING PLAN

When will the new sampling schedule be in effect?

The new sampling plan will be effective as of January 2025. All CWS and NTNC water systems with service lines identified as lead, GRR or unknown in their inventory will be required to do full sampling in 2025. More information will be provided after the release of the LCRI.

If a system has unknown service lines in their inventory, will it increase their sampling frequency?

No. The sampling frequency will not be affected. Having unknowns in your inventory will only change the type and frequency of public notice the system must give to homeowners.



Will reduced sampling be taken away for lead and copper sampling when the new schedule starts in 2025?

Likely yes. Each water system with lead, GRR or unknown service lines will be reset to round 1 sampling. The first year will be bi-annual sampling (all of the samples twice in the first year). January and July are the two compliance periods in the first year. The LCRI will have more information on the routine sampling requirements.

When is public notice required to go out to homeowner regarding their service line material? (Only required if the service line is lead, GRR or unknown)

Public notice is required to go out to the homeowner within 30 days of submitting the service line inventory to NHDES, and/or within 24 hours following sampling results exceeding trigger level (currently 15ppb). More information will be provided after the release of the LCRI.

FUNDING

What NHDES resources are available to help CWS and NTNC water systems comply with LCRR?

Federal grants are available for large community water systems with over 1,700 service connections ranging from \$50,000 to \$100,000. The funding is available to assist in developing service line inventory, updating a sampling plan, and creating a replacement plan if needed. For CWS and NTNC water systems with less than 1,700 service connections, four consultants were hired by NHDES to assist with the same scope of work.

The DWSRF LSLR program offers loans with 50% to 100% principal forgiveness depending on affordability index. Funding can be used for replacement construction, inventory and more. Authority to borrow is required for this loan. The Lead SRF program is now accepting application at any time. Contact NHDES at DWLead@des.nh.gov or visit NHDES [LCRR webpage](#).

Does the DWSRF LSL Loan cover the replacement of lead goosenecks?

Yes. The DWSRF Loan does cover construction costs, including replacing just lead goosenecks, regardless of the service line material. For more information on eligible projects please visit EPA's [Bipartisan Infrastructure Law Memorandum](#).

Does the water system need authority to borrow to apply for the DWSRF LSLR loan?

Yes, the DWSRF LSLR loan requires authority to borrow.

What are some other eligible activities that are covered under the DWSRF LSL Loan?

Projects eligible for the DWSRF LSLR Loan include but are not limited to the following:

- Complete removal of lead and galvanized iron/steel service lines.
- Removal of lead goosenecks, pigtails and connectors, and replacement with acceptable material
- Replacement of curb stops, and curb stop boxes that are removed as part of full LSLR.
- Site restoration (landscaping, sidewalks, driveways, etc.) if the removal was necessary to replace LSLs.
- Development/updating of LSLI including locating and mapping LSLs.

More information can be found at EPA's [Bipartisan Infrastructure Law Memorandum](#).

Is construction retroactive for the DWSRF LSLR Loans?

Construction is not retroactive, meaning if construction was done in 2021, you cannot submit for reimbursement of those funds once their loan gets approved. Construction can only be done after Governor and Executive Council (G&C) approval. Design, inventory, developing replacement plan, designing replacement plans etc. are retroactive back to November 15, 2021.

TECHNICAL QUESTIONS**I have a small or medium-sized water system and we are working with a NHDES-hired consultant. Will the consultant be submitting the inventory for my system?**

Yes. Each consultant will be submitting the initial inventory and replacement plan, if needed, to NHDES for each water system they are assigned. However, the water system is responsible for assuring the data that is being submitted is accurate. The water system will also be responsible for submitting annual updates to NHDES.

I have submitted my initial data to my consultant. What can I be doing in the meantime to make this process move faster?

You can start by identifying unknown service lines in your community. Visual inspection would give your water system a high confidence level in your data. You can reach out to the homeowners and see who would be willing to participate. A water system representative can do the visual inspection, or you can use [NHDES' Protect Your Tap Tool](#), and have the homeowner identify the material themselves and report back to their water system. Identifying as many unknowns as you can before the federal deadline will mean less follow-up actions for your water system and less work in the long run.

What is the next step when a homeowner refuses to assist in identifying their service line or when they don't want to replace their lead service line?

The water system should make diligent efforts to work with the homeowner on service line identification and replacement and provide sufficient educational and outreach materials on the health effects of lead. The water system should be keeping records of outreach attempts and homeowner responses. Should the homeowner refuse participation, NHDES has documentation prepared to track these homeowner responses upon request. Though there isn't enforcement on the homeowner to identify or replace their service line, please note failure of a water system to do proper public notification will be subject to federal enforcement.

I just got hired as an operator for a new small community/non-transient non-community water system, will they get the assistance of a NHDES consultant?

No. All new or reactivated water systems are responsible for complying with LCRR as part of the design review process and will not be assigned one of the NHDES consultants. New or reactivated systems are responsible for completing and submitting inventories, and replacement plans if needed, by the federal deadline of October 16, 2024. NHDES maintains a list of the CWS and NTNC water systems each of the four consultants were assigned. Visit NHDES [LCRR webpage](#) to see if your CWS or NTNC water system has been assigned a consultant. New water systems are responsible for complying with LCRR as part of the design review process and will not be assigned one of the NHDES consultants.

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