



February 2, 2023

Dear Public Water systems,

The New Mexico Environment Department Drinking Water Bureau (DWB) is working to develop guidance documents related to the Lead and Copper Rule Revision (LCRR). Please be aware that the US Environmental Protection Agency (EPA) has a projected date of September of 2023 to publish what they called the "Lead and Copper Rule Improvements" (LCRI). However, we encourage the personnel of your system to review and understand the current LCRR regulation changes and new activities your system will be responsible for completing by October 16, 2024. We encourage and invite our regulated community to review the new requirements of the LCRR as detailed in [40 CFR 141](#).

The DWB will be sending correspondence that addresses the different components of the rule revisions that will be due October 16, 2024. Upcoming communications will be sent in a phased approach focusing on different topics including service line inventory, service line replacement plans, changes in tap water sampling, corrosion control improvements, public education plans and sampling for childcare facilities and schools. The administrative contact for your water system will receive communications from DWB regarding the requirements of the LCRR as we develop the LCRR guidance documents. The DWB will also address any changes the LCRI brings about once the finalized regulation is published.

Page 2 in this communication summarizes important information about the LCRR requirements that will need to be addressed by your public water system. For more additional information please visit the [DWB Lead and Copper Program page](#) (https://www.env.nm.gov/drinking_water/lead-and-copper-program/).

All public water systems should continue to comply with the current lead and copper rule and ensure sample locations are current. We also recommend reading the [LCRR](#), begin or continue developing your service line inventory, proactively plan on fully replacing any lead service lines you encounter, seek funding sources, and continue your systems corrosion control optimization.

The DWB's next communication outreach will provide a guidance for service line inventory requirements.

If you have any questions or need assistance e-mail lcr.manager@env.nm.gov.

Respectfully,

Diana I. Aranda
Drinking Water Bureau, Lead and Copper Rule Administrator

Summary of Lead and Copper Rule Revisions (LCRR)

I. Important dates.

December 16, 2021	EPA puts in place the Lead and Copper Rule Revisions and they become law (Effective date).
September 2023	EPA will include “improvements” to the current Lead and Copper Rule Revisions.
Between December 16, 2021, and October 16, 2024	Community water systems and non-transient, non-community water systems must comply with 40 CFR 141.80 through 141.91 , as codified on July 1, 2020.
October 16, 2024	Public water systems must complete and implement specific requirements of the Lead and Copper Rule Revisions. The following must be submitted to DWB: <ul style="list-style-type: none">• List of schools and licensed childcare facilities and their sampling plans are due.• Service line inventories are due.• Lead service line Replacement Plans are due.
2025	Execute your intended plans including: <ul style="list-style-type: none">• Service line replacements.• Systems that meet the requirements in 40 CFR 141.86(d)(1)(i) shall begin lead service line standard monitoring.• Begin your school and childcare sampling plan.• Execute the revised tap sample methods.• Execute your public outreach plans.
NOW/Present	<ul style="list-style-type: none">• Continue to comply with the current sampling schedules and lead and copper rule regulations.• Read the LCRR, and prepare your public water system.• Begin/continue your service line inventory.• Proactively develop a plan to replace lead service lines you encounter.• Seek funding sources.• Begin/continue corrosion control optimization activities.

II. Introduction of the Lead and copper Rule Revisions (LCRR)

The U.S. Environmental Protection Agency (EPA) has revised the Lead and Copper Rule which includes significant changes that will be new to Public Water Systems (PWS). The goal of the Lead and Copper Rule Revisions (LCRR) and the upcoming Lead and Copper Rule Improvements (LCRI) is to remove all lead service lines and protect our communities, especially children, from exposure to lead in drinking water in more equitable ways.

LCRR requirements to prepare for:

1. *Applying the corrosion control treatment steps to your PWS.*
 - They are numerous steps that apply to large, medium and small systems.
 - They are listed in [40 CFR 141.81\(a\)](#)
2. *The lead service line inventory and replacement requirements.*
 - Develop a service line inventory.
3. *The public education and supplemental monitoring requirements.*
 - Homeowners will learn about elevated levels of lead in their home or system within 24 hrs.
 - Private owners will be able to access the service line inventory.
4. *The monitoring requirement changes: in tap water, other water quality parameters, and source water.*
 - New trigger levels
 - Lead Trigger Level exceeded when 90th percentile calculation is greater than 10 µg/L (0.01 mg/L).
 - Lead Action Level exceeded when 90th percentile calculation is greater than 15 µg/L (0.015 mg/L).
 - Copper Action Level exceeded when 90th percentile calculation is greater than 1.3 mg/L.
 - New tap sampling procedures (5th litter sampling).
 - Systems with higher levels of lead will sample more frequently.
 - Target sampling of lead service lines.
 - Triggering actions to reduce lead exposure (“find and fix”).
5. *The monitoring for lead in schools and childcare facilities.*
 - Systems shall take tap water samples at schools and childcare facilities.
 - Systems must conduct testing once over a five-year period (20% of facilities each year).

Who is responsible?

According to 40 CFR 141.80(a)(3):

Community water systems and non-transient, non-community water systems must comply with the requirements of this subpart no later than October 16, 2024, except where otherwise specified in [§§ 141.81, 141.84, 141.85, 141.86, and 141.90](#), or where an exemption in accordance with [40 CFR part 142, subpart C](#) or [F](#), [has](#) been established by the Administrator.

When should systems comply?

According to 40 CFR 141.80(a)(4):

Between December 16, 2021, and October 16, 2024, community water systems and non-transient, non-community water systems must comply with [40 CFR 141.80](#) through [141.91](#), as codified on July 1, 2020.

Where to access the LCRR 40 CFR Part 141?

[eCFR :: 40 CFR Part 141 Subpart I -- Control of Lead and Copper](#)

The Department has adopted and incorporated 40 Code of Federal Regulations (CFR) Section 141 into the New Mexico Drinking Water Regulations, 20.7.10.100 New Mexico Administrative Code (NMAC). Therefore, any amendments that are codified in 40 CFR Section 141 at any date are effective, for purposes of state implementation.

Is it New Mexico Law?

According to 20.7.10.100 NMAC ADOPTION OF 40 CFR PART 141:

A. *Except as otherwise provided in this section, the regulations of the USEPA set forth at 40CFR Part141 as amended from time to time, are hereby incorporated by reference into this part.*

B. *The term "state" means the New Mexico environment department when used in 40 CFR Part141, in lieu of the meaning set forth in 40 CFR Part 141.*

III. Recommended to do list by October 16, 2024.

Your PWS should become familiar and understand the current and any revised lead and copper regulations and create its own unique checklist. The following quick goals checklist is an example and should not be used in place of your own PWS checklists or comprehensive plan.

Quick goals to do list by October 16, 2024.

- ☐ Review and become familiar with [40 CFR 141](#).
- ☐ Develop a service line inventory.
- ☐ Begin to eliminate “unknown” Service Line inventories.
- ☐ If applicable, prepare public website for displaying your data.
- ☐ Develop a service line replacement plan (including “find and fix” protocols).
- ☐ Develop an SOP for disturbances of lead, unknown and galvanized downstream of lead lines.
- ☐ Prepare sampling plan for schools and registered daycares.
- ☐ Update sampling pool in accordance with the new tiers.
- ☐ Revise sampling protocols to meet new requirements.
- ☐ Contract with a lab.
- ☐ Develop public education materials and notifications.
- ☐ Investigate and secure funding.