

Staff Report

**LEAD SERVICE LINE PUBLIC NOTICE**

November 12, 2024

**BACKGROUND:**

This is an informational briefing for Council. No action is required.

The contaminant lead is of considerable concern to drinking water utilities because of the health impacts it can cause. Lead has been regulated under the Safe Drinking Water Act for nearly four decades. Below is a timeline of several lead-related regulations affecting drinking water:

- 1986. The Safe Drinking Water Act (SDWA) Lead Ban prohibited the use of lead in new plumbing and water service lines. However, it did not require the replacement of existing lead service lines that were already in service.
- 1991. The US Environmental Protection Agency (EPA) enacted the Lead and Copper Rule (LCR). This rule required water systems to monitor for lead in consumers' homes, and to provide treatment for corrosive water if lead was found at unacceptable levels.
- 2011. The Reduction of Lead in Drinking Water Act (RLDWA) became effective. It modified the 1986 regulation by significantly lowering the amount of lead that could be contained in a plumbing fixture and still be considered "lead free."
- 2021. Lead and Copper Rule Revision (LCRR). This rule, which was the inevitable result of the public health crisis in Flint, Michigan, made several significant modifications to the original LCR. Among other mandates, it required the following:
  - All water systems in the nation had to complete and submit a comprehensive inventory of the materials used in every water service line in their systems no later than October 16, 2024.
  - All water systems must provide a Public Notice to properties that are served by: a lead service line; a galvanized metal service line that is or ever has been located "downstream" of lead piping; or a service line that contains unknown materials.

The language utilities must use in the Public Notice is tightly regulated. The Notice must include the following items, using specific language provided by the Iowa Department of Natural Resources:

- A statement indicating the material types of each service line
- A "health effects of lead" statement prescribed by the US EPA
- A list of steps consumers can take to reduce exposure to lead
- Information about replacing their service line
- Contact information for the water system

**Systems have 30 days from the service line inventory deadline (i.e. – until November 15, 2024) to provide the Public Notice to consumers with lead service lines, galvanized service lines downstream of lead, or service lines with unknown materials.** The Ames Water and Pollution Control Department submitted its inventory by the statutory deadline. The inventory found the following:

- 12,475 total service lines
- 147 lead service lines (1.2%)
- 97 galvanized service lines downstream of lead (0.7%)
- 0 unknown service lines (0%)

**The attached letter template will be sent to residents of the 244 properties with service lines identified as lead, galvanized, or unknown in the City's inventory. Additionally, where the property is not owner occupied, the same notice will be sent to the property owner. The letters will be placed in the mail tomorrow (November 13, 2024). Included in the letter is an offer for the City to test the drinking water from each of these 244 service lines for the presence of lead - at no cost to the owner or tenant. The LCRR requires that the same notification be sent to the property annually until the service line is no longer lead, galvanized, or unknown. When a customer signs up for service, if the property is included in the list, the same notification must be provided at the time of service initiation. Right now, every water utility in the nation is in the process of delivering similar Public Notice letters to customers meeting the requirements contained in the LCRR.**

The 2021 LCRR is not the end of the story. On October 8, 2024, the US EPA issued the Lead and Copper Rule Improvement (LCRI). The LCRI makes a weighty change in the obligations of water utilities. Where the 2011 LCRR only required utilities to undertake service line replacements if the lead levels exceeded an “action level” threshold, **the 2024 LCRI mandates that, starting in 2027, utilities must replace 10% of the affected service lines in their system per year, with 100% of lead service lines being replaced by 2037.**

**The 2024 LCRI does not address some very important questions. Most notably, it ignores the fact that in most water systems in the US, including Ames, the service lines are not owned by the water system; they are owned by the property owner. The LCRI does not explain how it derives the authority to require public utilities to mandate the replacement of privately owned infrastructure.**

**Staff is currently working to develop an incentive program to encourage property owners to replace their service lines now, including a 100% cost share for properties that qualify under the Housing and Urban Development’s definition of a low- to moderate income household. It is anticipated that the framework for the program will be included in the Capital Improvements Plan presented to Council in January.**

#### **STAFF COMMENTS:**

While no action is being requested at this time, staff wants the City Council to be aware of this lead requirement notice that will be sent out in case any member is contacted by constituent after reading the notice.

**ATTACHMENT(S):**

Lead Service Line Notice Template.pdf