

Lead & Copper Revision Rule and SRF Funding Information

Lead & Copper Rule Revisions (LCRR)

On December 2021, the U.S. Environmental Protection Agency (EPA) announced that the Lead & Copper Rule Revision (LCRR) would go into effect to support actions to reduce lead in drinking water. The LCRR compliance date is Oct. 16, 2024. This will affect 310 public water systems in the state of North Dakota.

EPA has directed States and public water systems to prioritize developing lead service line (LSL) inventories. This mandates all Community, Rural and Non-Transient Non-Community Public Water Systems must develop and submit a Lead Service Line Inventory by Oct. 16, 2024.

A Lead Service Line Inventory is necessary for

- 1) Ensuring compliance with Lead & Copper Rule sampling requirements
- 2) Lead Service Line Inventory (which will require an annual update)
- 3) Developing a lead service line replacement plan
- 4) Potential funding of lead service line replacement

What is NDDEQ Doing to Help Public Water Systems Prepare for the LCRR Requirements:

- 1) Providing ongoing state-wide awareness and training developed by NDDEQ for Community & Rural Water Systems. This training regarding the LCRR and LSL Inventory requirements is provided through North Dakota Rural Water Systems Association, Midwest Assistance Program, conferences, and the League of Cities.
- 2) Assist North Dakota public water systems by providing a downloadable “North Dakota Lead Service Line Inventory Spreadsheet” to record their system’s inventory. Download this at <https://deq.nd.gov/MF/DWP/LCRR/>
- 3) Providing funding assistance through the Drinking Water State Revolving Fund Program (DWSRF) to Public Water Systems to have consultants/engineering firms assist in the development of the LSL inventories and LSL Removal

EPA also announced next steps to strengthen the LCRR through the Lead & Copper Rule Improvement (LCRI).

In a Federal Regulation Notice, EPA announced that the LCRR will support near-term action development to reduce lead in drinking water. One goal is to remove all lead service lines nationwide. EPA will also develop a new proposed rulemaking to strengthen key elements of the LCRR. EPA anticipates finalizing the LCRI before Oct. 24, 2024, the initial compliance date in the LCRR. Additional information is available on the EPA factsheet entitled “*Stronger Protection from the Lead in Drinking Water: Next Steps for the Lead and Copper Rule*” located online at https://www.epa.gov/system/files/documents/2021-12/lcrr-review-fact-sheet_0.pdf

State Revolving Funding Information

Bipartisan Infrastructure Law

Congress passed the Bipartisan Infrastructure Law (BIL) on Nov. 15, 2021. The BIL will provide significant additional funding for drinking water projects through the Drinking Water State Revolving Fund (DWSRF) and wastewater projects through the Clean Water State Revolving Fund (CWSRF) over five years.

Funding will be available in three “buckets” of funding

1. General Supplemental: any eligible DWSRF or CWSRF project
2. Emerging Contaminants: available under both the DWSRF and CWSRF
3. Lead: available under the DWSRF

Each bucket of funding includes the requirement that a percentage of funds be provided as additional subsidy (aka, loan forgiveness).

2022 Funding	
Source	Amount
CWSRF Supplemental	\$8,738,000
CWSRF Emerging Contaminants	\$459,000
DWSRF Supplemental	\$17,992,000
DWSRF Emerging Contaminants	\$7,555,000
DWSRF Lead Service Line Replacement	\$28,350,000
Total	\$63,094,000

The DWSRF program will use a portion of the lead service line replacement capitalization grant to assist completing lead service line inventories. A pool of technical assistance providers will contract directly with the DWSRF program. Public water systems may apply to the DWSRF program for assistance with a technical assistance provider. This will be free to the public water system while funds last. The DEQ anticipates approximately \$6 million from the 2022 grant will be made available for these purposes.

The DWSRF program will also offer loans at a 2% interest rate for public water systems that wish to replace their lead service lines. Public water systems that meet the DWSRF’s disadvantaged community definition may be eligible for up to 66% loan forgiveness. More information is online at <https://deq.nd.gov/MF/BIL/>

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