



Department of Health
Center for Drinking Water Quality
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TTY: 711
www.health.ri.gov

January 18, 2024

Re: Regulatory Update: Rhode Island Service Line Inventory and Lead Service Line Replacement Requirements

Dear Public Water System Official,

Recent updates to state legislation and federal regulations intended to reduce lead in drinking water have resulted in new service line inventory and lead service line replacement requirements. All non-transient, non-community and community public water systems (collectively referred to herein as “PWSs”) are required to conduct and submit a service line inventory to the Rhode Island Department of Health (RIDOH) by **October 16, 2024**. Please find additional information about the requirements, available technical assistance, and funding opportunities in this letter.

Lead is toxic. Exposure to even small amounts of lead during childhood can have lifelong impacts. Creating a service line inventory is an important step toward eliminating lead in drinking water. By meeting the requirements of the National Primary Drinking Water Regulations, including the Lead and Copper Rule, Rhode Island public water systems have made significant contributions to public health and safe drinking water for decades. Updates to the Lead and Copper Rule as well as to Rhode Island law will improve upon those contributions by better protecting communities from the risks of lead exposure and getting the lead out of our state’s drinking water.

Relevant Laws, Regulations, and Guidance

The new service line requirements were established by recent amendments to the *Rhode Island Lead Poisoning Prevention Act* (LPPA), R.I. Gen. Laws § 23-24.6-1 *et seq.* (<http://webserver.rilin.state.ri.us/Statutes/TITLE23/23-24.6/INDEX.HTM>) and amendments to the federal Lead and Copper Rule, known as the Lead and Copper Rule Revisions (LCRR).

Please note that on December 6, 2023, the Environmental Protection Agency (EPA) proposed a new rule—the Lead and Copper Rule Improvements (LCRI)—that, when finalized, may change certain requirements and deadlines in the LCRR. EPA has said it expects to publish the final LCRI before October 16, 2024. More information about the LCRI can be found on EPA’s LCRI webpage (<https://www.epa.gov/ground-water-and-drinking-water/proposed-lead-and-copper-rule-improvements>).

RIDOH is developing guidance for PWSs on how the LPPA and the LCRR will be implemented. RIDOH is awaiting further guidance information from EPA on the final LCRI, which may impact RIDOH's regulatory implementation plan. Please look out for additional guidance from RIDOH in the form of emails and updates to RIDOH's website (health.ri.gov/water/about/RevisedLeadCopperRule) in the coming months. Please contact the RIDOH Center for Drinking Water Quality if you have any questions.

Service Line Inventory and Replacement Requirements

Key Definitions

The following terms are necessary to understand how to designate service lines in compliance with the service line inventory and replacement requirements in Rhode Island:

- *Lead service lines* are broadly defined as any part of a public or private service line that is made of, lined with, or contains materials consisting of lead, and **importantly, includes service lines with galvanized steel or iron.**
- *Galvanized* refers to iron or steel piping that has been dipped in zinc to prevent corrosion or rusting.
- *Galvanized requiring replacement* refers to galvanized service lines that are or were at any time downstream of a lead service line or are currently downstream of a lead status unknown service line. This term may be applicable when a system is classifying a service line as “non-lead” or “lead status unknown.” See the *Service Line Inventory* section below for more on galvanized requiring replacement service lines.
- *Non-lead* refers to service lines that are determined through an evidence-based record, method, or technique not to be lead or galvanized requiring replacement.
- *Lead status unknown* refers to the designation given to service lines where the service line material is not known to be lead, galvanized requiring replacement, or a non-lead service line. A service line must be classified as lead status unknown if there is no documented evidence supporting material classification or if a non-lead determination cannot be made. Under the LPPA, service lines that are “lead status unknown” will be considered lead service lines.

Initial Service Line Inventory – due by October 16, 2024

In Rhode Island, PWSs must develop an inventory of **all public- and private-side service lines** connected to the public water distribution system that classifies the lines as lead service lines, non-lead service lines, or lead status unknown service lines.

PWS are also strongly encouraged to identify the specific material (e.g., copper, plastic, galvanized iron, etc.) of all components of the service lines. This information will be needed for determining whether replacement of certain service lines and components is eligible for funding under certain Drinking Water State Revolving Fund (DWSRF) sources.

PWSs must submit their initial inventories to RIDOH by October 16, 2024. Please see our website for current acceptable methods for identifying service line materials, including an inventory template modified to meet both EPA and Rhode Island requirements: health.ri.gov/water/about/RevisedLeadCopperRule

About classifying galvanized service lines: It is important to note that Rhode Island and EPA differ on how galvanized service lines should be classified. Rhode Island's LPPA is stricter than EPA's LCRR in how it classifies galvanized service lines as lead lines and omits the "galvanized requiring replacement" classification. RIDOH encourages systems to classify its service lines according to both the LCRR and LPPA requirements and to identify the specific material (e.g., copper, plastic, galvanized iron, etc.) of all components of the service lines. Doing so will help the PWS if and when seeking DWSRF funding for replacement of its service lines.

Because the Rhode Island LPPA's classification requirements are stricter than EPA's LCRR requirements, PWSs are required to classify service lines according to Rhode Island's classification standards. If a PWS seeks funding from certain federal pots of money, the PWS will also need to classify its service lines following EPA's specific classification requirements as further detailed below. RIDOH has created an inventory template that includes two columns for classifying service lines: (1) a "RI Service Line Material Classification" column, and (2) an "EPA Service Line Classification" column. RIDOH encourages PWSs to use this template.

Under the LPPA, PWSs must classify their service lines into one of three categories: lead, non-lead, or lead status unknown. In Rhode Island all galvanized service lines must be classified as lead service lines, with two exceptions. The PWS can classify a galvanized service line as "non-lead" if it can demonstrate that any part of the line is not and was never downstream of a lead service line and is not currently downstream of an unknown service line (i.e., that the galvanized line is not "galvanized requiring replacement"); or it can classify a galvanized service line as "lead status unknown" if applicable.

In contrast, under the LCRR, systems must classify their service lines into one of four categories: lead, galvanized requiring replacement, non-lead, or lead status unknown. Though "galvanized requiring replacement" is not a required classification in Rhode Island, knowing whether a service line is "galvanized requiring replacement" is necessary if a system seeks funding for the replacement of galvanized service lines or components under certain DWSRF sources. Under the LCRR, a galvanized service line must be classified as "galvanized requiring replacement" if it is or was at any time downstream of a lead service line or is currently downstream of a lead status unknown service line. By contrast, under Rhode Island's LPPA, such a line would be classified as "lead."

Lead Service Line Discovery, Consumer Notice, and Filters

PWSs must send written notification to property owners and the tenants of a building within 30 days of identifying a public or private lead service line or lead status unknown service line that supplies drinking water to their building or dwelling. To reach both the property owner and any tenants of the building, the PWS must send the notification to the billing address (to inform the property owner) of the building, as well as all mailing addresses at the building (to reach every unit within the affected address). The PWS must also send a copy of each notification to RIDOH within the same 30-day deadline.

PWSs are strongly encouraged to use the template notification RIDOH developed, which includes all of the elements required by LPPA. It is available in English and Spanish on the webpage: health.ri.gov/water/about/RevisedLeadCopperRule. If the PWS's community speaks a

language other than English or Spanish, the PWS should seek translation services to provide the notice in the appropriate languages.

At this time, RIDOH is not requiring systems that previously detected lead service lines or lead status unknown service lines prior to the LPPA's effective date of June 24, 2023, to send consumer notifications. However, the LCRR requires a similar notification to consumers within 30 days of completion of the required inventory and a repeat notice every year thereafter. Assuming the LCRI does not change that requirement, PWSs must be prepared to comply with it. Additional guidance will be made available in the coming months.

PWSs that have identified a public or private lead service line or lead status unknown service line must provide to the consumer, upon request, a filter pitcher or point-of-use device certified by an American National Standards Institute accredited certifier to reduce lead, instructions to use the filter, and six months of filter replacement cartridges. Filters that are certified to comply with NSF Standard 53 for the removal of lead will meet the certification requirement. Before distributing any filters to consumers, PWSs must get approval from RIDOH for the type of filter the PWS intends to provide. PWSs may send an email attaching the filter's specifications, including the appropriate certification, to RIDOH at DOH.RIDWQ@health.ri.gov with "Service Line Inventory" in the subject line.

Private Side Service Line Inspection, Replacement, and Consumer Notice

PWSs that have detected a public side lead service line or a public or private side lead status unknown service line, must inspect the private side service lines, at no cost to the property owner, to determine if lead, galvanized iron, or galvanized steel is present. If lead is detected in any service line, the lead service line must be replaced. Contingent on available funding, all lead service lines must be replaced over the next 10 years.

PWSs must notify RIDOH if a property owner refuses to allow an inspection or replacement of private side service lines. The form notification is available on the following webpage: health.ri.gov/water/about/RevisedLeadCopperRule. RIDOH also prepared template notifications to send the property occupants, available in English and Spanish, for an inspection refusal and for a replacement refusal. PWS are strongly encouraged to use these templates which include all required elements of the LPPA. If the PWS's community speaks a language other than English or Spanish, the PWS should seek translation services to provide the notice in the appropriate language(s). The templates are available on the webpage: health.ri.gov/water/about/RevisedLeadCopperRule.

After inventories are completed, PWSs that have identified lead or lead status unknown service lines must develop lead service line replacement plans. These plans will need to be submitted to RIDOH. RIDOH will have more guidance on the required deadline and contents of the replacement plans after EPA promulgates the LCRI.

Under the LCRR, after any disturbance to a lead service line or lead status unknown service line or after any partial or full replacement of such service lines, PWSs must notify affected consumers. RIDOH will follow up with additional guidance on notification requirements and with template notifications when available. PWSs must also provide consumers with a filter

pitcher or point-of-use device certified by an American National Standards Institute accredited certifier to reduce lead, instructions to use the filter, and six months of filter replacement cartridges before the affected service line is returned to service. As noted above in the “Lead Service Line Discovery, Consumer Notice, and Filters” section, PWSs must get advance approval from RIDOH for the type of filter the PWS intends to provide consumers by emailing RIDOH the filter’s specifications.

Annual Reporting

PWSs must submit an annual report with information about their service line inventories and replacement statuses to the Governor, the President of the Rhode Island State Senate, the Speaker of the Rhode Island House of Representatives, the Director of Health, and the Executive Director of the Rhode Island Infrastructure Bank within 90 days of the end of each fiscal year. The State of Rhode Island’s fiscal year ends on June 30 of each year. PWSs that have not begun inventory and replacement work can voluntarily submit a report for the year 2023 indicating that they are in the process of planning for future work. PWS whose initial inventories contain only non-lead service lines are not required to provide subsequent annual reports.

Technical Assistance

RIDOH has created a webpage for public water systems with information about inventory and replacement plans: health.ri.gov/water/about/RevisedLeadCopperRule. The webpage includes submission requirements, links to EPA’s inventory template and guidance for PWSs (by size), instructions for getting started on the inventory and verifying service line materials, notification templates, and more.

Additionally, RIDOH will be hiring a contractor with expertise in LCRR compliance and specialized experience in service line inventory and lead service line replacement plan development. The contractor will be available to PWSs that need assistance with developing their inventories, reporting, and creating their lead service line replacement plan. Assistance will be available at no cost to the PWSs. Watch for additional communications from RIDOH as more information about the technical assistance opportunity becomes available.

Funding Opportunities

Eligible systems will be able to apply for funding through the DWSRF for service line inventory development. Funding is also available for lead service line replacement through the DWSRF.

In order to receive funding through the DWSRF for a project, PWSs must apply to have the project added to the RIDOH Project Priority List (PPL) by March 2024. Every year, RIDOH sends a letter to PWSs eligible for the PPL. For PPL applications and more information about DWSRF, you can visit the webpage health.ri.gov/DWSRF or contact the Center for Drinking Water Quality using the information below.

PWSs that serve a population of less than 10,000 people should consider the DWSRF as a funding source even for relatively small projects. If it is determined that the PWS is economically disadvantaged, then subsidies such as lower interest rates, zero interest rates, and/or additional forgiveness may be available.

Another possible source of funding is the *Water Infrastructure Improvements for the Nation (WIIN) Act's* Small, Underserved, and Disadvantaged Communities grant. To express interest, contact Anna Coelho Cortes at the Rhode Island Infrastructure Bank by emailing acoelho@riib.org with a project description and cost estimate by February 29, 2024. For grant details, please visit www.epa.gov/dwcapacity/wiin-grant-small-underserved-and-disadvantaged-communities-grant-program-0.

This letter will also be sent by email. If you have any questions regarding this letter, you may contact the RIDOH Center for Drinking Water Quality by emailing DOH.RIDWQ@health.ri.gov with "Service Line Inventory" in the subject line or by calling 401-222-6867.

Thank you for your cooperation and ongoing work to ensure access to safe drinking water for all Rhode Islanders.

Sincerely,

Amy Parmenter
Chief Administrator
Center for Drinking Water Quality