

Summary of EPA's Requests for Comment in the Proposed Lead and Copper Rule Improvements

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Requests for Comments

Location in FR Request for Comment	Location in FR preamble for Additional Information, if Applicable
IX. Request for Comment General Matters	
Whether the proposed revisions to the LCRR treatment technique are effective to prevent known or anticipated adverse health effects to the extent feasible in accordance with the SDWA.	
Whether there are additional ways EPA could reduce the complexity of the regulatory approach used to address lead in drinking water consistent with the statutory standard for a treatment technique rule in section 1412(b)(7)(A) of SDWA. Specifically, EPA requests comment on ways that the proposed LCRI could be simplified and ways that burden, including paperwork burden, could be reduced without affecting the ability of the rule to prevent known or anticipated adverse health effects.	
Whether the proposed requirements of the rule are enforceable and promote compliance without the need for State or Federal enforcement action. EPA also solicits comment on ways the rule could be modified to better promote compliance.	
IX. Request for Comment Service Line Replacement	
All aspects of the proposed scope of the replacement requirements, including the criteria used to define a full service line replacement (e.g., cutting the pipe at abandoned properties, replacing the entire service line) and which lead sources are subject to replacement under the mandatory program. EPA is seeking comment on whether to prohibit reconnection of any disconnected LSL or GRR service line. EPA is requesting comment on whether the Agency should include lead connectors or galvanized service lines that are or were downstream of a lead connector as part of mandatory replacement	B. Service Line Replacement
Whether a reasonable effort to obtain property owner consent should be more than four times (e.g., five, six, or seven times).	B. Service Line Replacement 5. Water System Access to Full Service Line
Whether the proposed LCRI appropriately interprets “control” for the purposes of the mandatory replacement provision (i.e., require systems to conduct full service line replacement in situations where the system has access to conduct the full replacement).	B. Service Line Replacement 5. Water System Access to Full Service Line
The proposed minimum replacement rate and replacement deadlines. EPA is seeking comment on whether it is feasible for systems across the nation to complete service line replacement in a shorter timeframe than ten years, such as in six, seven, or eight years.	B. Service Line Replacement 3. Service Line Replacement Rate
EPA is seeking comment on the rate construct approach, including how to calculate compliance with a given service line replacement deadline and average annual rate calculated across a rolling three-year period.	B. Service Line Replacement 3. Service Line Replacement Rate
EPA also seeks comment on whether systems should be required to meet a minimum replacement rate in the first three years after the compliance date to give States an opportunity to enforce replacement rate progress sooner than three years after the compliance date.	B. Service Line Replacement 3. Service Line Replacement Rate
EPA also seeks comment on the complexity of the rate construct.	B. Service Line Replacement 3. Service Line Replacement Rate

EPA is taking comment on whether States, as a condition of primacy, or EPA when it is directly implementing the program, should be required to set initial shortened deadlines by a certain timeframe, such as no later than 60 days after the compliance date.	B. Service Line Replacement 3. Service Line Replacement Rate
The overall approach and basis to offer deferred service line replacement to systems with a high proportion of LSLs and GRR service lines in their distribution system relative to their total number of households served. EPA is requesting comment on its proposed threshold of 0.039 average annual number of replacements per household served, which is used to calculate the number of years that systems can defer.	B. Service Line Replacement 2. Feasibility of Proposed Service Line Replacement Requirement and Deferred Deadlines
Whether to require the State, as a condition of primacy, to approve the use of the deferred deadline provision where the water system qualifies for it and/or whether to require the State, as a condition of primacy, to assess whether it would be feasible for a system to meet the 10-year deadline or a shorter deadline even if the system meets the regulatory criteria for the deferred deadline.	B. Service Line Replacement 2. Feasibility of Proposed Service Line Replacement Requirement and Deferred Deadlines
Whether there are additional data on service line replacement rates achieved by systems in proactive programs (i.e., excluding programs that only replace service lines in coordination with main replacement or emergency repair).	B. Service Line Replacement
The proposed use of a maximum threshold of 10,000 annual service line replacements for systems with atypically high numbers of LSLs and GRR service lines as well as seeking comment on the alternate threshold of 8,000 annual service line replacements. EPA is also seeking feedback on other thresholds and supporting data.	B. Service Line Replacement 2. Feasibility of Proposed Service Line Replacement Requirement and Deferred Deadlines
EPA is also seeking feedback on if there's data available that would inform if the maximum threshold for annual service line replacement could increase after ten years, such as if replacement rates could double.	B. Service Line Replacement 2. Feasibility of Proposed Service Line Replacement Requirement and Deferred Deadlines
Whether systems conducting deferred service line replacement should be subject to any additional requirements beyond those for systems that are not replacing service lines in accordance with a deferred deadline.	B. Service Line Replacement 2. Feasibility of Proposed Service Line Replacement Requirement and Deferred Deadlines
The requirement for systems to install a dielectric coupling when conducting a partial replacement of an LSL or GRR to separate the remaining LSL or GRR service line and the replaced service line unless the replaced service line is made of plastic and other recommended risk mitigation activities.	B. Service Line Replacement 6. Risk Mitigation Activities to Reduce Lead Exposures
The proposed requirement to ban partial lead and GRR service line replacement unless it is conducted in accordance with emergency or planned infrastructure work (excluding planned infrastructure work solely for the purposes of replacing lead and GRR service lines as part of a service line replacement program).	B. Service Line Replacement 4. Scope of Mandatory Service Line Replacement Requirement
EPA is seeking comment on whether partial service line replacement should be prohibited during "planned infrastructure work" or with certain types of planned infrastructure work.	B. Service Line Replacement 4. Scope of Mandatory Service Line Replacement Requirement
The ability of the market to correct for potential shortages in workers and materials to conduct service line replacement, as well to provide sufficient quantities of filters to comply with the service line replacement and other relevant provisions in the proposal.	B. Service Line Replacement 2. Feasibility of Proposed Service Line Replacement Requirement and Deferred Deadlines

The extent to which property owner consent, if required by State or local law or water tariff agreement, might complicate full service line replacement and whether there are additional measures EPA can take to facilitate access through the LCRI.	B. Service Line Replacement 5. Water System Access to Full Service Line
IX. Request for Comment Tap Sampling for Lead and Copper	
Comment on the sites included in Tier 3 and whether all of the proposed sites should be included in Tier 3, if additional sites should be included, or if some should be included in a different, lower priority tier, such as Tier 4. Specifically, comment on whether sites served by galvanized service lines or containing galvanized premise plumbing that are identified as ever being downstream of an LSL or lead connector should be included in the same tier as other sites with a current lead connector (e.g., copper service line downstream of a lead connector).	C. Tap Sampling for Lead and Copper 1. Sample Collection Locations and Methods
Comment and available data, such as modeling or sampling data, that inform lead corrosion rates over time.	
Comment on the applicability of alternate sampling protocols to assess CCT performance, increase customer participation, and other relevant factors.	
Comment on the proposed updated definition of wide-mouth bottles that is “bottles that are one liter in volume with a mouth, whose outer diameter measures at least 55 mm wide,” and specifically on the availability of qualifying bottles.	C. Tap Sampling for Lead and Copper 1. Sample Collection Locations and Methods
Comment and any relevant data on the number and tiering of samples used to calculate the 90th percentile lead and/or copper levels for systems with LSLs for purposes of assessing CCT efficacy. Specifically, whether samples from non-LSL sites that have higher lead concentrations than samples from LSL sites should be included and whether these higher values should replace lower values from LSL sites in the 90th percentile calculation.	
Comment on whether State authority to specify sampling locations when a system is conducting reduced monitoring should apply regardless of the number of taps meeting sample site criteria.	C. Tap Sampling for Lead and Copper 2. Sample Collection Frequency
IX. Request for Comment Service Line Inventory and Service Line Replacement Plan	
EPA is proposing a threshold of systems serving greater than 50,000 persons to host the inventory and plan online, which is the required threshold under the LCRR. EPA is seeking comment on the size threshold at which systems must host their publicly accessible inventory, inventory summary data, replacement summary data, and service line replacement plan online, and whether it should be lowered relative to the LCRR requirements.	B. Service Line Replacement 7. Service Line Replacement Plan D. Service Line Inventory
EPA is proposing a requirement for systems to validate the accuracy of non-lead service lines in their inventory that were categorized using methods other than records review or visual inspection of at least two points along the line. EPA is requesting comment on the number of validations required, the proposed 95 percent confidence level approach used to develop the number of validations required, the criteria for which methods used to categorize non-lead service lines should be included in the validation pool (including whether non-lead lines categorized based on records should be subject to validation), and the seven-year timeline for systems on a 10-year replacement deadline to complete the validation requirements.	D. Service Line Inventory 2. Inventory Validation Requirements
Comment on establishing a deadline for systems to identify all unknown service lines prior to their service line replacement deadlines.	
Comment on a requirement for systems to update their service line replacement plans if there are any changes, such as changes to laws and policies applicable to full service line replacement.	B. Service Line Replacement 7. Service Line Replacement Plan

IX. Request for Comment Lead Action and Trigger Levels	
EPA is seeking comment on the proposed lead action level of 0.010 mg/L, as well as comment and supporting data on alternative action levels, such as 0.005 mg/L, with regards to generally effective corrosion control treatment and identifying systems most at risk of elevated levels of lead in drinking water.	E. Corrosion Control Treatment 1. LCRI Proposed CCT Changes
EPA is also seeking comment on the use of the action level to determine when additional public education is required, and the use of the same action level for public education as for the CCT provisions.	I. Additional Requirements for Systems with Multiple Lead Action Level Exceedances
EPA is seeking public comment, data, and information on the anticipated benefits and tradeoffs, including for public health and administrative burden on systems and States, if more small and medium systems are required to conduct a detailed OCCT demonstration and take other actions if they exceed the proposed action level of 0.010 mg/L or other lower values, while water systems are simultaneously required to mandatory conduct full service line replacement.	E. Corrosion Control Treatment 1. LCRI Proposed CCT Changes
IX. Request for Comment Corrosion Control	
The proposed determination that the CTT treatment technique is feasible and prevents known or anticipated adverse health effects to the extent feasible.	E. Corrosion Control Treatment
Comment on whether it would be more appropriate to require water systems to re-optimize again following an action level exceedance regardless of meeting their optimal water quality parameters and to provide the State with the authority to waive this requirement.	E. Corrosion Control Treatment 1. LCRI Proposed CCT Changes
The proposed option for a water system to delay OCCT until after the system has replaced all of its LSLs and GRR service lines, while the system achieves at least 20 percent removal per year and must have no LSLs, GRR service lines, or lead status unknown service lines remaining at the end of the five-year period.	E. Corrosion Control Treatment
The treatment recommendation and CCT study process can take multiple years to complete. For systems with existing corrosion control, the system may be able to alter the existing treatment (e.g., increase pH and/or orthophosphate dose) without a new CCT study on a much faster timeframe rather than waiting for study results that may recommend that same change. EPA is requesting comment on whether there are situations and/or conditions where existing treatment modifications may achieve similar lead reductions rather than delaying new treatment for two-and-a-half years while a study is underway.	E. Corrosion Control Treatment 1. LCRI Proposed CCT Changes
IX. Request for Comment: Compliance Alternatives for a Lead Action Level Exceedance for Small Community Water Systems and Non-Transient, Non-Community Water Systems	
EPA is proposing that small system flexibilities be limited to CWSs serving 3,300 persons and fewer and all NTNCWSs for the remaining compliance alternatives of point-of-use devices and plumbing replacement. EPA is seeking comment on whether the Agency should allow systems serving up to 10,000 persons (or another threshold) to be eligible to use the small system compliance flexibility provision.	G. Compliance Alternatives for a Lead Action Level Exceedance for Small Community Water Systems and Non-Transient Non-Community Water Systems
EPA is also seeking information, data, and analysis on whether point-of-use devices and plumbing replacement are as effective as OCCT at systems serving up to 10,000 persons (or another threshold).	G. Compliance Alternatives for a Lead Action Level Exceedance for Small Community Water Systems and Non-Transient Non-Community Water Systems

EPA is requesting comment on the ability and practicality of point-of-use devices to address multiple contaminants.	G. Compliance Alternatives for a Lead Action Level Exceedance for Small Community Water Systems and Non-Transient Non-Community Water Systems
IX. Request for Comment Public Education	
The proposed determination that the public education treatment technique is feasible and prevents known or anticipated adverse health effects to the extent feasible.	H. Public Education 1. Feasibility of Public Education Requirements
Comment and supporting data on the capacity of water systems to conduct some or all of the required public education activities in 30 days, or another period of time that is less than 30 or 60 days, after the end of the tap sampling period in which a systemwide lead action level exceedance occurs.	H. Public Education 1. Feasibility of Public Education Requirements
Data, analyses, and comments on the proposed determination that water systems are capable of providing consumer notices of individual tap sampling results within three calendar days of obtaining those results, regardless of whether the results exceed the lead or copper action level, or if a longer time frame is needed (e.g., three business days, seven calendar days, 14 calendar days).	H. Public Education 2. Service Line Related Outreach
Whether the proposed requirement for water systems to offer lead sampling to consumers with LSLs, GRR service lines, or unknown service lines in the notice of service line material is effective at reducing adverse health effects.	H. Public Education 2. Service Line Related Outreach
EPA is also requesting comment on the requirement for water systems to deliver consumer-initiated test results within three days of obtaining those results.	H. Public Education 3. Individual Notification of Tap Sample Results
Whether the types and timing of outreach activities proposed for systems failing to meet the mandatory service line replacement rate are appropriate and whether other activities should be considered.	H. Public Education 2. Service Line Related Outreach
Whether EPA should require systems to annually notify consumers if they are served by a lead connector, in addition to notifications for sites with lead, GRR, or lead status unknown service lines.	H. Public Education 2. Service Line Related Outreach
Whether EPA should require additional public education requirements to further encourage swift service line replacement faster than the 10-year replacement deadline. For example, should water systems that have LSLs, GRR service lines, or unknown service lines five years after the compliance date for the LCRI be required to increase the frequency of the notification of service line materials from annual to once every six months?	H. Public Education 2. Service Line Related Outreach
EPA is seeking information and data on when a system provides translated materials to consumers with limited English proficiency, what resources are used to translate materials (e.g., State resources, community organizations), and what barriers water systems may face in providing accurate translated materials.	H. Public Education 5. Requirements for Language Updates and Accessibility
Whether the Agency should require States, as a condition of primacy, to provide translation support to water systems that are unable to do so for public education materials to consumers with limited English proficiency	H. Public Education 5. Requirements for Language Updates and Accessibility
EPA is also requesting comment on additional ways to streamline public education and associated certification requirements (e.g., combine deadlines for systems to conduct public education or submit information to the State).	H. Public Education 1. Feasibility of Public Education Requirements
IX. Request for Comment Additional Requirements for Systems with Multiple Lead Action Level Exceedances	

Whether water systems should be required to take additional actions when the system exceeds the lead action level multiple times and if so, what actions are appropriate and feasible, and when these additional actions should be required under the LCRI.	I. Additional Requirements for Systems with Multiple Lead Action Level Exceedances
Whether EPA should use three action level exceedances in a five-year period for identifying systems with multiple action level exceedances where additional action is warranted and, whether additional actions should be required sooner, or later, than the five-year period, or whether EPA should use a modified metric (number of consecutive action level exceedances in a set time period) or a different metric entirely (i.e., based on one or more factors other than the number of action level exceedances in a set time period).	I. Additional Requirements for Systems with Multiple Lead Action Level Exceedances
The proposed public education activities after a system exceeds the lead action level multiple times. EPA is specifically seeking any information, data, or analysis on whether the proposed public education activities support preventing adverse health effects in this situation.	
EPA is also requesting comment on whether systems should be required to conduct more than one (e.g., two or three) of the public education activities proposed.	I. Additional Requirements for Systems with Multiple Lead Action Level Exceedances
Whether EPA should require water systems to make filters certified to reduce lead and replacement cartridges, along with instructions for use, available to all consumers within 60 days of a system having multiple action level exceedances and whether there are any supporting or contrary data on whether the proposed filter requirement would be protective of public health.	I. Additional Requirements for Systems with Multiple Lead Action Level Exceedances
The proposed requirements for systems to develop a filter plan and submit to the State after the system has multiple action level exceedances for the first time, and whether EPA should require systems to take additional actions to facilitate filter distribution.	
Alternative requirements for systems with multiple action level exceedances to provide filters to their consumers, such as requiring water systems to provide filters and replacement cartridges to consumers served by an LSL, GRR service line, or unknown service line or to all consumers, or to require systems to consult with the State upon meeting the criteria for multiple action level exceedances, after which the State determines the appropriate action to reduce lead exposure.	I. Additional Requirements for Systems with Multiple Lead Action Level Exceedances
An additional provision providing discretion to States to allow systems with multiple action level exceedances to discontinue the proposed required actions sooner if the system takes actions (e.g., installs optimized or re-optimized CCT, completes mandatory service line replacement) and is at or below the lead action level for two consecutive monitoring periods.	I. Additional Requirements for Systems with Multiple Lead Action Level Exceedances
Whether, in addition to the proposed requirements, EPA should provide States discretion to determine appropriate action following a multiple action level exceedance that is tailored to meet specific system needs.	I. Additional Requirements for Systems with Multiple Lead Action Level Exceedances
IX. Request for Comment Lead Sampling in Schools and Child Care Facilities	
Whether CWSs should be required to collect more samples and/or to sample more frequently in schools and child care facilities.	J. Lead Sampling at Schools and Child Care Facilities 1. Proposed LCRI Requirements
The proposed provision to allow States to issue waivers to community water systems from the requirement for lead sampling in schools and child care facilities during the five-year period after the LCRI compliance date if the facility was sampled for lead after January 1, 2021 but prior to the LCRI compliance date and the sampling otherwise meets the waiver requirements of § 141.92(h).	J. Lead Sampling at Schools and Child Care Facilities 2. Proposed Waiver Requirements

Whether or not to allow States to waive the requirements of § 141.92 for CWSs in schools and child care facilities that use and maintain filters certified to reduce lead, and if so, whether the waiver should only be allowed where schools and child care facilities are required by State or local law to install POU devices and maintain them.	J. Lead Sampling at Schools and Child Care Facilities 2. Proposed Waiver Requirements
The minimum requirements for States to provide a waiver (e.g., should the waiver be limited to locations where the filter use is required by State or local law; should the waiver be limited to locations where State or local law requires periodic sampling or testing to ensure proper filter use).	J. Lead Sampling at Schools and Child Care Facilities 2. Proposed Waiver Requirements
Whether EPA should require CWSs to make school and child care facility sampling results publicly available, and if so, how frequently and in what manner.	J. Lead Sampling at Schools and Child Care Facilities 3. Public Information about Lead Sampling in Schools and Child Care Facilities
IX. Request for Comment Reporting and Recordkeeping	
EPA is requesting comment on the expansion of the inventory reporting to include lead connectors and non-lead service lines.	K. Reporting and Recordkeeping 1. System Reporting Requirements
EPA has heard concern over the ability of States to review all required site sample plans and provide approvals in time for the first tap monitoring period, and is requesting comment on whether EPA should consider a phased approach or alternate approach to reduce the burden on States following the rule compliance date.	K. Reporting and Recordkeeping 1. System Reporting Requirements
EPA is requesting comment on whether States should be required to maintain records related to distribution system and site assessments conducted by water systems.	K. Reporting and Recordkeeping 2. State Recordkeeping Requirements
EPA is requesting comment on whether States should be required to maintain documentation of determinations of more stringent implementation, including but not limited to conditions or approvals related to reduced compliance monitoring and additional information required to conduct a review or designate OCCT.	K. Reporting and Recordkeeping 2. State Recordkeeping Requirements
IX. Request for Comment Compliance Dates	
Whether it is practicable for water systems to implement notification and risk mitigation provisions after full and partial service line replacement (§ 141.84(h)), notification of a service line disturbance (§ 141.85(g)), and associated reporting requirements (§141.90(e)(6) and (f)(6)) upon the effective date of the LCRI.	
Whether earlier alternative compliance dates for LCRI are practicable such that water systems transition directly from LCR to LCRI in less than three years (i.e., one or two years) based on the assumption that water systems would comply with the LCR until the LCRI compliance date.	
Whether there are other LCRR provisions besides the initial inventory and notifications of service line material for which the October 16, 2024 compliance date should be retained.	
IX. Request for Comment Consumer Confidence Report	

<p>EPA is requesting comment on the proposed requirement for systems to provide an informational statement in the CCR about the school sampling requirements with the information that consumers can contact the school or child care facility about any potential sampling results.</p>	<p>J. Lead Sampling at Schools and Child Care Facilities 3. Public Information about Lead Sampling in Schools and Child Care Facilities</p> <p>L. Other Proposed Revisions to 40 CFR Part 141 1. Consumer Confidence Report (40 CFR Part 141, Subpart O)</p>
<p>IX. Request for Comment Definitions</p>	
<p>EPA is seeking comment on all aspects of the proposed definitions, and specifically the following: b. EPA is proposing to define a two-foot maximum length of connectors. EPA proposes that “connectors” that exceed two feet in length be treated as a service line. EPA is requesting comment on the defined length of a connector</p>	<p>L. Other Proposed Revisions to 40 CFR Part 141 3. Definitions</p>
<p>Questions from within Preamble</p>	<p>Location in Preamble</p>
<p>A system’s existing authority to access the service line and complete the full service line replacement might provide the system with the legal authority to conduct the service line replacement over the objection of the property owner or resident. However, as some stakeholders noted, requiring service line replacement at properties where customers object to their replacement could create potential safety concerns for utility staff. EPA is seeking comment on whether the proposed LCRI should either allow systems to treat those service lines as not under the control of the system and forego replacement of the lines or require systems to conduct full service line replacement in situations where the system has legal access to conduct the full replacement but property owners or residents deny physical access.</p>	<p>B. Service Line Replacement 5. Water System Access to Full Service Line</p>
<p>While EPA is not proposing to establish a maximum stagnation time in the LCRI because the Agency is concerned about samples being invalidated solely because the sample result is high, EPA is seeking comment and data, including modeling and sampling data, on potential maximum stagnation times, and specifically how stagnation times inform corrosion rates.</p>	<p>C. Tap Sampling for Lead and Copper 1. Sample Collection Locations and Methods</p>
<p>EPA is seeking comment about the potential inclusion of samples from lower-priority tiers (i.e., Tiers 3 through 5) that have a higher lead or copper concentration than samples from Tier 1 and 2 sites for calculation of the 90th percentile for systems that do not have a sufficient number of samples from Tier 1 and 2 sites. Additionally, EPA is seeking comment on whether to require systems to use samples with the highest lead and copper concentration regardless of sampling tiers, such as including samples from lower-priority tiers (i.e., Tier 3 through 5) in the 90th percentile calculation for systems that are collecting compliance samples from all Tier 1 and 2 sites.</p>	<p>C. Tap Sampling for Lead and Copper 3. 90th Percentile Lead Calculation</p>
<p>A deadline for inventory completion that precedes the deadline for mandatory service line replacement could reduce the possibility of non-compliance with the replacement deadline, but it would not have the advantages of a consolidated deadline as described above. EPA seeks comment on its rationale for the consolidated deadline approach as compared to an earlier deadline for identifying unknown service lines.</p>	<p>D. Service Line Inventory 1. Timeline to Identify All Unknown Service Lines</p>
<p>While water systems are required to notify consumers of disturbances resulting from water main replacement under these proposed requirements, EPA is also requesting comment on whether to require distribution of filters for this type of disturbance.</p>	<p>H. Public Education 2. Service Line Related Outreach</p>