

## West Virginia Lead Service Line Inventory Requirements

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### Lead and Copper Rule Revisions Inventory Requirements

The U.S. Environmental Protection Agency (EPA) finalized the revisions to the Lead and Copper Rule (LCRR) effective March 16, 2021. One of the major requirements of the LCRR is that all community and non-transient, non-community public water systems must submit an initial inventory to their state by October 16, 2024. This inventory must include all service lines, regardless of actual or intended use and regardless of ownership. The inventory must classify water system- and customer-owned portions separately where ownership is split. At a minimum, these classifications include lead, galvanized requiring replacement, non-lead, or unknown. Public water systems are required to review the following to prepare the initial inventory:

- Previous materials evaluations (such as the materials evaluation required in the original Lead and Copper Rule)
- All construction and plumbing codes, permits, and existing records or other documentation that indicates the service line materials
- All water system records, including maps, drawings, historical records, meter installation records, capital improvement or master plans, and standard operating procedures
- All inspection and records of the distribution system that indicate material composition of the service connections
- Any resource, information, or investigation method provided by or required by the state

Public water systems may be able to use other investigative methods to classify service line materials including visual inspection, customer/system personnel, water quality sampling, excavation, etc. as approved by the state. A public water system that does not submit an inventory or has unknown service lines, at a minimum, will be required to conduct additional public notification and will be subject to increased monitoring requirements.



West Virginia Department of Health's Office of Environmental Health Services (OEHS) and West Virginia Department of Environmental Protection (DEP) have awarded a contract to Global Environmental Consulting, Inc. (GEC) to provide technical assistance to public water systems in West Virginia (WV) that serve a population of less than 1,000. GEC, in partnership with the WV Rural Capacity Assistance Program (RCAP), Stantec, and Truepani, will assist eligible public water systems with meeting the requirements of the LCRR, which may include assisting with conducting various types of record reviews, customer surveys, public/customer outreach, visual inspections, sampling, point of use filters, completing and submitting the initial lead service line inventory (LSLI), and the development of lead service line replacement plans.

This contract also includes a statewide database that will be used to track the LSLI and LSLR. All WV public water systems required by the LCRR to complete a LSLI will be required to submit their inventory using this database. A template will be provided to all public water systems for this electronic submission.

RCAP and Stantec are currently reaching out to public water systems that serve a population of less than 1,000 persons to provide technical assistance under the OEHS/DEP contract. Public water systems serving populations of 1,000 or more people should contact their local OEHS district office if they need assistance with developing a service line inventory.

OEHS and DEP are also working on a contract with the WV Rural Water Association (RWA) to provide LSLI technical assistance to public water systems that serve populations of 1,000-10,000 people.

## Lead and Copper Rule Improvements

In addition to the LCRR inventory requirements, EPA published the proposed Lead and Copper Rule Improvements (LCRI) in the federal register on December 6, 2023. Among other requirements, the LCRI focuses on the following elements:

- Achieving 100% Lead Pipe Replacement within 10 years. The proposed LCRI would require the vast majority of water systems to replace lead services lines within 10 years.
- Locating Legacy Lead Pipes. Knowing where lead pipes are is critical to replacing them efficiently and equitably. Public water systems are currently required to provide an initial inventory of their lead service lines by October 16, 2024. Under the proposed LCRI, all water systems would be required to regularly update their inventories, create a publicly available service line replacement plan, and identify the materials of all service lines of unknown material.
- Improving Tap Sampling. The proposed LCRI would make key changes to the protocol that water systems must use for tap sampling. Public water systems would be required to collect first liter and fifth liter samples at sites with lead service lines and use the higher of the two values when determining compliance with the rule.
- Lowering the Lead Action Level. EPA is proposing to lower the lead action level from 15  $\mu\text{g}/\text{L}$  to 10  $\mu\text{g}/\text{L}$ . When a water system's lead sampling exceeds the action level, the system would be required to inform the public and take action to reduce lead exposure (i.e., install or adjust corrosion control) while concurrently working to replace all lead pipes.
- Strengthening Protections to Reduce Exposure. Public water systems with multiple lead action level exceedances would be required to conduct additional outreach to consumers and make filters certified to reduce lead available to all consumers.



## Available Funding

The Drinking Water State Revolving Fund (DWSRF) has funding available for lead service line replacement projects and inventories. However, utilities are encouraged to first use the services provided by GEC and the RWA so the SRF funds can be targeted toward planning, design, and construction costs for replacement projects. Funding is available as a mix of low interest loans and principal forgiveness and the DEP is currently accepting applications for the fiscal year 2025 project priority list. Please visit their website at <https://dep.wv.gov/WWE/Programs/SRF/Pages/default.aspx> for the priority list application. If you have any questions concerning funding, please contact Kathy Emery at [katheryn.d.emery@wv.gov](mailto:katheryn.d.emery@wv.gov).



## Additional EPA Reference Materials

Code of Federal Register Notice for National Primary Drinking Water Regulations for Lead and Copper Rule Revisions can be found at: <https://www.federalregister.gov/documents/2021/01/15/2020-28691/national-primary-drinking-water-regulations-lead-and-copper-rule-revisions>.

Code of Federal Register Notice for National Primary Drinking Water Regulations for Lead and Copper: Improvements (LCRI) can be found at: <https://www.federalregister.gov/documents/2023/12/06/2023-26148/national-primary-drinking-water-regulations-for-lead-and-copper-improvements-lcri>.

Additional information on the LCRR can be found at: <https://www.epa.gov/ground-water-and-drinking-water/revised-lead-and-copper-rule>. In particular, this website contains a service line inventory fact sheet, service line inventory questions and answers, a guidance document for developing and maintaining a service line inventory, and a small system compliance guide to developing and maintaining a service line inventory.

Additional information on the proposed LCRI can be found at: <https://www.epa.gov/ground-water-and-drinking-water/proposed-lead-and-copper-rule-improvements>.

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## Cash Working Capital Reserve Funding and Reporting

By Kaitlyn J. Shamblin, Utilities Analyst, Water and Wastewater Division, Public Service Commission of West Virginia

For the last few years, the Commission has been focusing on ensuring utilities are funding the Cash Working Capital Reserve (CWCR). For those unfamiliar with the CWCR, it is a legally required reserve account that provides water and sewer utilities that are political subdivisions of the state (i.e.: public service districts and municipalities) with a source of funds to address extraordinary and non-recurring expenditures. Pursuant to WV Code 24-1-1(k), the utilities are required to maintain the reserve in an amount of no less than one-eighth (1/8, or 12.5%) of actual annual operation and maintenance expenses. Associations and private utilities are not required to maintain this reserve.

The requirement for the CWCR was implemented as part of Senate Bill 234, which became effective June 12, 2015. Since that time, the Commission has issued various orders and directives addressing the calculation of, funding of, and accounting for the CWCR. The Commission has noted that it will not condone the use of accumulated CWCR funds intended for extraordinary and nonrecurring expenditures for ongoing, normal operating and capital expenditures.

Therefore, the Commission, with the issuance of General Order 183.11 on February 24, 2020, now requires a CWCR report to be completed as a safeguard to facilitate regular review of the accumulated CWCR funds and help ensure these funds are being properly kept and, if applicable, properly expended. This report is required to be filed three months following the end of the utility's fiscal year and will provide the following information, as applicable:

