

New York State Guidance for Complying with Lead and Copper Rule Revisions



List of Acronyms

| | |
|--------------|---|
| ALE | Action Level Exceedance |
| CFR | Code of Federal Regulations |
| PHL | Public Health Law |
| CN | Consumer Notification |
| CWS | Community Water System(s) |
| EPA | Environmental Protection Agency |
| GSLRR | Galvanized Service Line Requiring Replacement (also known as GRR) |
| LCR | Lead and Copper Rule |
| LCRI | Lead and Copper Rule Improvements |
| LCRR | Lead and Copper Rule Revisions |
| LHD | local health department(s) |
| LSL | Lead Service Line |
| LSLI | Lead Service Line Inventory |
| PN | Public Notification |
| POE | Point of Entry |
| POU | Point of Use |

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Executive Summary

On January 15, 2021, the EPA promulgated the LCRR. The deadline for community¹ and non-transient non-community water systems (systems) to comply with the LCRR is October 16, 2024. However, in December 2021, the EPA published the plan to replace the LCRR before the Rule compliance date with the Lead and Copper Rule Improvements (LCRI) with a few exceptions. On December 6, 2023, the EPA published the proposed LCRI and proposed the three-year compliance date after the promulgation of the final LCRI. Until the LCRI compliance date, systems must continue to comply with the current LCR as well as the following LCRR provisions:

- Initial lead service line inventory (inventory) submission ([40 CFR 141.84\(a\)](#)).
- Consumer notification of known/potential lead service line ([40 CFR 141.85\(e\)](#)) and associated reporting.
- Tier 1 public notification for lead action level exceedance ([40 CFR 141.80\(g\)\(3\)](#) and [40 CFR 141.202\(a\)\(10\)](#)) and associated reporting.

In addition to the LCRR, systems must comply with New York State (NYS) Public Health Law (PHL) § 1114-b known as the *Lead Pipe Right to Know Act*. PHL § 1114-b requires systems to prepare the inventory and summary and submit it electronically to the State. Detailed information about complying with the LCRR and the PHL § 1114-b beginning 10/16/24 is provided in the next sections.

NYSDOH has developed templates, forms, and guidance documents for systems to comply with the LCRR and the LCR. All compliance resources discussed in this Guidance are available online at https://www.health.ny.gov/environmental/water/drinking/guidance_and_forms.htm.

1. Initial Lead Service Line Inventory (LSLI)

As required under [40 CFR 141.84\(a\)](#) and PHL § 1114-b, all systems must prepare their inventory and submit them to the State electronically by October 16, 2024.

1.1 Inventory Format

New York State Department of Health Template (*NYSDOH LSLI Template v 1.0*)

The NYSDOH template provides all the fields and calculations needed to comply with the LCRR and PHL § 1114-b. It is important to keep the format of the NYSDOH template exactly as provided, for example, no removal of any worksheets (tabs) or change in the order of the worksheets. The inventory based on the NYSDOH template must have three worksheets, *Information Sheet*, *Service Line Inventory Template*, and *Inventory Summary*, in that order.

Several versions of the NYSDOH templates based on the number of service lines in the system and guidance on preparing service line inventories can be found online at the following address: https://www.health.ny.gov/environmental/water/drinking/guidance_and_forms.htm.

¹ Community water systems (CWS) with less than 15 service connections ("State only CWS) are not subject to the LCR, LCRR, or PHL § 1114-b.

Inventory Format Originating within a Geographic Information System

Systems with an inventory compiled within ArcGIS or similar can submit the inventory using the [NYSDOH template](#). Alternatively, systems can submit the inventory in their own Excel spreadsheet if the following conditions are met.

- The inventory structure must be identical to the NYSDOH Template. Attributes (columns from A to R) must be **in the following order** with no omission:
 - A. Street Address
 - B. Town
 - C. Zip Code
 - D. Lead Gooseneck, Pigtail or Connector Currently Present?
 - E. Current Public Side SL Material
 - F. Was Public SL Material Ever Previously Lead?
 - G. Public SL Material Verification Method
 - H. Public SL Installation or Replacement Date
 - I. Public SL Size
 - J. Customer SL Material
 - K. Customer SL Material Verification Method
 - L. Lead Solder Present?
 - M. Building Type
 - N. POU or POE Treatment Present?
 - O. Customer SL Installation or Replacement Date
 - P. Customer SL Size
 - Q. SL Category
 - R. Note
- Your inventory worksheet (tab) must be named *Service Line Inventory Template* including the capitalization.
- Systems not using the NYSDOH LSLI template must submit the inventory summary separately using the [NYSDOH Inventory Summary template](#). Do not change the name of the worksheet (tab). It must remain exactly as written.

X/Y Coordinates (optional)

Systems with GIS-based inventories may include Longitude and Latitude as two additional fields (preferred but not required) under the following rules:

- Coordinates are provided in Decimal Degrees.
- Coordinates are calculated in the World Geodetic System 1984 (EPSG:4326 -WGS84).
- Coordinates are to be provided with 6 decimal places of accuracy.
- Longitude and Latitude will be added, in that order, as separate columns after “Notes.”

The [NYSDOH Template Including Coordinates](#) contains two additional columns, Longitude and Latitude, for systems able to submit the inventory with X/Y coordinates in the NYSDOH template.

1.2 Inventory Preparation

Systems must inventory all service lines connecting the water main to the interior plumbing of a building, regardless of their current or intended use.

Service lines must be classified as either:

- Lead Service Line (LSL)
- Galvanized Service Line Requiring Replacement (GSLRR; also commonly referred to as GRR)
- Lead Status Unknown (unknown SL); or
- Non-Lead

Note - NYSDOH recommends including the actual material of the service line (e.g., copper or plastic) in column E “*Current Public Side SL Material*” and column J “*Customer SL Material*” in the *NYSDOH LSLI Template*. The service line categories will be automatically determined when using the NYSDOH Template.

Systems must include the information on the left side in the following table for every service line in the inventory and if it is known, the information on the right for the service lines.

Table 1 Required Fields in the Template Provided by the State (*NYSDOH LSLI Template v 1.0*)

| Required Fields | |
|--|--|
| <ul style="list-style-type: none"> • Address. • Current public side SL material. • Was public side SL ever lead? • Public SL material verification method. • Customer SL material. • Customer SL material verification method. | <ul style="list-style-type: none"> • Lead goose neck present? • Public/customer SL installation or replacement date. • Public/customer SL size. • Lead solder present? • Building type. • POU/POE treatment present? |

The inventory must include an address for all service lines if one exists. If no address is associated with the service line, systems can use nearby landmarks, intersections, or other relevant information to indicate the location of the service line instead.

1.3 Inventory Submission

Naming the Inventory

The inventory should be named PWS ID#, e.g., NY1234567. For systems not using the NYSDOH template, the inventory and inventory summary should be named PWS ID#_LSLI (e.g., NY1234567_LSLI) and PWS ID#_Summary (e.g., NY1234567_Summary), respectively.

Submitting the initial Inventory

Systems must submit their inventory electronically to the NYSDOH in Albany by October 16, 2024.

- Inventories up to 20 MB can be sent to LSLI.submission@health.ny.gov.
- Inventories greater than the file size 20 MB must be submitted through IBM Aspera SendVault secure file transfer service.

Refer to “*Instructions for Submitting Lead Service Line Inventory to the New York State Department of Health (NYSDOH)*” for details.

Within 120 days of receipt, the inventories and the inventory summary forms will be available online at <https://health.data.ny.gov>. Each local health department (LHD) will need to include a link on LHD’s website to the website maintained by the NYSDOH for hosting service line inventories and inventory summary forms.

Failure to submit the inventory to the State by October 16, 2024, will require a Tier 3 Public Notification.

1.4 Inventory Update

Systems should continually improve the inventory by collecting information during regular operations, investigating unknown service lines, and replacing LSL and GSLRR. Systems whose inventories contain any LSL, GSLRR, or unknown SL must electronically submit updated inventories and inventory summary forms at least annually. Note the proposed LCRI requires systems to identify all unknown SLs within 10 years from a rule compliance date.

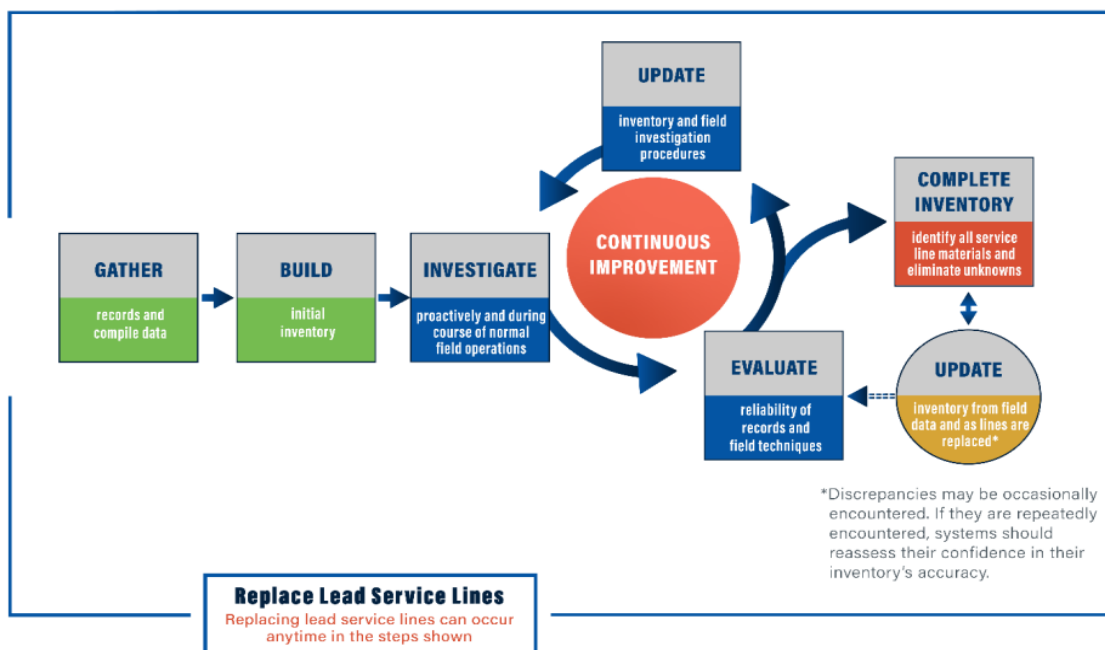


Figure 1 Schematic of Inventory Life Cycle (source: [Guidance for Developing and Maintaining a Service Line Inventory, EPA, August 2022](#))

1.5 Accessibility

All systems must make the inventory publicly available, including:

- Posting to the system’s website (required for systems serving ≥ 50,000 people).
- By mail.
- Making it available in the office (must inform consumers that the inventory is available in your office).
- Directing to <https://health.data.ny.gov>.

Additionally, beginning in 2025, CWS must include a statement in their annual water quality report that they have prepared the inventory and include information on how to access it.

2. Consumer Notification of Known/Potential LSL and Associated Reporting

2.1 Consumer Notification (CN) Delivery Requirements

[40 CFR 141.85\(e\)](#) requires systems to notify every consumer served by an LSL, GSLRR, or lead status unknown service line. The timelines for the CN are:

- initial notification by 11/15/2024 to all existing affected customers.
- at the time of service initiation for new customers.
- repeat notifications annually until service lines are no longer lead, GSLRR, or lead status unknown.

Systems must deliver the notification directly to each affected consumer, such as by mail, email, hand delivery, or bill insert.

2.2 Content of Consumer Notification of LSL Materials

Consumer Notification (CN) of known/potential LSL materials must include contents shown in Table 2.

NYSDOH has developed CN templates that include all specific languages required for each service line classification. Systems are recommended to use the NYSDOH notification of known/potential lead service line templates to ensure their affected consumer notifications meet the requirements of the LCRR. Templates are available.

Table 2. Content of Notifications to Customers Served by an LSL, GSLRR (aka GRR), or lead status unknown SL.

| Lead | GSLRR | Lead Status Unknown |
|---|--|--|
| <ul style="list-style-type: none"> • A statement that the service line material is lead • Mandatory health effects language • Steps consumers can take to reduce exposure to lead in drinking water • Opportunities for lead service line replacement | <ul style="list-style-type: none"> • A statement that the service line material is GSLRR • Mandatory health effects language • Steps consumers can take to reduce | <ul style="list-style-type: none"> • A statement that the service line material is lead status unknown • Mandatory health effects language • Steps consumers can take to reduce |

(continued)

| | | |
|--|--|--|
| <ul style="list-style-type: none"> • Information about any available financing • A statement that the system must replace its portion if the property owners notify the system, they are replacing their portion | <p>exposure to lead in drinking water</p> <ul style="list-style-type: none"> • Opportunities for service line replacement | <p>exposure to lead in drinking water</p> <ul style="list-style-type: none"> • Opportunities to verify the material of the service line |
|--|--|--|

2.3 Reporting Requirements

Annually by July 1, systems must certify to the State that it delivered annual consumer notification of service line materials to all affected customers in the previous calendar year. NYSDOH has developed the certification form “*Certification – Delivering Consumer Notification of Service Line Materials*.” Systems must send the certification form with a sample copy of each notification by the deadline. Certification templates are available online.

Failure to certify to the State that the system notified affected consumers served by lead, GSLRR, or lead status unknown service lines is a Tier 3 violation and necessitates Tier 3 public notification (PN).

3. Tier 1 Public Notification for Lead Action Level Exceedance and Associated Reporting

Beginning October 16, 2024, systems must notify the public of the lead action exceedance (ALE) within 24 hours of learning the lead ALE ([40 CFR 141.80\(g\)\(3\)](#) and [40 CFR 141.202\(a\)\(10\)](#)). The Tier 1 PN requirement for the lead ALE first affects systems scheduled to collect LCR samples from June to September 2024 under a reduced monitoring frequency or September to December 2024 under the standard monitoring frequency.

Within 24 hours after a system learns about the lead ALE:

- Consult with your LHD about the notification requirements.
- Issue Tier 1 PN even if you can’t contact the State or LHD.
- Email a sample copy of the PN to the State, LHD, and EPA ([§141.31\(d\)\(2\)](#)).

Within 10 days of issuing the PN:

- submit a certification to the State and LHD to confirm that the Tier 1 PN was completed.

Within 60 days after the end of the monitoring period:

- Conduct public education as required under the LCR.

NYSDOH has provided a template for reporting lead and copper and water quality parameter monitoring results which is available online. This template calculates the 90th percentile concentration of both lead and copper automatically once you enter those tap sample results. NYSDOH advises systems to use this template.

When an LHD calculates a system's 90th percentile concentrations, the LHD must provide the results of the 90th percentile lead calculations, in writing, to the system within 15 days of the end of the tap sampling period.

3.1 Tier 1 PN Delivery Methods

The system must issue Tier 1 PN for the lead ALE in a form and manner that will reach all consumers. Use one or a combination of the following methods:

- Appropriate broadcast media (radio, tv).
- Posting in conspicuous locations throughout the area served.
- Hand delivery.
- Other State-approved method.

Lead ALE requires Tier 1 PN but not a violation.

Failure to take any required actions for an ALE is a violation requiring Tier 2 or Tier 3PN.

Very Important

3.2 Content of Tier 1 Public Notification for the Lead ALE

Tier 1 PN for the lead ALE must include the following content:

- What happened.
- When the ALE occurred.
- Mandatory health effects language:
"Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney, or nervous system problems."
- Whether alternative water supplies should be used.
- Actions consumers should take.
- What is being done to address the lead ALE.
- Expected time to resolve the lead ALE.
- Contact information.
- Mandatory statement to share the PN:
"Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail."

If a large proportion of the population you serve does not speak English, the notice must either:

- contain information in the appropriate language(s) regarding the importance of the notice, or

- provide contact information for the system to obtain translated copies or request assistance.

NYSDOH Tier 1 Public Notification template that covers all required content is available online.

3.3. Tier 1 PN Associated Reporting Requirements

Within 24 hours after learning of the lead ALE, systems provide a sample copy of the Tier 1 public notification to all of the following:

- EPA: leadALE@epa.gov
- NYSDOH: bpwsp@health.ny.gov
- Your local health department (contact your LHD to obtain the information)

Within 10 days after issuing the PN, systems must submit a certification to the State to confirm that the Tier 1 PN was completed as required under [40 CFR 141.31\(d\)\(1\)](#).

Systems can use “*Certification for Delivering Public Notification (PN)*” to comply with the requirements.

4. Resources

[Guidance and Forms \(ny.gov\)](#)

[Factsheet: Requirements for Tier 1 Public Notice Following a Lead Action Level Exceedance \(epa.gov\)](#)

[2021 LCRR Implementation Fact Sheet \(epa.gov\)](#)