

Date Signed: January 10, 1992

MEMORANDUM

SUBJECT: Consecutive Systems Regulated Under the National
Primary Drinking Water Regulations for Lead and Copper

FROM: Jeff Cohen, Chief
Lead Task Force
Office of Ground Water and Drinking Water

TO: Regional Drinking Water Branch Chiefs

Several States and public water systems have proposed consolidation of lead and copper tap water sampling, and water quality parameter sampling, in consecutive water systems under §141.29. After reviewing the proposals submitted by Michigan, Massachusetts, and several water suppliers in Colorado, we believe it is reasonable to reduce monitoring in consecutive systems if the systems can demonstrate they are interconnected in a manner that justifies treating them as a single system.

We recognize the burdens on water systems and States to comply with and implement the lead and copper rule. We encourage innovative implementation approaches that will meet the goals and intent of this regulations. We also believe that to insure effective state/EPA partnerships, it is important that proposals to consolidate consecutive systems clearly identify which systems will be held accountable for violations of any of the rule's requirements. Should enforcement actions ever become necessary, it is vital that the party responsible for monitoring, or, if needed, subsequent treatment (including public education and lead service line replacement) be clearly identified and accept responsibility for any rule violations.

Specifically, prior to allowing consecutive systems to consolidate their sampling, the state must submit to its EPA regional office a written explanation of how the monitoring, treatment, and reporting requirements will be administered and enforced in consecutive systems that consolidate their operations for lead and copper. It is incumbent upon the regional offices to agree to each State's proposal in writing and have that agreement in place before the regulatory requirements become effective.

To varying degrees, the proposals that have been submitted up until now have provided rationale for reduced monitoring, and explanations of responsibilities among the communities involved. We believe that future proposals and agreements between States and consecutive systems should explain which water system is responsible for collecting and reporting to the State the results of lead and copper tap water monitoring, and all water quality parameter monitoring.

In addition, future proposals and agreements should include explanations of how the following provisions in the lead and copper rule will be modified:

- determination of 90th percentile lead and copper concentrations in the consolidated system;
- water quality parameter monitoring to determine baseline values and insure that optimal corrosion control treatment is properly installed and maintained; and
- source water monitoring when needed.

In the preamble to the final rule, we have stated that responsibility for public education delivery resides with the retailer (the consecutive, or "satellite" system), and responsibility for source water monitoring and treatment resides with the wholesaler (or "parent" system). Any modifications in these responsibilities should be clear in the State proposal and EPA/State agreement.

With respect to the other treatment technique requirements, State proposals should identify the system that will be responsible for completing the corrosion control treatment requirements under §§141.81 and 141.82. We expect that the parent supply will take responsibility for corrosion control throughout the entire area served. Depending upon contractual agreements, the size and configuration of the satellite system(s), and the distance from the parent treatment facility, individual corrosion control treatment may need to be installed at a point or points other than the parent plant. State proposals should also define responsibility for lead service line replacement, where it may be necessary.

If you have any questions, please feel free to call me at (FTS) 260-5456.

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