

requirements. As stated in the response in section IV.B.13.a. of today's action, EPA has placed the LCR in the data gaps category pending the completion of future research.

c. Corrosion Control Treatment Strategy. Two commenters noted concerns regarding the lead and copper corrosion control strategy. One commenter indicated that the LCR should be revised to allow systems to change corrosion control strategies. The commenter stated that considerable development of the corrosion control market has occurred since systems made their initial assessments and implemented corrosion control programs. The commenter felt that currently, the "LCR locks utilities into a given control strategy," when in some instances limited pilot work and ongoing WQP monitoring would allow a system to re-assess its treatment and implement an alternative corrosion control inhibitor.

The second commenter indicated that the current corrosion control strategies are marginally effective at preventing particulate lead and copper from entering the water supply. The commenter recommended that EPA consider methods for mitigating the release of insoluble components from plumbing fixtures.

EPA Response: The Agency disagrees that the LCR locks utilities into a given control strategy, but feels it is necessary to demonstrate a sound basis for re-assessing and implementing an alternative treatment strategy in the context of the existing regulation. EPA notes that the current regulation provides some flexibility to both States and water systems in the choice of a corrosion control strategy. For example, in response to its own initiative, a request by a water system or other interested party, a State may modify its determination of the optimal corrosion control treatment, among those listed in the Federal regulation, or may modify optimal WQPs if the State determines such changes are necessary to ensure that the system continues to optimize corrosion control treatment (40 CFR 141.82(h)).

The Agency believes that the existing requirements to notify the State when changing a corrosion control strategy remain necessary and appropriate. After they have optimized corrosion control, water systems must notify the State of any treatment changes⁷ within 60 days of the change (40 CFR 141.90(a)(3)). The

Agency encourages water systems to notify the State prior to making any changes thus allowing the Primacy Agency to review the changes to reduce the potential for detrimental side-effects. In the Agency's experience, changes in treatment, such as (but not restricted to) replacement of high pH treatment with corrosion inhibitor, changes in coagulant and coagulation conditions, changes in disinfection, installation of membrane processes, or introduction of chemically different waters into the distribution system provide potential for detrimental side-effects. Water treatment changes, therefore, should only be done with the greatest care and pilot investigations. While changes to treatment can be made under the existing regulation, systems should conduct additional monitoring (e.g., of lead, copper, and WQPs) until the new treatment is fully implemented and stabilized.

EPA also recognizes that the current LCR may limit flexibility to some extent, particularly in the adoption of new or emerging technologies. The original rule attempted to balance this concern with the need to provide strong public health protection by ensuring that only control strategies of proven effectiveness are adopted. The Agency does not have an adequate basis to revise the treatment requirements at this time but will continue to monitor new developments, including emerging technology. The Agency may consider revisions to the LCR prior to the end of the next Six-Year Review cycle if the Agency receives new, scientifically-valid, information that provides a basis for achieving significant improvement in public health protection or significant cost-savings to utilities and their customers while maintaining current public health protection.

EPA has always recognized that the release of insoluble particulate material containing lead and copper can be an issue in some water systems. While more research may be of interest to improve optimization of corrosion control approaches with respect to this source, EPA expects that evaluations and pilot studies by water systems should include testing and consideration of the relative effectiveness of different treatments towards particulate release in systems for which it is important.

d. Lead Levels in School Drinking Water. One commenter was concerned that the data on lead levels that was analyzed under the Six-Year Review of NPDWR standards may not indicate actual lead contamination of drinking water sources. As an example, the commenter noted that even though

Baltimore City is in compliance for lead levels, 1/3 of Baltimore schools are using alternative sources of drinking water due to lead contamination. The commenter expressed concern that since data obtained from schools, such as the data from Baltimore, was not considered in the evaluation of lead contamination in drinking water, the most vulnerable population may not be protected from exposure to lead. The commenter stated that it is time for the Agency to reassess how lead levels are evaluated.

EPA Response: The LCR is designed to address system-wide problems with lead and copper contamination. The rule does not specifically target particular structures, such as schools, but rather contains a monitoring protocol designed to ensure that the overall levels of lead and copper system-wide are minimized. Once optimal treatment is implemented, any remaining problems with elevated lead levels in schools may be due to plumbing, coolers, or other materials in the building. These potential sources of lead in schools are of concern and for this reason are explicitly addressed under the provisions of the Lead Contamination Control Act of 1988 (LCCA) (sections 1461 to 1465 of SDWA). The LCCA directed EPA to publish a guidance manual and testing protocol to assist States and schools in identifying sources and determining the extent of lead contamination in school drinking water and, if necessary, in remediating such contamination. In January 1989, the Agency published and distributed the guidance manual, "Lead in School's Drinking Water," to States and schools (USEPA, 1989). In 1994, the Agency updated and revised the guidance manual entitled "Lead in Drinking Water in Schools and Non-residential Buildings" (USEPA, 1994). A copy of this manual may be obtained from the Safewater website <http://www.epa.gov/safewater/consumer/leadinschools.html>. In addition, the LCCA imposed a ban on the manufacture and sale of water coolers that are not lead free. The LCCA requirements are independent of the NPDWRs and therefore are not addressed under the Six-Year Review process. However, the Agency is continuing to work with schools and States to address problems dealing with lead in school drinking water.

14. Lindane (γ -hexachlorocyclohexane)

In the April 17, 2002, **Federal Register**, the Agency preliminarily placed lindane in the no revision category because a health risk assessment was pending at the time of publication. One commenter stated that

⁷ Treatment changes are categorized as changes to any water quality treatment process, including (but not restricted to) disinfection, disinfection by-product removal, and corrosion control.