

TO: Alina Gonzalez, Director of Intergovernmental Affairs

FROM: Jim Davenport, Partner
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RECENT TRP ACTIVITIES

- Participated in meetings with the County's Office of Resilience to obtain status updates on key County efforts with the U.S. Army Corps of Engineers, including the Coastal Storm Risk Management (CSRM) project, the Back Bay Study, Biscayne Bay and Southeastern Everglades Ecosystem Restoration (BBSEER) Project, and the Central & Southern (C&SF) Florida Section 216 Resiliency Study.
- Discussed the impact of the Army Corps' new Integrated Delivery Schedule on the BBSEER project and how the County may respond.
- Participated in call to discuss how TRP can assist the County with Federal grant support.
- Offered insight into the Disaster Management Cost Modernization Act, (S.3071; HR 7671).
- Provided a memo on how the election could shape housing policy.
- Provided daily *Tip Sheet* and periodic *TRP Grants Newsletter*.

CAPITOL HILL UPDATE

Congress is in Recess Until November 12th.

Congress wrapped up legislative business on September 27th after both chambers passed a three-month CR, thereby punting government funding to December. Lawmakers in both chambers coalescing around the bipartisan stopgap measure came after House Republican leadership failed to pass its own CR with a controversial voting bill attached to it.

Lawmakers have returned to their states and districts for the final month of the 2024 election, and will return in November to a hefty year-end to-do list. With limited floor time available and Congress well behind on key year-end items like government funding and the National Defense Authorization Act (NDAA), the "lame duck" session of the 118th Congress is set to be a sprint to the finish. Lawmakers, especially those who will not be returning to their posts next year, will be eager to wrap up bipartisan legislative deals into a potential year-end spending package to "clear the decks" before the 119th Congress gavel in. However, much remains in flux pending the outcome of the 2024 election.

EPA Releases Final Lead and Copper Rule Improvements

On October 8, the Environmental Protection Agency (EPA) announced its final Lead and Copper Rule Improvements (LCRI) ([prepublication text](#); [fact sheet](#)) requiring drinking water systems to locate and replace all lead service lines within 10 years. In addition, key provisions of the LCRI include the establishment of new requirements for tap water sampling and public communication about lead exposure risks.

- Background: Under existing EPA requirements, regulated water systems are required to submit inventories of existing lead service lines by October 16, 2024. The new rule will require these systems to use the information to create a publicly available service line replacement plan that meets the newly established 10-year deadline.

Specifically, the LCRI requires that water systems increase the rigor of their lead testing procedures by collecting multiple samples and using the highest value to determine the amount of lead in the water supply. Additionally, the rule lowers the threshold for the amount of lead considered acceptable from 15 ppb to 10 ppb. Once this threshold is met, the water system in question is required to attempt to reduce lead levels as quickly as possible and inform the public of the lead exposure risk. Per the LCRI, communication with the public about lead exposure must include clear, accessible language about potential health risks.

In an effort to support these changes, the EPA has announced its next allocation of \$2.6 billion in [funding](#) to the Drinking Water State Revolving Funds (DWSRF) which can support lead pipe removal efforts, 49 percent of which will be reserved for disadvantaged communities. This was announced alongside \$35 million in [funding](#) for a separate grant program aimed at funding efforts to reduce the concentration of lead in the drinking water supplies of disadvantaged communities.

The rule may be challenged in court, as many stakeholders have expressed concerns about whether funding provided by the Infrastructure Investments and Jobs Act ([IIJA](#)) will cover the cost of extensive pipe replacements. Notably, the EPA proposal does not explicitly require water systems to cover the cost of lead pipe replacements on private property, inciting concerns about how these expenses will be addressed.

The rule will take effect 60 days after its publication in the Federal Register. As of October 9, the official text of the rule has not yet been released.

Please let us know if you have any questions.