

**Annex A**  
**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART 1. DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Subpart C. PROTECTION OF NATURAL RESOURCES**  
**ARTICLE II. WATER RESOURCES**  
**CHAPTER 109. SAFE DRINKING WATER**  
**Subchapter K. LEAD AND COPPER**

**§ 109.1102. Action levels and treatment technique requirements.**

\* \* \* \* \*

*(b) Treatment technique requirement for corrosion control.*

(1) *Optimal corrosion control treatment.* A community water system or nontransient noncommunity water system shall provide optimal corrosion control treatment which minimizes the lead and copper concentrations at users' taps while ensuring that the treatment does not cause the system to violate a primary MCL. Water systems deemed to have optimized corrosion control treatment under this subsection shall operate in compliance with Department designated water quality parameters and continue to conduct lead and copper tap monitoring. A system may achieve optimal corrosion control treatment in one of the following ways:

\* \* \* \* \*

(ii) A water system is deemed to have optimized corrosion control if the system demonstrates to the Department that for two consecutive 6-month monitoring periods conducted in accordance with § 109.1103 that the system does not exceed a lead or copper action level and the difference between the 90th percentile tap water lead level and the highest source water lead concentration is less than 0.005 mg/L, which is the Practical Quantitation Level for lead.

**(A)** To make this demonstration, the system shall collect one sample for lead from each entry point during a monitoring period prior to initiation of construction or modification of corrosion control treatment facilities. If the system thereafter exceeds an action level during a monitoring period, the system shall complete applicable compliance activities under paragraph (2). The Department may require a system to repeat compliance activities previously completed when the Department determines that this is necessary for the system to achieve optimal corrosion control treatment.

**(B) A water system deemed to have optimized corrosion control in accordance with this subparagraph shall continue monitoring for lead and copper at the tap no less frequently than once every 3-calendar years using the**

**reduced number of sites specified in § 109.1103(e), and collecting the samples at times and locations specified in § 109.1103(e)(1)(iii).**

\* \* \* \* \*

**[(iv) Any water system deemed to have optimized corrosion control in accordance with this subsection shall continue monitoring for lead and copper at the tap no less frequently than once every 3-calendar years using the reduced number of sites specified in § 109.1103(e), and collecting the samples at times and locations specified in § 109.1103(e)(iv).]**

(2) *Corrosion control treatment compliance schedule.* A system shall comply with the following schedule unless the system achieves optimal corrosion control treatment under paragraph (1)(i) or (ii) prior to initiation of construction or modification of corrosion control treatment facilities.

\* \* \* \* \*

(ii) A large water system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under **[subsection (b)(1)] paragraph (1)**, or any medium or small water system that exceeds an action level shall:

(A) Submit a corrosion control treatment feasibility study that complies with paragraph (3) within 18 months of **[exceeding] the end of the monitoring period in which** the action level **was exceeded**.

(B) Submit a permit application or otherwise comply with the permit application requirements under § 109.1105(b) for construction or modification of corrosion control treatment facilities within 30 months of **[exceeding] the end of the monitoring period in which** the action level **was exceeded**.

(C) Initiate construction or modification of corrosion control treatment facilities within 48 months of **[exceeding] the end of the monitoring period in which** the action level **was exceeded**.

(D) Complete construction or modification of corrosion control treatment facilities and begin operation of these facilities within 60 months of **[exceeding] the end of the monitoring period in which** the action level **was exceeded**.

(E) Submit a request for Department designation of optimal corrosion control treatment performance requirements within 30 days of the end of the second follow-up monitoring period required under § 109.1103(c)(1)(ii) following completion of construction or modification of corrosion control treatment facilities.

\* \* \* \* \*

**§ 109.1103. Monitoring requirements.**

(a) *Initial monitoring.*

\* \* \* \* \*

(3) *Initial source water monitoring.* A system which exceeds either the lead or copper action level shall collect one source water sample from each entry point within 6 months after the **[exceedance] end of the monitoring period in which the action level was exceeded**. Monitoring is required only for the parameter for which the action level was exceeded.

(b) *Special lead and copper tap monitoring.*

\* \* \* \* \*

(4) If a medium or small water system exceeds an action level during a monitoring period after discontinuing compliance activities under paragraph (3), the system shall **[recommence completion of] complete** the applicable compliance activities under § 109.1102(b)(2). **[The Department may require a system to repeat compliance activities previously completed or undertake additional activities when the Department determines that the action is necessary to properly comply with corrosion control treatment requirements.]**

\* \* \* \* \*

(c) *Follow-up monitoring after construction or modification of corrosion control treatment facilities.* A system which completes construction or modification of corrosion control treatment facilities in accordance with § 109.1102(b)(2) shall conduct the applicable monitoring specified in this subsection. A system which exceeds the lead action level after construction or modification of corrosion control treatment facilities shall begin lead service line replacement in accordance with § 109.1107(d) (relating to system management responsibilities).

\* \* \* \* \*

(3) *Source water monitoring.* A system which installs source water treatment under § 109.1102(b)(4) shall monitor the source water at source water treatment entry points for the parameters for which the source water treatment was installed. The system shall monitor source water during the two consecutive 6-month monitoring periods specified in paragraph (1). Other systems which exceed either the lead or copper action level while conducting lead and copper tap monitoring in accordance with paragraph (1) shall collect one source water sample from each entry point within 6 months after the **[exceedance] end of the monitoring period in which the action level was exceeded** for the parameters exceeding the action level.

(d) *Monitoring after performance requirements are established.* A system shall conduct the applicable monitoring under this subsection beginning no later than the next 6-month monitoring period **that begins on January 1 or July 1** following the Department's designation of optimal

corrosion control treatment water quality parameter performance requirements under § 109.1102(b)(5) or source water performance requirements under § 109.1102(b)(4).

\* \* \* \* \*

(3) *Source water monitoring.* A system which is conducting lead and copper tap monitoring in accordance with paragraph (1) shall monitor for the parameters exceeding the action level at each entry point within 6 months of the **end of the monitoring period in which the** action level [exceedance] **was exceeded.** For systems which have installed source water treatment, the results of this monitoring will be used by the Department in determining compliance with source water treatment performance requirements established under § 109.1102(b)(4). The Department may require additional source water monitoring if the Department determines that the additional monitoring is necessary to assure compliance with the source water treatment performance requirements. A system that is not in compliance with the source water treatment performance requirements established under § 109.1102(b)(4) shall provide public notification in accordance with § 109.1104(b)(2).

(e) *Reduced monitoring.*

(1) *Reduced lead and copper tap monitoring.* A system conducting reduced lead and copper tap monitoring shall collect one sample from the number of sample sites listed in the following column.

<i>System size (# of people served)</i>	<i># of Sample Sites</i>
> 100,000...	50
10,001 to 100,000...	30
3,301 to 10,000...	20
501 to 3,300...	10
500 or fewer...	5

(i) *Annual lead and copper tap monitoring.*

\* \* \* \* \*

(B) A system that [maintains the range of values for the optimal corrosion control treatment water quality parameter performance requirements specified by the Department under § 109.1102(b)(5) during each of two consecutive 6-month monitoring periods in accordance with subsection (d)(2)] **has installed or modified corrosion control treatment facilities in accordance with § 109.1102(b)(2)** may [request that the Department allow the system to] **reduce the number of lead and copper sample sites and** reduce the frequency of monitoring to once per year [and reduce the number of lead and copper sample sites.] **if the following conditions are met:**

**(I) The system does not exceed the lead and copper action levels during each of two consecutive 6-month monitoring periods.**

**(II) The system maintains the range of values for the optimal corrosion control treatment water quality parameter performance requirements specified by the Department under § 109.1102(b)(5) during each of two consecutive 6-month monitoring periods in accordance with subsection (d)(2).**

**(C) Annual monitoring shall begin during the calendar year immediately following the end of the second consecutive 6-month monitoring period.**

(ii) *Triennial lead and copper tap monitoring.*

\* \* \* \* \*

(B) A system that [maintains the range of values for optimal corrosion control treatment water quality parameter performance requirements specified by the Department under § 109.1102(b)(5) during 3 consecutive years of monitoring] **has installed or modified corrosion control treatment facilities in accordance with § 109.1102(b)(2)** may [request that the Department allow the system to] reduce the frequency of monitoring from annually to once every 3 years[.] **if the following conditions are met:**

**(I) The system does not exceed the lead and copper action levels during 6-month or annual monitoring (periods).**

**(II) The systems maintains the range of values for the optimal corrosion control treatment water quality parameter performance requirements specified by the Department under § 109.1102(b)(5) during 3 consecutive years of monitoring.**

\* \* \* \* \*

(iii) [*Request for reduced monitoring.* A system requesting reduced lead and copper tap monitoring under subparagraph (i)(B) or (ii)(B) shall submit that request on forms acceptable to the Department. The request shall include a summary of lead and copper tap and water quality parameter monitoring results and the results shall demonstrate that the system qualifies for reduced monitoring. The Department will review the information submitted and notify the water supplier of its decision and the basis for that decision.

(iv)] *Sample sites and timing.* A system that reduces the number of sample sites and frequency of sampling shall collect samples from sample sites included in the pool of targeted sampling sites identified in subsection (g)(2). Systems sampling annually or less frequently shall conduct the lead and copper tap sampling between June 1 and September 30. The Department may approve, **IN WRITING,** a different period for conducting lead and copper tap monitoring sampling for systems **collecting a reduced number of samples] on annual or less frequent monitoring.** The period may be no longer than 4 consecutive months and shall represent a time of normal operation when the highest levels of lead are most likely to occur.

**[(v) *Reduced lead and copper tap monitoring revocation.***

**(A) A large water system authorized to conduct reduced lead and copper tap monitoring that fails to operate within the range of performance requirements for the water quality parameters specified by the Department under § 109.1102(b)(5) on more than any 9 days in a 6-month period shall resume lead and copper tap sampling in accordance with subsection (d)(1).**

**(B) A small or medium water system authorized to conduct reduced lead and copper tap monitoring that exceeds either the lead or copper action level shall comply with the following:**

**(I) The water supplier shall conduct water quality parameter monitoring during the monitoring period in which the action level is exceeded.**

**(-a-) If the system has installed corrosion control treatment in compliance with § 109.1102(b)(2), water quality parameter monitoring shall be conducted in accordance with subsection (c)(2). If the results of this monitoring indicate that the system failed to operate within the range of performance requirements for the water quality parameters specified by the Department under § 109.1102(b)(5) on more than any 9 days in a 6-month period, the water supplier shall resume lead and copper tap sampling in accordance with subsection (d)(1).**

**(-b-) If the system has not installed corrosion control treatment, water quality parameter monitoring shall be conducted in accordance with subsection (a)(2) and the system shall conduct corrosion control treatment activities in accordance with § 109.1102(b)(1)(i).**

**(II) The water supplier shall conduct source water monitoring in accordance with subsection (a)(3).**

**(III) If the lead action level is exceeded, the water supplier shall conduct a public education program in accordance with § 109.1104(a).]**

**(2) *Reduced water quality parameter monitoring for large water systems.*** A large water system conducting reduced water quality parameter monitoring shall collect two sets of distribution samples from the following reduced number of sample sites. The sets of samples shall be collected from the same sample sites on different days and analyzed for the applicable water quality parameters.

<i>System size</i> <i>(# of people served)</i>	<i># of Sample Sites</i>
> 100,000...	10
50,001 to 100,000...	7

**(i) *Reduced sites.*** A large water system that maintains the range of values for water quality parameter performance requirements reflecting optimal corrosion control

treatment specified by the Department under § 109.1102(b)(5) during each of two consecutive 6-month monitoring periods conducted in accordance with subsection (d)(2) may collect distribution samples from the reduced number of sites during subsequent 6-month monitoring periods until the system qualifies for reduced frequency under subparagraph (ii). The system shall continue monitoring at each entry point as specified in subsection [(c)(2)(iii)(B)] **(d)(2)**.

(ii) *Reduced water quality parameter monitoring.*

(A) A large water system that maintains the range of values for water quality parameter performance requirements reflecting optimal corrosion control treatment specified by the Department under § 109.1102(b)(5) during 3 consecutive years of monitoring at the reduced number of sites under subparagraph (i) may reduce the frequency with which it collects sets of water quality parameter distribution samples from every 6 months to annually. **Annual monitoring begins during the next calendar year.** A system conducting annual sampling shall collect these sets of samples evenly throughout the year to reflect seasonal variability. The system shall continue monitoring at each entry point as specified in subsection [(c)(2)(iii)(B)] **(d)(2)**.

(B) A large water system may reduce the frequency with which it collects tap water samples for applicable water quality parameters specified in § 109.1102(b)(5) to every 3 years if it demonstrates during two consecutive monitoring periods that its tap water lead level at the 90th percentile is less than or equal to the PQL for lead of 0.005 mg/L, that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L, and that it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Department under § 109.1102(b)(5). **Triennial monitoring shall be conducted during the last year of each 3-year compliance period—for example 1998, 2001, 2004 and so forth.**

**[(iii) Reduced water quality parameter monitoring revocation.** A large water system subject to reduced water quality parameter monitoring that fails to operate within the range of performance requirements for the water quality parameters specified by the Department under § 109.1102(b)(5) on more than any 9 days in any 6-month period shall resume water quality parameter distribution sampling in accordance with the number and frequency requirements specified in subsection (d)(2).

**(iv) A large system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in subsection (e)(2) after it has completed two subsequent consecutive 6-month rounds of monitoring that meet the criteria of subsection (e)(2)(i).**

**(v) A large system may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites specified in subsection (e)(2) after it demonstrates through subsequent rounds of monitoring that it meets the criteria of subsection (e)(2)(ii).]**

(3) Reduced monitoring revocation.

(i) Reduced monitoring revocation for large water systems. A large water system authorized to conduct reduced monitoring under this subsection that fails to meet the lead or copper action level during any 4-month monitoring period or that fails to operate within the range of performance requirements for the water quality parameters specified by the Department under § 109.1102(b)(5) on more than any 9 days in a 6-month period shall comply with the following:

(A) The water supplier shall resume lead and copper tap monitoring in accordance with subsection (d)(1).

(B) The water supplier shall resume water quality parameter distribution sampling in accordance with the number and frequency requirements specified in subsection (d)(2).

(I) A large system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in paragraph (2) after it has completed two subsequent consecutive 6-month rounds of monitoring that meet the criteria of paragraph (2)(i).

(II) A large system may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites specified in paragraph (2) after it demonstrates through subsequent rounds of monitoring that it meets the criteria of paragraph (2)(ii).

(C) The water supplier shall conduct source water monitoring in accordance with subsection (d)(3). Monitoring is required only for the parameter for which the action level was exceeded. For systems on annual or less frequent monitoring, the end of the monitoring period is September 30 of the calendar year in which sampling occurs, or, if the Department has designated an alternate monitoring period, the end of the monitoring period is the last day of the 4-month period in which sampling occurs.

(ii) Reduced monitoring revocation for small or medium water systems. A small or medium water system authorized to conduct reduced lead and copper tap monitoring under this subsection that fails to meet the lead or copper action level during any 4-month monitoring period, or a small or medium system that has installed corrosion control treatment in compliance with § 109.1102(b)(2) and that fails to operate within the range of performance requirements for the water quality parameters specified by the Department under § 109.1102(b)(5) on more than any 9 days in a 6-month period, shall comply with the following:

(A) The water supplier shall conduct water quality parameter monitoring during the monitoring period in which the action level is exceeded. The start of the 6-month monitoring period for the water quality parameter monitoring required under this clause must coincide with the start of the annual or triennial tap monitoring period in which the action level was exceeded.



**(I) If the system has installed corrosion control treatment in compliance with § 109.1102(b)(2), water quality parameter monitoring ~~must~~ SHALL be conducted in accordance with subsection (c)(2).**

**(II) If the system has not installed corrosion control treatment, water quality parameter monitoring ~~must~~ SHALL be conducted in accordance with subsection (a)(2) and the system shall conduct corrosion control treatment activities in accordance with § 109.1102(b)(1)(i).**

**(B) The water supplier shall collect one source water sample from each entry point within 6 months of the end of the monitoring period in which the action level was exceeded. Monitoring is required only for the parameter for which the action level was exceeded. For systems on annual or less frequent monitoring, the end of the monitoring period is September 30 of the calendar year in which sampling occurs, or, if the Department has designated an alternate monitoring period, the end of the monitoring period is the last day of the 4-month period in which sampling occurs.**

**(C) If a system has installed corrosion control treatment in compliance with § 109.1102(b)(2), the water supplier shall resume lead and copper tap monitoring in accordance with subsection (d)(1).**

\* \* \* \* \*

(g) *Sample site location plan.* The water supplier shall complete a sample site location plan which includes a materials evaluation of the distribution system, lead and copper tap sample site locations, water quality parameter sample site locations, and certification that proper sampling procedures are used. The water supplier shall complete the steps in paragraphs (1)—(3) by the applicable date for commencement of lead and copper tap monitoring under subsection (a)(1) and the step in paragraph (4) following completion of the monitoring. The water supplier shall keep the sample site location plan on record and submit the plan to the Department in accordance with § 109.1107(a)(1).

\* \* \* \* \*

(2) *Lead and copper tap sample site selection.* Lead and copper tap sampling sites are classified as tier 1, tier 2 or tier 3. Tier 1 sites are the highest priority sample sites.

\* \* \* \* \*

(ii) *Site selection for nontransient noncommunity water systems.*

**(A)** The water supplier shall select all tier 1 sample site locations, if possible. A nontransient noncommunity water system with an insufficient number of tier 1 sampling sites shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete the sampling pool, the system shall use representative sites throughout the

distribution system in which the plumbing materials used at the site would be commonly found at other sites served by the system.

[(A)] **(B)** Tier 1 sampling sites **[shall] must** consist of buildings that have one or more of the following:

- (I) Copper pipes with lead solder installed after 1982.
- (II) Lead pipes.
- (III) Lead service line.

**[(B) If a nontransient noncommunity water system or a community water system that meets the criteria of § 109.1104(a)(2)(i)(E) contains a fewer number of buildings than the required number of sampling sites, the water supplier shall sample from different taps within a representative number of buildings. The taps shall be those most commonly used for drinking and the samples shall be taken on different days. If the system has an insufficient number of these taps to take each sample from a different tap, the water supplier may apply to the Department, in writing, to substitute non-first-draw samples. Those systems shall collect as many first-draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites. Non-first-draw samples must be 1-liter in volume and collected from an interior tap that is typically used to provide drinking water.]**

(iii) *[Sample sites with lead service lines. A system that has a distribution system containing lead service lines shall draw 50% of the samples it collects during each monitoring period from sites that contain lead pipes or copper pipes with lead solder, and 50% of those samples from sites served by a lead service line. If a water system cannot identify a sufficient number of sampling sites served by a lead service line, the system shall collect first draw samples from each site identified as being served by a lead service line.]*

*Site selection for community and nontransient noncommunity water systems that have fewer than five taps. A system that has fewer than five taps that can be used for drinking that meet the sample site criteria specified in this paragraph shall collect at least one sample from each tap and then collect additional samples from those taps on different days during the monitoring period to meet the required number of sites.*

(iv) *[Sample sites with point-of-use or point-of-entry devices. Samples may not be taken from taps that have point-of-use or sites that have point-of-entry treatment devices designed to remove inorganic contaminants.]*

*Site selection for community and nontransient noncommunity facilities that operate continuously. A community water system meeting the conditions in § 109.1104(a)(2)(i)(I) (relating to public education and notification), or a nontransient noncommunity water system, that operates continuously that has an insufficient number of taps commonly used for drinking to take each first-draw sample from a different tap, may apply to the Department, in writing, to substitute*

non-first-draw samples. ~~[These]~~ **UPON APPROVAL BY THE DEPARTMENT, IN WRITING, THESE** systems shall collect as many first-draw samples from ~~[appropriate]~~ taps **THAT CAN BE USED FOR DRINKING THAT MEET THE SAMPLE SITE CRITERIA SPECIFIED IN THIS PARAGRAPH** as possible ~~[and identify sampling times and locations that would likely result in the longest standing time for the remaining sites].~~ **THE REMAINING SAMPLES SHALL BE COLLECTED AT THE TIMES AND FROM THE SITES IDENTIFIED WITH THE LONGEST STANDING TIMES.** Non-first-draw samples must be 1-liter in volume and collected from an interior tap that is typically used to provide water for human consumption.

(v) Sample sites with lead service lines. A system that has a distribution system containing lead service lines shall draw 50% of the samples it collects during each monitoring period from sites that contain lead pipes or copper pipes with lead solder, and 50% of those samples from sites served by a lead service line. If a water system cannot identify a sufficient number of sampling sites served by a lead service line, the system shall collect first draw samples from each site identified as being served by a lead service line.

(vi) Sample sites with point-of-use or point-of-entry devices. Samples may not be taken from taps that have point-of-use or sites that have point-of-entry treatment devices designed to remove inorganic contaminants.

\* \* \* \* \*

(h) *Sample collection methods.*

(1) *Lead and copper tap samples.* Tap samples for lead and copper collected in accordance with this subchapter, with the exception of lead service line samples collected under § 109.1107(d)(3) and tap monitoring samples collected under § 109.1103(g)(2)(ii)(B), shall be first-draw samples and the following sample collection methods shall be used:

\* \* \* \* \*

(ii) First-draw samples from residential housing shall be collected from the cold water kitchen tap or bathroom sink tap. First-draw samples from a nonresidential building shall be collected at an interior tap from which water is typically drawn for **[consumption]** drinking.

\* \* \* \* \*

(k) *Monitoring waivers for small systems.* **[Any]** A small system that meets the criteria of this subsection may apply to the Department to reduce the frequency of monitoring for lead and copper under this section to once every 9 years if it meets all of the materials criteria specified in **[subsection (k)] paragraph (1)** and all of the monitoring criteria specified in **[subsection (k)] paragraph (2)**. A system that meets the criteria in **[subsection (k)] paragraphs (1) and (2)** only for lead, or only for copper, may apply to the Department for a waiver to reduce the frequency of tap water monitoring to once every 9 years for that contaminant only.

\* \* \* \* \*

(4) *Monitoring frequency for systems with waivers.*

(i) A system shall conduct tap water monitoring for the contaminant waived in accordance with subsection (e)(1)(iv) at the reduced number of sites identified in subsection (e) at least once every 9 years and provide the materials certification specified in paragraph (1) for the contaminants waived along with the monitoring results.

**Monitoring shall be conducted during the last year of each 9-year compliance cycle—for example 2010, 2019, 2028 and so forth.**

\* \* \* \* \*

**§ 109.1104. Public education and notification.**

(a) *Public education program.* The water supplier for a system that exceeds the lead action level based on tap monitoring conducted under § 109.1103 (relating to monitoring requirements) shall implement a public education program in accordance with this section. The public education program **[will] must** remain in effect until the system qualifies for discontinuation under paragraph (3).

(1) *Content.* The water supplier shall include mandatory language established by the EPA under 40 CFR 141.85 (relating to public education and supplemental monitoring requirements), which is incorporated by reference, in all of the printed and broadcast materials distributed through the lead public education program. Additional information presented by a system **[shall] must** be consistent with the information specified in this section and be in plain English that can be understood by laypersons. If appropriate or as designated by the Department, public education materials **[shall] must** be bilingual or multilingual. Systems may delete information pertaining to lead service lines, upon approval by the Department, if no lead service lines exist in the system's service area.

(i) ***[Mandatory language for newspapers and water bill inserts. The community water supplier shall include the information contained in 40 CFR 141.85(a) in all printed material submitted to newspapers and inserted with customers' water bills. In addition to the water bill insert, the water supplier shall provide the following alert on the water bill itself in large print:***

***“Some homes in this community have elevated lead levels in their drinking water. Lead can pose a significant risk to your health. Please read the enclosed notice for further information.”***

***If a water supplier is unable to include the alert verbatim on the water bill because of insufficient space on the bill, the water supplier may request, and the Department may allow, a minor wording change so long as the content remains essentially unaffected. Public education language in 40 CFR 141.85(a)(1)(iv)(B)(5) and (D)(2) may be modified regarding building permit record availability and consumer access to these records, upon approval by the Department.]***

**Content of written materials.** Community water suppliers and nontransient noncommunity water suppliers shall include the mandatory language and other content requirements established under 40 CFR 141.85(a)(1) and (2) (relating to content of written public education materials), which is incorporated by reference.

(ii) *[Mandatory language for pamphlets and brochures.* The water supplier shall include the information contained in 40 CFR 141.85(a)(1)(ii) and (iv) in all pamphlets or brochures printed and distributed in accordance with this section.]

**Information for non-English-speaking populations.** For each non-English-speaking group that exceeds 10% of the residents for systems serving at least 1,000 people or 100 residents for systems serving less than 1,000 people, and speak the same language other than English, the written materials must contain information in the appropriate languages regarding the importance of the materials or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the materials or to request assistance in the appropriate language.

(iii) *[Mandatory language for public service announcements.* The water supplier shall include the information contained in 40 CFR 141.85(b) in public service announcements submitted for broadcast.]

**Submission of written materials.** Water systems shall submit copies of all written public education materials to the Department prior to delivery.

(iv) *Mandatory language for nontransient noncommunity water systems.* The water supplier for a nontransient noncommunity water system shall include either the information contained in 40 CFR 141.85(a)(1), or the information contained in 40 CFR 141.85(a)(2), in public education materials printed and distributed in accordance with this section.]

(2) *Delivery.*

(i) *Community water system requirements.* Within 60 days after [exceeding] **the end of the monitoring period in which** the lead action level **was exceeded**, unless it is already repeating public education tasks under **this** subsection [(a)], the water supplier for a community water system shall deliver the public education materials to its customers in accordance with clauses (A)—[(D)] **(G)**. The water supplier shall repeat the tasks contained in clauses (A)—[(C)] **(D) and (H)** every 12 months, and in clause [(D)] **(G)** every 6 months for as long as the system exceeds the lead action level. **For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which sampling occurs, or, if the Department has designated an alternate monitoring period, the end of the monitoring period is the last day of the 4-month period in which sampling occurs.**

(A) The water supplier shall [insert notices with and include the alert on each customer's water bill containing the information in paragraph (1)(i). If the billing cycle or billing form prevents distribution of this notice within 60 days of the lead action level exceedance, the water supplier may deliver the information

required in paragraph (1) within 60 days of the lead action level exceedance in one of the following ways:] deliver printed materials meeting the content requirements of paragraph (1) to all bill paying customers.

[**(I)** A separate direct mailing.

**(II)** Hand delivery.]

(B) The water supplier shall [submit the information in paragraph (1)(i) to the editorial departments of the major daily and weekly newspapers circulated throughout the community] deliver education materials meeting the content requirements of paragraph (1) to THE local [public health agencies, such as the county or State Health Department, even if they are not located within the water system's service area] BOARD OR DEPARTMENT OF PUBLIC HEALTH THAT HAS JURISDICTION OVER THE WATER SYSTEM'S SERVICE AREA, along with an informational notice that encourages distribution to all the potentially affected consumers. The water supplier shall contact the local [public health agencies] BOARD OR DEPARTMENT OF PUBLIC HEALTH directly by phone or in person. The local [public health agencies] BOARD OR DEPARTMENT OF PUBLIC HEALTH may provide a specific list of additional community based organizations serving target populations which may include organizations outside the service area of the water system. If a list is provided, the water supplier shall deliver education materials that meet the content requirements of paragraph (1) to all the organizations on the list.

(C) The water supplier shall deliver [pamphlets or brochures, or both, that contain the information in paragraph (1)(ii) to facilities and organizations, including the following] education materials meeting the content requirements of paragraph (1) to the organizations listed in subclauses (I)–(VI) that are located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or water system's users:

(I) Public and private schools or local school boards, or both.

(II) [City or county health department.

**(III)]** Women, Infants, and Children or Head Start Programs whenever available.

**(IV)]** **(III)** Public and private hospitals and medical clinics.

**(V)]** **(IV)** Pediatricians.

**(VI)]** **(V)** Family planning clinics.

**(VII)]** **(VI)** Local welfare agencies.

(D) The water supplier shall [submit a public service announcement which includes the information in paragraph (1)(iii) to at least five of the radio and television stations with the largest audiences that broadcast to the community served by the water system.] make a good faith effort to locate the following organizations within the water system's service area and deliver education

materials meeting the content requirements of paragraph (1) to them along with an informational notice that encourages distribution to all the organization's potentially affected customers or users. The good faith effort to contact at-risk customers ~~may~~ **MUST** include requesting a specific contact list of the organizations in subclauses (I)–(III) from the local ~~public health agencies even if the agencies are not located within the water system's service area~~ **BOARD OR DEPARTMENT OF PUBLIC HEALTH THAT HAS JURISDICTION OVER THE WATER SYSTEM'S SERVICE AREA:**

(I) Licensed childcare centers.

(II) Public and private preschools.

(III) Obstetricians-gynecologists and midwives.

(E) [A community water system may apply to the Department, in writing, to use the text specified in 40 CFR 141.85(a)(2) in lieu of the text in 40 CFR 141.85(a)(1), and to perform the tasks listed under subparagraph (ii)(A) in lieu of the tasks under clauses (A)—(D) if:]

The water supplier shall provide information on or in each water bill at least quarterly. The message on the water bill must include the following statement exactly as written except for the text in brackets for which the water system must include system-specific information:

*(Editor's Note: The text in capital letters & brackets is to indicate that the water supplier needs to insert their own information to replace this text.)*

“[INSERT WATER SYSTEM NAME] found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call [INSERT WATER SYSTEM NAME] (or visit [INSERT WEB SITE ADDRESS]).”

[ (I) The system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to the plumbing or installing point-of-use treatment devices.

(II) The system provides water as part of the cost of services provided and does not charge for water consumption.]

(F) [A community water system serving 3,300 or fewer persons may omit the task contained in clause (D) if notices containing the information required under paragraph (1) are distributed to every household served by the system at least once during each calendar year the system exceeds the lead action level.]

The water supplier shall post education materials meeting the content requirements of paragraph (1) on the water system's Web site if the system serves a population greater than 100,000 for as long as the systems exceeds the lead action level.

(G) The water supplier shall submit a press release to newspaper, radio and television stations.

(H) In addition to the requirements of clauses (A)–(F), community water suppliers shall implement at least 3 activities from the categories listed in subclauses (I)–(IX). The educational content and selection of these activities shall be determined in consultation with the Department.

(I) Public service announcements.

(II) Paid advertisements.

(III) Public area information displays.

(IV) E-mails to customers.

(V) Public meetings.

(VI) Household deliveries.

(VII) Targeted individual customer contact.

(VIII) Direct distribution of education materials to all multifamily homes and institutions.

(IX) Other methods approved by the Department.

(I) A community water system may apply to the Department, in writing, to omit the text required in 40 CFR 141.85(a)(2) and to perform the tasks listed under subparagraph (ii) in lieu of the tasks under clauses (A)–(H) if the following apply:

(I) The system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to the plumbing or installing point-of-use treatment devices.

(II) The system provides water as part of the cost of services provided and does not charge for water consumption.

(J) A community water system serving 3,300 or fewer persons may modify its public education program as follows:

(I) The system may limit distribution of public education materials required under clauses (B) and (C) to facilities and organizations served by the system that are most likely to be visited by pregnant women and children.

(II) The system may omit the task in clause (G) if notices meeting the content requirements of paragraph (1) are distributed to every household served by the system.

(III) The system ~~must~~ **SHALL** implement at least one of the tasks specified in clause (H).

(ii) *Nontransient noncommunity water system requirements.* Within 60 days after [exceeding] the end of the monitoring period in which the lead action level was



exceeded, the water supplier for a nontransient noncommunity water system shall deliver the public education materials contained in paragraph (1)[(iv)] to its consumers, unless it is already repeating public education tasks under this subsection. For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which sampling occurs, or, if the Department has designated an alternate monitoring period, the end of the monitoring period is the last day of the 4-month period in which sampling occurs.

\* \* \* \* \*

(iii) Extension of the 60-day delivery deadline. Water systems may request an extension of the 60-day delivery deadline, but the water system must receive written approval from the Department prior to the 60-day deadline.

(3) *Discontinuation of public education program.* A water supplier may discontinue [implementation of its public education program] delivery of public education materials if the system does not exceed the lead action level during the most recent 6-month monitoring period conducted under § 109.1103. The system shall resume public education in accordance with this section if it exceeds the lead action level at any time during a future monitoring period.

(4) *Notification of customer monitoring.* A water supplier that fails to meet the lead action level on the basis of tap monitoring conducted in accordance with § 109.1103 shall provide information regarding laboratories certified by the Department for lead and copper testing to any customer who requests it.

(b) Notification of results. Water systems shall deliver a consumer tap notice of lead tap water monitoring results to persons served by the water at sites that are sampled under § 109.1103.

(1) Content. The consumer notice must include the following:

(i) The results of lead tap water monitoring for the tap that was sampled.

(ii) An explanation of the health effects of lead.

(iii) A list of steps consumers can take to reduce exposure to lead in drinking water.

(iv) Contact information for the water system.

(2) Timing. Water systems shall provide the consumer notice within 30 days after the system learns of the tap monitoring results.

(3) Delivery. The consumer notice ~~must~~ SHALL be delivered to persons served at the tap that was sampled either by mail or by another method approved by the Department. The system shall provide notice to all persons served by the tap that was sampled, including consumers who do not receive water bills.

(c) Public notification requirements. \*\*\*

\* \* \* \* \*

**§ 109.1107. System management responsibilities.**

(a) *Reporting and recordkeeping.* Systems shall comply with the following requirements and otherwise comply with § 109.701 (relating to reporting and recordkeeping):

(1) *Sample site location plan.* The system shall prepare a sample site location plan in accordance with § 109.1103(g) (relating to monitoring requirements), maintain the plan on record and submit the plan to the Department prior to conducting initial lead and copper tap monitoring or upon request. The water supplier shall update the following information in the plan within the first 10 days following the end of each applicable monitoring period:

**(Editor's Note: This subparagraph referenced language that was deleted in a 2002 rulemaking and is no longer necessary.)**

(i) Selection of different lead and copper tap sample sites from sites sampled during previous monitoring periods **and corresponding site selection justification required under § 109.1103(g)(2)(v).**

\* \* \* \* \*

(3) *Corrosion control treatment reporting requirements.*

(i) A water supplier demonstrating optimal corrosion control treatment under § 109.1102(b)(1)(ii) (relating to action levels and treatment technique requirements) shall submit information in writing sufficient for the Department to evaluate and determine whether optimal treatment has been achieved. **[281961] (Editor's Note: This number is an unknown reference or typographical error.)**

\* \* \* \* \*

**(5) Consumer notice of lead tap monitoring results reporting requirements. The water supplier shall submit to the Department within 3 months of the end of the monitoring period in which lead tap monitoring was conducted a sample copy of the consumer notice of lead tap monitoring results along with a certification that the notices were distributed in accordance with § 109.1104(b).**

**(6) Lead service line replacement reporting.** \*\*\*

**[(6)] (7) Record maintenance.** \*\*\*

\* \* \* \* \*

(d) *Lead service line replacement.*

(1) *Initiation of lead service line replacement.* A system that exceeds the lead action level when conducting lead and copper tap monitoring in accordance with § 109.1103(c)(1)

or (d)(1) after construction or modification of corrosion control treatment facilities shall initiate lead service line replacement. The first year of lead service line replacement begins [with the next 6-month monitoring period following the action level exceedance] on the first day following the end of the monitoring period in which the action level was exceeded. If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which sampling occurred. If the Department has designated an alternate monitoring period in writing, the end of the monitoring period is the last day of the designated alternate monitoring period.

\* \* \* \* \*

(5) *Discontinuation of lead service line replacement.* A water supplier may cease replacing lead service lines if the system meets the lead action level during two consecutive 6-month monitoring periods when conducting lead and copper tap monitoring. Thereafter, if the system exceeds the lead action level, the water supplier shall recommence replacing lead service lines in accordance with paragraph [(2)] (6).

(6) Resumption of lead service line replacement. Water systems that resume a lead service line replacement program shall update their lead service line inventory to include those sites that were previously excluded under paragraph (3). Systems shall divide the updated number of remaining lead service lines by the number of remaining years in the replacement program to determine the number that must be replaced each year. If the system has completed a 15-year lead service line replacement program, the Department will determine a schedule for replacing or retesting lead service lines that were previously tested out under the replacement program (when the system re-exceeds the lead action level).