

# **APPENDIX B**

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## **2007 SHORT-TERM REVISIONS COMPARED TO THE LEAD AND COPPER RULE**

## Appendix B: 2007 Short-Term Revisions Compared to the Lead and Copper Rule

### PART 141 — NATIONAL PRIMARY DRINKING WATER REGULATIONS

#### Subpart I — Control of Lead and Copper

##### §141.80 General requirements.

(a) *Applicability and effective dates.* (1) The requirements of this subpart I constitute the national primary drinking water regulations for lead and copper. Unless otherwise indicated, each of the provisions of this subpart applies to community water systems and non-transient, non-community water systems (hereinafter referred to as “water systems” or “systems”).

(2) ~~The requirements set forth in §§141.86 to 141.91 shall take effect on July 7, 1991. The requirements set forth in §§141.80 to 141.85 shall take effect on December 7, 1992.~~ [Reserved]

(b) *Scope.* These regulations establish a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers’ taps.

(c) *Lead and copper action levels.* (1) The lead action level is exceeded if the concentration of lead in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with §141.86 is greater than 0.015 mg/L (i.e., if the “90th percentile” lead level is greater than 0.015 mg/L).

(2) The copper action level is exceeded if the concentration of copper in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with §141.86 is greater than 1.3 mg/L (i.e., if the “90th percentile” copper level is greater than 1.3 mg/L).

(3) The 90th percentile lead and copper levels shall be computed as follows:

(i) The results of all lead or copper samples taken during a monitoring period shall be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result shall be assigned a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken.

(ii) The number of samples taken during the monitoring period shall be multiplied by 0.9.

(iii) The contaminant concentration in the numbered sample yielded by the calculation in paragraph (c)(3)(ii) is the 90th percentile contaminant level.

(iv) For water systems serving fewer than 100 people that collect 5 samples per monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

(v) For a public water system that has been allowed by the State to collect fewer than five samples in accordance with §141.86(c), the sample result with the highest concentration is considered the 90th percentile value.

(d) *Corrosion control treatment requirements.* (1) All water systems shall install and operate optimal corrosion control treatment as defined in §141.2.

(2) Any water system that complies with the applicable corrosion control treatment requirements specified by the State under §§141.81 and 141.82 shall be deemed in compliance with the treatment requirement contained in paragraph (d)(1) of this section.

(e) *Source water treatment requirements.* Any system exceeding the lead or copper action level shall implement all applicable source water treatment requirements specified by the State under §141.83.

(f) *Lead service line replacement requirements.* Any system exceeding the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service line replacement requirements contained in §141.84.

(g) *Public education requirements.* Pursuant to §141.85, all water systems must provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that are tested. Any system exceeding the lead action level shall implement the public education requirements contained in §141.85.

(h) *Monitoring and analytical requirements.* Tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results under this subpart shall be completed in compliance with §§141.86, 141.87, 141.88, and 141.89.

(i) *Reporting requirements.* Systems shall report to the State any information required by the treatment provisions of this subpart and §141.90.

(j) *Recordkeeping requirements.* Systems shall maintain records in accordance with §141.91.

(k) *Violation of national primary drinking water regulations.* Failure to comply with the applicable requirements of §§141.80-141.91, including requirements established by the State pursuant to these provisions, shall constitute a violation of the national primary drinking water regulations for lead and/or copper.

### **§141.81 Applicability of corrosion control treatment steps to small, medium-size and large water systems.**

(a) Systems shall complete the applicable corrosion control treatment requirements described in §141.82 by the deadlines established in this section.

(1) A large system (serving >50,000 persons) shall complete the corrosion control treatment steps specified in paragraph (d) of this section, unless it is deemed to have optimized corrosion control under paragraph (b)(2) or (b)(3) of this section.

(2) A small system (serving ≤3300 persons) and a medium-size system (serving >3,300 and ≤50,000 persons) shall complete the corrosion control treatment steps specified in paragraph (e) of this section, unless it is deemed to have optimized corrosion control under paragraph (b)(1), (b)(2), or (b)(3) of this section.

(b) A system is deemed to have optimized corrosion control and is not required to complete the applicable corrosion control treatment steps identified in this section if the system satisfies one of the criteria: specified in paragraphs (b)(1) through (b)(3) of this section. Any such system deemed to have optimized corrosion control under this paragraph, and which has treatment in place, shall continue to operate and maintain optimal corrosion control treatment and meet any requirements that the State determines appropriate to ensure optimal corrosion control treatment is maintained.

(1) A small or medium-size water system is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods conducted in accordance with §141.86.

(2) Any water system may be deemed by the State to have optimized corrosion control treatment if the system demonstrates to the satisfaction of the State that it has conducted activities equivalent to the corrosion control steps applicable to such system under this section. If the State makes this determination, it shall provide the system with written notice explaining the basis for its decision and shall specify the water quality control parameters representing optimal corrosion control in accordance with §141.82(f). Water systems deemed to have optimized corrosion control under this paragraph shall operate in compliance with the State-designated optimal water quality control parameters in accordance with §141.82(g) and continue to conduct lead and copper tap and water quality parameter sampling in accordance with §141.86(d)(3) and §141.87(d), respectively. A system shall provide the State with the following information in order to support a determination under this paragraph:

(i) The results of all test samples collected for each of the water quality parameters in §141.82(c)(3).

(ii) A report explaining the test methods used by the water system to evaluate the corrosion control treatments listed in §141.82(c)(1), the results of all tests conducted, and the basis for the system's selection of optimal corrosion control treatment;

(iii) A report explaining how corrosion control has been installed and how it is being maintained to insure minimal lead and copper concentrations at consumers' taps; and

(iv) The results of tap water samples collected in accordance with §141.86 at least once every six months for one year after corrosion control has been installed.

(3) Any water system is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with §141.86 and source water monitoring conducted in accordance with §141.88 that demonstrates for two consecutive 6-month monitoring periods that the difference between the 90th percentile tap water lead level computed under §141.80(c)(3), and the highest source water lead concentration is less than the Practical Quantitation Level for lead specified in §141.89(a)(1)(ii).

(i) Those systems whose highest source water lead level is below the Method Detection Limit may also be deemed to have optimized corrosion control under this paragraph if the 90th percentile tap water lead level is less than or equal to the Practical Quantitation Level for lead for two consecutive 6-month monitoring periods.

(ii) Any water system deemed to have optimized corrosion control in accordance with this paragraph shall continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in §141.86(c) and collecting the samples at times and locations specified in §141.86(d)(4)(iv). Any such system that has not conducted a round of monitoring pursuant to §141.86(d) since September 30, 1997, shall complete a round of monitoring pursuant to this paragraph no later than September 30, 2000.

(iii) Any water system deemed to have optimized corrosion control pursuant to this paragraph shall notify the State in writing pursuant to §141.90(a)(3) of any **upcoming long-term** change in treatment or ~~the~~ addition of a new source **as described in that section. The State must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water systems.** The State may require any such system to conduct additional monitoring or to take other action the State deems appropriate to ensure that such systems maintain minimal levels of corrosion in the distribution system.

(iv) As of July 12, 2001, a system is not deemed to have optimized corrosion control under this paragraph, and shall implement corrosion control treatment pursuant to paragraph (b)(3)(v) of this section unless it meets the copper action level.

(v) Any system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this paragraph shall implement corrosion control treatment in accordance with the deadlines in paragraph (e) of this section. Any such large system shall adhere to the schedule specified in that paragraph

for medium-size systems, with the time periods for completing each step being triggered by the date the system is no longer deemed to have optimized corrosion control under this paragraph.

(c) Any small or medium-size water system that is required to complete the corrosion control steps due to its exceedance of the lead or copper action level may cease completing the treatment steps whenever the system meets both action levels during each of two consecutive monitoring periods conducted pursuant to §141.86 and submits the results to the State. If any such water system thereafter exceeds the lead or copper action level during any monitoring period, the system (or the State, as the case may be) shall recommence completion of the applicable treatment steps, beginning with the first treatment step which was not previously completed in its entirety. The State may require a system to repeat treatment steps previously completed by the system where the State determines that this is necessary to implement properly the treatment requirements of this section. The State shall notify the system in writing of such a determination and explain the basis for its decision. The requirement for any small- or medium-size system to implement corrosion control treatment steps in accordance with paragraph (e) of this section (including systems deemed to have optimized corrosion control under paragraph (b)(1) of this section) is triggered whenever any small- or medium-size system exceeds the lead or copper action level.

(d) *Treatment steps and deadlines for large systems.* Except as provided in paragraph (b)(2) and (3) of this section, large systems shall complete the following corrosion control treatment steps (described in the referenced portions of §§141.82, 141.86, and 141.87) by the indicated dates.

(1) *Step 1:* The system shall conduct initial monitoring (§141.86(d)(1) and §141.87(b)) during two consecutive six-month monitoring periods by January 1, 1993.

(2) *Step 2:* The system shall complete corrosion control studies (§141.82(c)) by July 1, 1994.

(3) *Step 3:* The State shall designate optimal corrosion control treatment (§141.82(d)) by January 1, 1995.

(4) *Step 4:* The system shall install optimal corrosion control treatment (§141.82(e)) by January 1, 1997.

(5) *Step 5:* The system shall complete follow-up sampling (§141.86(d)(2) and §141.87(c)) by January 1, 1998.

(6) *Step 6:* The State shall review installation of treatment and designate optimal water quality control parameters (§141.82(f)) by July 1, 1998.

(7) *Step 7:* The system shall operate in compliance with the State-specified optimal water quality control parameters (§141.82(g)) and continue to conduct tap sampling (§141.86(d)(3) and §141.87(d)).

(e) *Treatment Steps and deadlines for small and medium-size systems.* Except as provided in paragraph (b) of this section, small and medium-size systems shall complete the following corrosion control treatment steps (described in the referenced portions of §§141.82, 141.86 and 141.87) by the indicated time periods.

(1) *Step 1:* The system shall conduct initial tap sampling (§141.86(d)(1) and §141.87(b)) until the system either exceeds the lead or copper action level or becomes eligible for reduced monitoring under §141.86(d)(4). A system exceeding the lead or copper action level shall recommend optimal corrosion control treatment (§141.82(a)) within six months after **the end of the monitoring period during which** it exceeds one of the action levels.

(2) *Step 2:* Within 12 months after **the end of the monitoring period during which** a system exceeds the lead or copper action level, the State may require the system to perform corrosion control studies (§141.82(b)). If the State does not require the system to perform such studies, the State shall specify optimal corrosion control treatment (§141.82(d)) within the following timeframes:

(i) For medium-size systems, within 18 months after **the end of the monitoring period during which** such system exceeds the lead or copper action level,

- (ii) For small systems, within 24 months after **the end of the monitoring period during which** such system exceeds the lead or copper action level.
- (3) *Step 3:* If the State requires a system to perform corrosion control studies under step 2, the system shall complete the studies (§141.82(c)) within 18 months after the State requires that such studies be conducted.
- (4) *Step 4:* If the system has performed corrosion control studies under step 2, the State shall designate optimal corrosion control treatment (§141.82(d)) within 6 months after completion of step 3.
- (5) *Step 5:* The system shall install optimal corrosion control treatment (§141.82(e)) within 24 months after the State designates such treatment.
- (6) *Step 6:* The system shall complete follow-up sampling (§141.86(d)(2) and §141.87(c)) within 36 months after the State designates optimal corrosion control treatment.
- (7) *Step 7:* The State shall review the system's installation of treatment and designate optimal water quality control parameters (§141.82(f)) within 6 months after completion of step 6.
- (8) *Step 8:* The system shall operate in compliance with the State-designated optimal water quality control parameters (§141.82(g)) and continue to conduct tap sampling (§141.86(d)(3) and §141.87(d)).

### **§141.82 Description of corrosion control treatment requirements.**

Each system shall complete the corrosion control treatment requirements described below which are applicable to such system under §141.81.

- (a) *System recommendation regarding corrosion control treatment.* Based upon the results of lead and copper tap monitoring and water quality parameter monitoring, small and medium-size water systems exceeding the lead or copper action level shall recommend installation of one or more of the corrosion control treatments listed in paragraph (c)(1) of this section which the system believes constitutes optimal corrosion control for that system. The State may require the system to conduct additional water quality parameter monitoring in accordance with §141.87(b) to assist the State in reviewing the system's recommendation.
- (b) *State decision to require studies of corrosion control treatment (applicable to small and medium-size systems).* The State may require any small or medium-size system that exceeds the lead or copper action level to perform corrosion control studies under paragraph (c) of this section to identify optimal corrosion control treatment for the system.
- (c) *Performance of corrosion control studies.* (1) Any public water system performing corrosion control studies shall evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments to identify the optimal corrosion control treatment for that system:
- (i) Alkalinity and pH adjustment;
  - (ii) Calcium hardness adjustment; and
  - (iii) The addition of a phosphate or silicate based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.
- (2) The water system shall evaluate each of the corrosion control treatments using either pipe rig/loop tests, metal coupon tests, partial-system tests, or analyses based on documented analogous treatments with other systems of similar size, water chemistry and distribution system configuration.

(3) The water system shall measure the following water quality parameters in any tests conducted under this paragraph before and after evaluating the corrosion control treatments listed above:

(i) Lead;

(ii) Copper;

(iii) pH;

(iv) Alkalinity;

(v) Calcium;

(vi) Conductivity;

(vii) Orthophosphate (when an inhibitor containing a phosphate compound is used);

(viii) Silicate (when an inhibitor containing a silicate compound is used);

(ix) Water temperature.

(4) The water system shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document such constraints with at least one of the following:

(i) Data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another water system with comparable water quality characteristics; and/or

(ii) Data and documentation demonstrating that the water system has previously attempted to evaluate a particular corrosion control treatment and has found that the treatment is ineffective or adversely affects other water quality treatment processes.

(5) The water system shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.

(6) On the basis of an analysis of the data generated during each evaluation, the water system shall recommend to the State in writing the treatment option that the corrosion control studies indicate constitutes optimal corrosion control treatment for that system. The water system shall provide a rationale for its recommendation along with all supporting documentation specified in paragraphs (c)(1) through (5) of this section.

(d) *State designation of optimal corrosion control treatment.* (1) Based upon consideration of available information including, where applicable, studies performed under paragraph (c) of this section and a system's recommended treatment alternative, the State shall either approve the corrosion control treatment option recommended by the system, or designate alternative corrosion control treatment(s) from among those listed in paragraph (c)(1) of this section. When designating optimal treatment the State shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.

(2) The State shall notify the system of its decision on optimal corrosion control treatment in writing and explain the basis for this determination. If the State requests additional information to aid its review, the water system shall provide the information.

(e) *Installation of optimal corrosion control.* Each system shall properly install and operate throughout its distribution system the optimal corrosion control treatment designated by the State under paragraph (d) of this section.

(f) *State review of treatment and specification of optimal water quality control parameters.* The State shall evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the water system and determine whether the system has properly installed and operated the optimal corrosion control treatment designated by the State in paragraph (d) of this section. Upon reviewing the results of tap water and water quality parameter monitoring by the system, both before and after the system installs optimal corrosion control treatment, the State shall designate:

- (1) A minimum value or a range of values for pH measured at each entry point to the distribution system;
- (2) A minimum pH value, measured in all tap samples. Such value shall be equal to or greater than 7.0, unless the State determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the system to optimize corrosion control;
- (3) If a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the State determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;
- (4) If alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples;
- (5) If calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples.

The values for the applicable water quality control parameters listed above shall be those that the State determines to reflect optimal corrosion control treatment for the system. The State may designate values for additional water quality control parameters determined by the State to reflect optimal corrosion control for the system. The State shall notify the system in writing of these determinations and explain the basis for its decisions.

(g) *Continued operation and monitoring.* All systems optimizing corrosion control shall continue to operate and maintain optimal corrosion control treatment, including maintaining water quality parameters at or above minimum values or within ranges designated by the State under paragraph (f) of this section, in accordance with this paragraph for all samples collected under §§141.87(d) through (f). Compliance with the requirements of this paragraph shall be determined every six months, as specified under §141.87(d). A water system is out of compliance with the requirements of this paragraph for a six-month period if it has excursions for any State-specified parameter on more than nine days during the period. An excursion occurs whenever the daily value for one or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the State. Daily values are calculated as follows. States have discretion to delete results of obvious sampling errors from this calculation.

- (1) On days when more than one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the average of all results collected during the day regardless of whether they are collected through continuous monitoring, grab sampling, or a combination of both. If EPA has approved an alternative formula under §142.16 of this chapter in the State's application for a program revision submitted pursuant to §142.12 of this chapter, the State's formula shall be used to aggregate multiple measurements taken at a sampling point for the water quality parameter in lieu of the formula in this paragraph.
- (2) On days when only one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the result of that measurement.

(3) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value shall be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.

(h) *Modification of State treatment decisions.* Upon its own initiative or in response to a request by a water system or other interested party, a State may modify its determination of the optimal corrosion control treatment under paragraph (d) of this section or optimal water quality control parameters under paragraph (f) of this section. A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The State may modify its determination where it concludes that such change is necessary to ensure that the system continues to optimize corrosion control treatment. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the State's decision, and provide an implementation schedule for completing the treatment modifications.

(i) *Treatment decisions by EPA in lieu of the State.* Pursuant to the procedures in §142.19, the EPA Regional Administrator may review treatment determinations made by a State under paragraphs (d), (f), or (h) of this section and issue federal treatment determinations consistent with the requirements of those paragraphs where the Regional Administrator finds that:

(1) A State has failed to issue a treatment determination by the applicable deadlines contained in §141.81,

(2) A State has abused its discretion in a substantial number of cases or in cases affecting a substantial population, or

(3) The technical aspects of a State's determination would be indefensible in an expected Federal enforcement action taken against a system.

### **§141.83 Source water treatment requirements.**

Systems shall complete the applicable source water monitoring and treatment requirements (described in the referenced portions of paragraph (b) of this section, and in §§141.86, and 141.88) by the following deadlines.

(a) *Deadlines for completing source water treatment steps* — (1) *Step 1:* A system exceeding the lead or copper action level shall complete lead and copper source water monitoring (§141.88(b)) and make a treatment recommendation to the State (§141.83(b)(1)) ~~within 6 months~~ **no later than 180 days after the end of the monitoring period during which** ~~exceeding~~ the lead or copper action level **was exceeded**.

(2) *Step 2:* The State shall make a determination regarding source water treatment (§141.83(b)(2)) within 6 months after submission of monitoring results under step 1.

(3) *Step 3:* If the State requires installation of source water treatment, the system shall install the treatment (§141.83(b)(3)) within 24 months after completion of step 2.

(4) *Step 4:* The system shall complete follow-up tap water monitoring (§ 141.86(d)(2)) and source water monitoring (§141.88(c)) within 36 months after completion of step 2.

(5) *Step 5:* The State shall review the system's installation and operation of source water treatment and specify maximum permissible source water levels (§141.83(b)(4)) within 6 months after completion of step 4.

(6) *Step 6:* The system shall operate in compliance with the State-specified maximum permissible lead and copper source water levels (§141.83(b)(4)) and continue source water monitoring (§141.88(d)).

(b) *Description of source water treatment requirements--*(1) *System treatment recommendation.* Any system which exceeds the lead or copper action level shall recommend in writing to the State the installation and operation of one of the source water treatments listed in paragraph (b)(2) of this section. A system may recommend that no treatment be installed based upon a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.

(2) *State determination regarding source water treatment.* The State shall complete an evaluation of the results of all source water samples submitted by the water system to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps. If the State determines that treatment is needed, the State shall either require installation and operation of the source water treatment recommended by the system (if any) or require the installation and operation of another source water treatment from among the following: Ion exchange, reverse osmosis, lime softening or coagulation/filtration. If the State requests additional information to aid in its review, the water system shall provide the information by the date specified by the State in its request. The State shall notify the system in writing of its determination and set forth the basis for its decision.

(3) *Installation of source water treatment.* Each system shall properly install and operate the source water treatment designated by the State under paragraph (b)(2) of this section.

(4) *State review of source water treatment and specification of maximum permissible source water levels.* The State shall review the source water samples taken by the water system both before and after the system installs source water treatment, and determine whether the system has properly installed and operated the source water treatment designated by the State. Based upon its review, the State shall designate the maximum permissible lead and copper concentrations for finished water entering the distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained. The State shall notify the system in writing and explain the basis for its decision.

(5) *Continued operation and maintenance.* Each water system shall maintain lead and copper levels below the maximum permissible concentrations designated by the State at each sampling point monitored in accordance with §141.88. The system is out of compliance with this paragraph if the level of lead or copper at any sampling point is greater than the maximum permissible concentration designated by the State.

(6) *Modification of State treatment decisions.* Upon its own initiative or in response to a request by a water system or other interested party, a State may modify its determination of the source water treatment under paragraph (b)(2) of this section, or maximum permissible lead and copper concentrations for finished water entering the distribution system under paragraph (b)(4) of this section. A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The State may modify its determination where it concludes that such change is necessary to ensure that the system continues to minimize lead and copper concentrations in source water. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the State's decision, and provide an implementation schedule for completing the treatment modifications.

(7) *Treatment decisions by EPA in lieu of the State.* Pursuant to the procedures in §142.19, the EPA Regional Administrator may review treatment determinations made by a State under paragraphs (b) (2), (4), or (6) of this section and issue Federal treatment determinations consistent with the requirements of those paragraphs where the Administrator finds that:

(i) A State has failed to issue a treatment determination by the applicable deadlines contained in §141.83(a),

(ii) A state has abused its discretion in a substantial number of cases or in cases affecting a substantial population, or

(iii) The technical aspects of a State's determination would be indefensible in an expected Federal enforcement action taken against a system.

### **§141.84 Lead service line replacement requirements.**

(a) Systems that fail to meet the lead action level in tap samples taken pursuant to §141.86(d)(2), after installing corrosion control and/or source water treatment (whichever sampling occurs later), shall replace lead service lines in accordance with the requirements of this section. If a system is in violation of §141.81 or §141.83 for failure to install source water or corrosion control treatment, the State may require the system to commence lead service line replacement under this section after the date by which the system was required to conduct monitoring under §141.86(d)(2) has passed.

(b)(1) A water system shall replace annually at least 7 percent of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The system shall identify the initial number of lead service lines in its distribution system, including an identification of the portion(s) owned by the system, based on a materials evaluation, including the evaluation required under §141.86(a) and relevant legal authorities (e.g., contracts, local ordinances) regarding the portion owned by the system. The first year of lead service line replacement shall begin on the **first day following the end of the monitoring period in which** ~~date~~ the action level was exceeded ~~in tap sampling referenced in~~ under paragraph (a) of this section. **If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs. If the State has established an alternate monitoring period, then the end of the monitoring period will be the last day of that period.**

**(2) Any water system resuming a lead service line replacement program after the cessation of its lead service line replacement program as allowed by paragraph (f) of this section shall update its inventory of lead service lines to include those sites that were previously determined not to require replacement through the sampling provision under paragraph (c) of this section. The system will then divide the updated number of remaining lead service lines by the number of remaining years in the program to determine the number of lines that must be replaced per year (7 percent lead service line replacement is based on a 15-year replacement program, so, for example, systems resuming lead service line replacement after previously conducting two years of replacement would divide the updated inventory by 13). For those systems that have completed a 15-year lead service line replacement program, the State will determine a schedule for replacing or retesting lines that were previously tested out under the replacement program when the system re-exceeds the action level.**

(c) A system is not required to replace an individual lead service line if the lead concentration in all service line samples from that line, taken pursuant to §141.86(b)(3), is less than or equal to 0.015 mg/L.

(d) A water system shall replace that portion of the lead service line that it owns. In cases where the system does not own the entire lead service line, the system shall notify the owner of the line, or the owner's authorized agent, that the system will replace the portion of the service line that it owns and shall offer to replace the owner's portion of the line. A system is not required to bear the cost of replacing the privately-owned portion of the line, nor is it required to replace the privately-owned portion where the owner chooses not to pay the cost of replacing the privately-owned portion of the line, or where replacing the privately-owned portion would be precluded by State, local or common law. A water system that does not replace the entire length of the service line also shall complete the following tasks.

(1) At least 45 days prior to commencing with the partial replacement of a lead service line, the water system shall provide notice to the resident(s) of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead. The State may allow the water system to provide notice under the previous sentence less than 45 days prior to commencing partial lead service line replacement where such replacement is in conjunction with emergency repairs. In addition, the water system shall inform the resident(s) served by the line that the system will, at the system's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed under §141.86(b)(3), within 72 hours after the completion of the partial replacement of the service line. The system shall collect the sample and report the results of the analysis to the owner and

the resident(s) served by the line within three business days of receiving the results. Mailed notices post-marked within three business days of receiving the results shall be considered “on time.”

(2) The water system shall provide the information required by paragraph (d)(1) of this section to the residents of individual dwellings by mail or by other methods approved by the State. In instances where multi-family dwellings are served by the line, the water system shall have the option to post the information at a conspicuous location.

(e) The State shall require a system to replace lead service lines on a shorter schedule than that required by this section, taking into account the number of lead service lines in the system, where such a shorter replacement schedule is feasible. The State shall make this determination in writing and notify the system of its finding within 6 months after the system is triggered into lead service line replacement based on monitoring referenced in paragraph (a) of this section.

(f) Any system may cease replacing lead service lines whenever first draw samples collected pursuant to §141.86(b)(2) meet the lead action level during each of two consecutive monitoring periods and the system submits the results to the State. If first draw tap samples collected in any such system thereafter exceeds the lead action level, the system shall recommence replacing lead service lines pursuant to paragraph (b)(2) of this section.

(g) To demonstrate compliance with paragraphs (a) through (d) of this section, a system shall report to the State the information specified in §141.90(e).

#### **§141.85 Public education and supplemental monitoring requirements.**

All water systems must deliver a consumer notice of lead tap water monitoring results to persons served by the water system at sites that are tested, as specified in paragraph (d) of this section. A water system that exceeds the lead action level based on tap water samples collected in accordance with §141.86 shall deliver the public education materials contained in paragraphs (a) and (b) of this section in accordance with the requirements in paragraph (e)(b) of this section. Water systems that exceed the lead action level must sample the tap water of any customer who requests it in accordance with paragraph (c) of this section.

(a) *Content of written public education materials.* (1) Community water systems and Non-transient non-community water systems. Water systems must include the following elements in printed materials (e.g., brochures and pamphlets) in the same order as listed below. In addition, language in paragraphs (a)(1)(i) through (ii) and (a)(1)(vi) of this section must be included in the materials, exactly as written, except for the text in brackets in these paragraphs for which the water system must include system-specific information. A community water system shall include the following text in all of the printed materials it distributes through its lead public education program. Systems may delete information pertaining to lead service lines, upon approval by the State, if no lead service lines exist anywhere in the water system service area. Public education language at paragraphs (a)(1)(iv)(B)(5) and (a)(1)(iv)(D)(2) of this section may be modified regarding building permit record availability and consumer access to these records, if approved by the State. Systems may also continue to utilize pre-printed materials that meet the public education language requirements in 40 CFR 141.85, effective November 6, 1991 and contained in 40 CFR, Parts 100–149 additionally revised as of July 1, 1991. Any additional information presented by a water system shall must be consistent with the information below and be in plain English language that can be understood by lay people the general public. Water systems must submit all written public education materials to the State prior to delivery. The State may require the system to obtain approval of the content of written public materials prior to delivery.

(i) **IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER.** [INSERT NAME OF WATER SYSTEM] found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems, especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water. *Introduction.* The United States Environmental Protection Agency (EPA) and [insert name of water supplier] are concerned about lead

~~in your drinking water. Although most homes have very low levels of lead in their drinking water, some homes in the community have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.~~

(ii) Health effects of lead. ~~Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development. Lead is a common metal found throughout the environment in lead based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination like dirt and dust that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.~~

(iii) Sources of Lead.

(A) Explain what lead is. ~~Lead in drinking water. (A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposures of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.~~

(B) Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on home/building plumbing materials and service lines that may contain lead. ~~Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.~~

(C) Discuss other important sources of lead exposure in addition to drinking water (e.g., paint). ~~When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.~~

(iv) Discuss the steps the consumer can take to reduce their exposure to lead in drinking water.

(A) Encourage running the water to flush out the lead. ~~Steps you can take to reduce your exposure to lead in drinking water. Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in your own home, have your drinking water tested to determine if it contains excessive concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local~~

laboratories that can provide this service are listed at the end of this booklet. For more information on having your water tested, please call [insert phone number of water system].

**(B) Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.** If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, then you should take the following precautions:

(1) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in your home's plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, perhaps one minute, before drinking. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one or two gallons of water and costs less than [insert a cost estimate based on flushing two times a day for 30 days] per month. To conserve water, fill a couple of bottles for drinking water after flushing the tap, and whenever possible use the first flush water to wash the dishes or water the plants. If you live in a high-rise building, letting the water flow before using it may not work to lessen your risk from lead. The plumbing systems have more, and sometimes larger pipes than smaller buildings. Ask your landlord for help in locating the source of the lead and for advice on reducing the lead level.

(2) Try not to cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it on the stove.

(3) Remove loose lead solder and debris from the plumbing materials installed in newly constructed homes, or homes in which the plumbing has recently been replaced, by removing the faucet strainers from all taps and running the water for 3 to 5 minutes. Thereafter, periodically remove the strainers and flush out any debris that has accumulated over time.

(4) If your copper pipes are joined with lead solder that has been installed illegally since it was banned in 1986, notify the plumber who did the work and request that he or she replace the lead solder with lead-free solder. Lead solder looks dull gray, and when scratched with a key looks shiny. In addition, notify your State [insert name of department responsible for enforcing the Safe Drinking Water Act in your State] about the violation.

(5) Determine whether or not the service line that connects your home or apartment to the water main is made of lead. The best way to determine if your service line is made of lead is by either hiring a licensed plumber to inspect the line or by contacting the plumbing contractor who installed the line. You can identify the plumbing contractor by checking the city's record of building permits which should be maintained in the files of the [insert name of department that issues building permits]. A licensed plumber can at the same time check to see if your home's plumbing contains lead solder, lead pipes, or pipe fittings that contain lead. The public water system that delivers water to your home should also maintain records of the materials located in the distribution system. If the service line that connects your dwelling to the water main contributes more than 15 ppb to drinking water, after our comprehensive treatment program is in place, we are required to replace the portion of the line we own. If the line is only partially owned by the [insert the name of the city, county, or water system that owns the line], we are required to provide the owner of the privately-owned portion of the line with information on how to replace the privately-owned portion of the service line, and offer to replace that portion of the line at the owner's expense. If we replace only the portion of the line that we own, we also are required to notify you in advance and provide you with information on the steps you can take to minimize exposure to any temporary increase in lead levels that may result from the partial replacement, to take a follow-up sample at our expense from the line within 72 hours after the partial replacement, and to mail or otherwise provide you with the results of that sample within three business days of receiving the results. Acceptable replacement alternatives include copper, steel, iron, and plastic pipes.

~~(6) Have an electrician check your wiring. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater. Check with a licensed electrician or your local electrical code to determine if your wiring can be grounded elsewhere. DO NOT attempt to change the wiring yourself because improper grounding can cause electrical shock and fire hazards.~~

(C) **Explain that boiling water does not reduce lead levels.** The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead concentrations in excess of 15 ppb after flushing, or after we have completed our actions to minimize lead levels, then you may want to take the following additional measures:

~~(7) Purchase or lease a home treatment device. Home treatment devices are limited in that each unit treats only the water that flows from the faucet to which it is connected, and all of the devices require periodic maintenance and replacement. Devices such as reverse osmosis systems or distillers can effectively remove lead from your drinking water. Some activated carbon filters *may* reduce lead levels at the tap, however all lead reduction claims should be investigated. Be sure to check the actual performance of a specific home treatment device before and after installing the unit.~~

~~(2) Purchase bottled water for drinking and cooking.~~

(D) **Discuss other options consumers can take to reduce exposure to lead in drinking water, such as alternative sources or treatment of water.** You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

~~(7) [insert the name of city or county department of public utilities] at [insert phone number] can provide you with information about your community's water supply, and a list of local laboratories that have been certified by EPA for testing water quality;~~

~~(2) [insert the name of city or county department that issues building permits] at [insert phone number] can provide you with information about building permit records that should contain the names of plumbing contractors that plumbed your home; and~~

~~(3) [insert the name of the State Department of Public Health] at [insert phone number] or the [insert the name of the city or county health department] at [insert phone number] can provide you with information about the health effects of lead and how you can have your child's blood tested.~~

(E) **Suggest that parents have their child's blood tested for lead.** The following is a list of some State approved laboratories in your area that you can call to have your water tested for lead. [Insert names and phone numbers of at least two laboratories].

(v) **Explain why there are elevated levels of lead in the system's drinking water (if known) and what the water system is doing to reduce the lead levels in homes/buildings in this area.**

(vi) **For more information call us at [INSERT YOUR NUMBER] [(IF APPLICABLE)], or visit our Web site at [INSERT YOUR WEB SITE HERE]]. For more information on reducing lead exposure around your home/building and the health effects of lead, visit EPA's Web site at <http://www.epa.gov/lead> or contact your health care provider.**

(2) **Community water systems.** In addition to including the elements specified in paragraph (a)(1) of this section, community water systems must: ~~Non-transient non-community water systems.~~ A non-transient non-community water system shall either include the text specified in paragraph (a)(1) of this section or shall include the following text in all of the printed materials it distributes through its lead public education program. Water systems may delete information pertaining to lead service lines upon approval by the State if no lead service lines exist anywhere in the water system service area. Any additional information presented by

a system shall be consistent with the information below and be in plain English that can be understood by lay people.

(i) **Tell consumers how to get their water tested.** *Introduction.* The United States Environmental Protection Agency (EPA) and [insert name of water supplier] are concerned about lead in your drinking water. Some drinking water samples taken from this facility have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect yourself by reducing your exposure to lead in drinking water.

(ii) **Discuss lead in plumbing components and the difference between low lead and lead free.** *Health effects of lead.* Lead is found throughout the environment in lead based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination—like dirt and dust—that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

(iii) *Lead in drinking water.* (A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.

(B) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome-plated brass faucets, and in some cases, pipes made of lead that connect houses and buildings to water mains (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

(C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon if the water has not been used all day, can contain fairly high levels of lead.

(iv) *Steps you can take to reduce exposure to lead in drinking water.* (A) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in plumbing the more lead it may contain. Flushing the tap means running the cold water faucet for about 15–30 seconds. Although toilet flushing or showering flushes water through a portion of the plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your health. It usually uses less than one gallon of water.

(B) Do not cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and then heat it.

(C) The steps described above will reduce the lead concentrations in your drinking water. However, if you are still concerned, you may wish to use bottled water for drinking and cooking.

(D) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

(1) [insert the name or title of facility official if appropriate] at [insert phone number] can provide you with information about your facility's water supply; and

(2) [insert the name or title of the State Department of Public Health] at [insert phone number] or the [insert the name of the city or county health department] at [insert phone number] can provide you with information about the health effects of lead.

~~(b) Content of broadcast materials.~~ A water system shall include the following information in all public service announcements submitted under its lead public education program to television and radio stations for broadcasting:

~~(1) Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for [insert free or \$ per sample]. You can contact the [insert the name of the city or water system] for information on testing and on simple ways to reduce your exposure to lead in drinking water.~~

~~(2) To have your water tested for lead, or to get more information about this public health concern, please call [insert the phone number of the city or water system].~~

~~(c)(b) Delivery of a public education program materials.~~ (1) For public water systems serving a large proportion of non-English speaking consumers, as determined by the State, the public education materials must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the public education materials or to request assistance in the appropriate language. ~~In communities where a significant proportion of the population speaks a language other than English, public education materials shall be communicated in the appropriate language(s).~~

(2) A community water system that exceeds the lead action level on the basis of tap water samples collected in accordance with §141.86, and that is not already ~~repeating~~ **conducting** public education tasks pursuant to paragraph (c)(3), (c)(7), or (c)(8), of **under** this section, **must conduct the public education tasks under this section shall**, within 60 days **after the end of the monitoring period in which the exceedance occurred**:

(i) **Deliver printed materials meeting the content requirements of paragraph (a) of this section to all bill paying customers.**

Insert notices in each customer's water utility bill containing the information in paragraph (a)(1) of this section, along with 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." A community water system having a billing cycle that does not include a billing within 60 days of exceeding the action level, or that cannot insert information in the water utility bill without making major changes to its billing system, may use a separate mailing to deliver the information in paragraph (a)(1) of this section as long as the information is delivered to each customer within 60 days of exceeding the action level. Such water systems shall also include the "alert" language specified in this paragraph.

(ii) (A) **Contact customers who are most at risk by delivering education materials that meet the content requirements of paragraph (a) of this section to local public health agencies even if they are not 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 community water system's users. The water system must contact the local public health agencies directly by phone or in person. The local public health agencies 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 such lists are provided, systems must deliver education materials that meet the content requirements of paragraph (a) of this section to all organizations on the provided lists. Submit the information in paragraph (a)(1) of this section to the editorial departments of the major daily and weekly newspapers circulated throughout the community.**

(B) **Contact customers who are most at risk by delivering materials that meet the content requirements of paragraph (a) of this section to the following organizations listed in 1 through 6 that are located within the water system's service area, along with an informational notice that that encourages distribution to all the organization's potentially affected customers or community water system's users:**

- (1) Public and private schools or school boards.**
- (2) Women, Infants and Children (WIC) and Head Start programs.**
- (3) Public and private hospitals and medical clinics.**
- (4) Pediatricians.**

- (5) Family planning clinics.
- (6) Local welfare agencies.

(C) Make a good faith effort to locate the following organizations within the service area and deliver materials that meet the content requirements of paragraph (a) of this section to them, along with an informational notice that encourages distribution to all potentially affected customers or users. The good faith effort to contact at-risk customers may include requesting a specific contact list of these organizations from the local public health agencies, even if the agencies are not located within the water system's service area:

- (1) Licensed childcare centers
- (2) Public and private preschools.
- (3) Obstetricians-Gynecologists and Midwives.

(iii) No less often than quarterly, provide information on or in each water bill as long as the system exceeds the action level for lead. 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: [INSERT NAME OF WATER SYSTEM] found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call [INSERT NAME OF WATER SYSTEM] [or visit (INSERT YOUR WEB SITE HERE)]. The message or delivery mechanism can be modified in consultation with the State; specifically, the State may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.

~~Deliver pamphlets and/or brochures that contain the public education materials in paragraphs (a)(1)(ii) and (a)(1)(iv) of this section to facilities and organizations, including the following:~~

- ~~(A) Public schools and/or local school boards;~~
- ~~(B) City or county health department;~~
- ~~(C) Women, Infants, and Children and/or Head Start Program(s) whenever available;~~
- ~~(D) Public and private hospitals and/or clinics;~~
- ~~(E) Pediatricians;~~
- ~~(F) Family planning clinics; and~~
- ~~(G) Local welfare agencies.~~

(iv) ~~Post material meeting the content requirements of paragraph (a) of this section on the water system's Web site if the system serves a population greater than 100,000. Submit the public service announcement in paragraph (b) of this section to at least five of the radio and television stations with the largest audiences that broadcast to the community served by the water system.~~

(v) ~~Submit a press release to newspaper, television and radio stations.~~

(vi) ~~In addition to paragraphs (b)(2)(i) through (v) of this section, systems must implement at least three activities from one or more categories listed below. The educational content and selection of these activities must be determined in consultation with the State.~~

- ~~(A) Public Service Announcements.~~
- ~~(B) Paid advertisements.~~
- ~~(C) Public Area Informational Displays.~~
- ~~(D) E-mails to customers.~~
- ~~(E) Public Meetings.~~
- ~~(F) Household Deliveries.~~
- ~~(G) Targeted Individual Customer Contact.~~
- ~~(H) Direct material distribution to all multi-family homes and institutions.~~
- ~~(I) Other methods approved by the State.~~

(vii) ~~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 the sampling occurs, or, if the State has established an alternate monitoring period, the last day of that period.~~

(3) As long as a community water system exceeds the action level, it must repeat the activities pursuant to paragraph (b)(2) of this section as described in paragraphs (b)(3)(i) through (iv) of this section. ~~A community water system shall repeat the tasks contained in paragraphs (c)(2) (i), (ii) and (iii) of this section every 12 months, and the tasks contained in paragraphs (c)(2)(iv) of this section every 6 months for as long as the system exceeds the lead action level.~~

(i) A community water system shall repeat the tasks contained in paragraphs (b)(2)(i), (ii) and (vi) of this section every 12 months.

(ii) A community water system shall repeat tasks contained in paragraph (b)(2)(iii) of this section with each billing cycle.

(iii) A community water system serving a population greater than 100,000 shall post and retain material on a publicly accessible Web site pursuant to paragraph (b)(2)(iv) of this section.

(iv) The community water system shall repeat the task in paragraph (b)(2)(v) of this section twice every 12 months on a schedule agreed upon with the State. The State can allow activities in paragraph (b)(2) of this section to extend beyond the 60-day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the State in advance of the 60-day deadline.

(4) Within 60 days after ~~the end of the monitoring period in which the exceedance occurred~~ ~~it exceeds the lead action level~~ (unless it already is repeating public education tasks pursuant to paragraph ~~(c)(b)(5)~~ of this section), a non-transient non-community water system shall deliver the public education materials specified by paragraph (a)(4) of this section ~~or the public education materials specified by paragraph (a)(2) of this section~~ as follows:

(i) Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system; and

(ii) Distribute informational pamphlets and/or brochures on lead in drinking water to each person served by the non-transient non-community water system. The State may allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.

(iii) 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 the sampling occurs, or, if the State has established an alternate monitoring period, the last day of that period.

(5) A non-transient non-community water system shall repeat the tasks contained in paragraph ~~(c)(b)(4)~~ of this section at least once during each calendar year in which the system exceeds the lead action level. ~~The State can allow activities in (b)(4) of this section to extend beyond the 60-day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the State in advance of the 60-day deadline.~~

(6) A water system may discontinue delivery of public education materials if the system has met the lead action level during the most recent six-month monitoring period conducted pursuant to §141.86. Such a system shall recommence public education in accordance with this section if it subsequently exceeds the lead action level during any monitoring period.

(7) A community water system may apply to the State, in writing, (unless the State has waived the requirement for prior State approval) to use **only** the text specified in paragraph (a)(2)(1) of this section in lieu of the text in paragraphs (a)(1) and (a)(2) of this section and to perform the tasks listed in paragraphs ~~(c)(b)(4)~~ and ~~(c)(b)(5)~~ of this section in lieu of the tasks in paragraphs ~~(c)(b)(2)~~ and ~~(c)(b)(3)~~ of this section if:

(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 plumbing or installing point of use treatment devices; and

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

~~(8)(f) A community water system serving 3,300 or fewer people may omit the task contained in paragraph (e)(2)(iv) of this section. As long as it distributes notices containing the information contained in paragraph (a)(1) of this section to every household served by the system, such systems may further limit certain aspects of their public education programs as follows:~~

~~(i) With respect to the requirements of paragraph (b)(2)(vi) of this section, a system serving 3,300 or fewer must implement at least one of the activities listed in that paragraph.~~

~~(ii) With respect to the requirements of paragraph (b)(2)(ii) of this section, a system serving 3,300 or fewer people may limit the distribution of the public education materials required under that paragraph to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.~~

~~(iii) With respect to the requirements of paragraph (b)(2)(v) of this section, the State may waive this requirement for systems serving 3,300 or fewer persons as long as system distributes notices to every household served by the system.~~

~~(A) Systems serving 500 or fewer people may forego the task contained in paragraph (c)(2)(ii) of this section. Such a system may limit the distribution of the public education materials required under paragraph (c)(2)(iii) of this section to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children, unless it is notified by the State in writing that it must make a broader distribution.~~

~~(B) If approved by the State in writing, a system serving 501 to 3,300 people may omit the task in paragraph (c)(2)(ii) of this section and/or limit the distribution of the public education materials required under paragraph (c)(2)(iii) of this section to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.~~

~~(i) A community water system serving 3,300 or fewer people that delivers public education in accordance with paragraph (c)(8)(i) of this section shall repeat the required public education tasks at least once during each calendar year in which the system exceeds the lead action level.~~

~~(c)(d) *Supplemental monitoring and notification of results.* A water system that fails to meet the lead action level on the basis of tap samples collected in accordance with §141.86 shall offer to sample the tap water of any customer who requests it. The system is not required to pay for collecting or analyzing the sample, nor is the system required to collect and analyze the sample itself.~~

~~(d) *Notification of results.* (1) *Reporting requirement.* All water systems must provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of §141.86 to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested).~~

~~(2) *Timing of notification.* A water system must provide the consumer notice as soon as practical, but no later than 30 days after the system learns of the tap monitoring results.~~

~~(3) *Content.* The consumer notice must include the results of lead tap water monitoring for the tap that was tested, an explanation of the health effects of lead, list steps consumers can take to reduce exposure to lead in drinking water and contact information for the water utility. The notice must also provide the maximum contaminant level goal and the action level for lead and the definitions for these two terms from §141.153(c).~~

(4) *Delivery.* The consumer notice must be provided to persons served at the tap that was tested, either by mail or by another method approved by the State. For example, upon approval by the State, a non-transient non-community water system could post the results on a bulletin board in the facility to allow users to review the information. The system must provide the notice to customers at sample taps tested, including consumers who do not receive water bills.

### **§141.86 Monitoring requirements for lead and copper in tap water.**

(a) *Sample site location.* (1) By the applicable date for commencement of monitoring under paragraph (d)(1) of this section, each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section, and which is sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in paragraph (c) of this section. All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.

(2) A water system shall use the information on lead, copper, and galvanized steel that it is required to collect under §141.42(d) of this part [special monitoring for corrosivity characteristics] when conducting a materials evaluation. When an evaluation of the information collected pursuant to §141.42(d) is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in paragraph (a) of this section, the water system shall review the sources of information listed below in order to identify a sufficient number of sampling sites. In addition, the system shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities):

(i) All plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;

(ii) All inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and

(iii) All existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.

(3) The sampling sites selected for a community water system's sampling pool ("tier 1 sampling sites") shall consist of single family structures that:

(i) Contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or

(ii) Are served by a lead service line. When multiple-family residences comprise at least 20 percent of the structures served by a water system, the system may include these types of structures in its sampling pool.

(4) Any community water system with insufficient tier 1 sampling sites shall complete its sampling pool with "tier 2 sampling sites", consisting of buildings, including multiple-family residences that:

(i) Contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or

(ii) Are served by a lead service line.

(5) Any community water system with insufficient tier 1 and tier 2 sampling sites shall complete its sampling pool with "tier 3 sampling sites", consisting of single family structures that contain copper pipes with lead solder installed before 1983. A community water system with insufficient tier 1, tier 2, and tier 3 sampling sites shall complete its sampling pool with representative sites throughout the distribution system. For the

purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

(6) The sampling sites selected for a non-transient noncommunity water system (“tier 1 sampling sites”) shall consist of buildings that:

(i) Contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or

(ii) Are served by a lead service line.

(7) A non-transient non-community water system with insufficient tier 1 sites that meet the targeting criteria in paragraph (a)(6) of this section 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 non-transient non-community water system shall use representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

(8) Any water system whose distribution system contains lead service lines shall draw 50 percent of the samples it collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50 percent of the samples from sites served by a lead service line. A water system that cannot identify a sufficient number of sampling sites served by a lead service line shall collect first draw samples from all of the sites identified as being served by such lines.

(b) *Sample collection methods.* (1) All tap samples for lead and copper collected in accordance with this subpart, with the exception of lead service line samples collected under §141.84(c) and samples collected under paragraph (b)(5) of this section, shall be first draw samples.

(2) Each first draw tap sample for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours. 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 one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. Non-first-draw samples collected in lieu of first-draw samples pursuant to paragraph (b)(5) of this section shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. First-draw samples may be collected by the system or the system may allow residents to collect first-draw samples after instructing the residents of the sampling procedures specified in this paragraph. To avoid problems of residents handling nitric acid, acidification of first-draw samples may be done up to 14 days after the sample is collected. After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the approved EPA method before the sample can be analyzed. If a system allows residents to perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

(3) Each service line sample shall be one liter in volume and have stood motionless in the lead service line for at least six hours. Lead service line samples shall be collected in one of the following three ways:

(i) At the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;

(ii) Tapping directly into the lead service line; or

(iii) If the sampling site is a building constructed as a single-family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.

(4) A water system shall collect each first draw tap sample from the same sampling site from which it collected a previous sample. If, for any reason, the water system cannot gain entry to a sampling site in order to collect a follow-up tap sample, the system may collect the follow-up tap sample from another sampling site in its sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.

(5) A non-transient non-community water system, or a community water system that meets the criteria of §§141.85(c)(b)(7)(i) and (ii), that does not have enough taps that can supply first-draw samples, as defined in §141.2, may apply to the State in writing to substitute non-first-draw samples. Such systems must 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. The State has the discretion to waive the requirement for prior State approval of non-first-draw sample sites selected by the system, either through State regulation or written notification to the system.

(c) *Number of samples.* Water systems shall collect at least one sample during each monitoring period specified in paragraph (d) of this section from the number of sites listed in the first column (“standard monitoring”) of the table in this paragraph. A system conducting reduced monitoring under paragraph (d)(4) of this section shall collect at least one sample from the number of sites specified in the second column (“reduced monitoring”) of the table in this paragraph during each monitoring period specified in paragraph (d)(4) of this section. Such reduced monitoring sites shall be representative of the sites required for standard monitoring.

A public water system that has fewer than five drinking water taps, that can be used for human consumption meeting the sample site criteria of paragraph (a) of this section to reach the required number of sample sites listed in paragraph (c) of this section, must collect at least one sample from each tap and then must collect additional samples from those taps on different days during the monitoring period to meet the required number of sites. Alternatively, the State may allow these public water systems to collect a number of samples less than the number of sites specified in paragraph (c) of this section, provided that 100 percent of all taps that can be used for human consumption are sampled. The State must approve this reduction of the minimum number of samples in writing based on a request from the system or onsite verification by the State. States may specify sampling locations when a system is conducting reduced monitoring. The table is as follows:

System size ( <i>number of people served</i> )	Number of sites ( <i>standard monitoring</i> )	Number of sites ( <i>reduced monitoring</i> )
>100,000 .....	100	50
10,001 - to 100,000 .....	60	30
3,301 - to 10,000 .....	40	20
501 - to 3,300 .....	20	10
101 to 500 .....	10	5
□ 100 .....	5	5

(d) *Timing of monitoring --(1) Initial tap sampling.*

The first six-month monitoring period for small, medium-size and large systems shall begin on the following dates:

System size ( <i>number people served</i> )	First six-month monitoring period begins on
>50,000 .....	January 1, 1992.
3,301 to 50,000 .....	July 1, 1992.
≤3,300 .....	July 1, 1993.

(i) All large systems shall monitor during two consecutive six-month periods.

(ii) All small and medium-size systems shall monitor during each six-month monitoring period until:

(A) The system exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under §141.81, in which case the system shall continue monitoring in accordance with paragraph (d)(2) of this section, or

(B) The system meets the lead and copper action levels during two consecutive six-month monitoring periods, in which case the system may reduce monitoring in accordance with paragraph (d)(4) of this section.

(2) *Monitoring after installation of corrosion control and source water treatment.* (i) Any large system which installs optimal corrosion control treatment pursuant to §141.81(d)(4) shall monitor during two consecutive six-month monitoring periods by the date specified in §141.81(d)(5).

(ii) Any small or medium-size system which installs optimal corrosion control treatment pursuant to §141.81(e)(5) shall monitor during two consecutive six-month monitoring periods by the date specified in §141.81(e)(6).

(iii) Any system which installs source water treatment pursuant to §141.83(a)(3) shall monitor during two consecutive six-month monitoring periods by the date specified in §141.83(a)(4).

(3) *Monitoring after State specifies water quality parameter values for optimal corrosion control.* After the State specifies the values for water quality control parameters under §141.82(f), the system shall monitor during each subsequent six-month monitoring period, with the first monitoring period to begin on the date the State specifies the optimal values under §141.82(f).

(4) *Reduced monitoring.* (i) A small or medium-size water system that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with paragraph (c) of this section, and reduce the frequency of sampling to once per year. **A small or medium water system collecting fewer than five samples as specified in paragraph (c) of this section, that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the frequency of sampling to once per year. In no case can the system reduce the number of samples required below the minimum of one sample per available tap. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.**

(ii) Any water system that **meets the lead action level and** maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the State under §141.82(f) during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and reduce the number of lead and copper samples in accordance with paragraph (c) of this section if it receives written approval from the State. **This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.** The State shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with §141.90, and shall notify the system in writing when it determines the system is eligible to commence reduced monitoring pursuant to this paragraph. The State shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

(iii) A small or medium-size water system that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years. Any water system that **meets the lead action level and** maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the State under §141.82(f) during three consecutive years of monitoring may reduce the frequency of monitoring from annually to once every three years if it receives written approval from the State. **Samples collected once every three years shall be collected no later than every third calendar year.** The State shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with §141.90, and shall notify the system in writing when it determines the system is eligible to reduce the frequency of monitoring to once every three years. The State shall review, and where appropriate, revise its determination

when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

(iv) A water system that reduces the number and frequency of sampling shall collect these samples from representative sites included in the pool of targeted sampling sites identified in paragraph (a) of this section. Systems sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September unless the State has approved a different sampling period in accordance with paragraph (d)(4)(iv)(A) of this section.

(A) The State, at its discretion, may approve a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period shall be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a non-transient non-community water system that does not operate during the months of June through September, and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the State shall designate a period that represents a time of normal operation for the system. **This sampling shall begin during the period approved or designated by the State in the calendar year immediately following the end of the second consecutive six-month monitoring period for systems initiating annual monitoring and during the three-year period following the end of the third consecutive calendar year of annual monitoring for systems initiating triennial monitoring.**

(B) Systems monitoring annually, that have been collecting samples during the months of June through September and that receive State approval to alter their sample collection period under paragraph (d)(4)(iv)(A) of this section, must collect their next round of samples during a time period that ends no later than 21 months after the previous round of sampling. Systems monitoring triennially that have been collecting samples during the months of June through September, and receive State approval to alter the sampling collection period as per paragraph (d)(4)(iv)(A) of this section, must collect their next round of samples during a time period that ends no later than 45 months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or triennially, as required by this section. Small systems with waivers, granted pursuant to paragraph (g) of this section, that have been collecting samples during the months of June through September and choose to alter their sample collection period under paragraph (d)(4)(iv)(A) of this section must collect their next round of samples before the end of the 9-year period.

(v) Any water system that demonstrates for two consecutive 6-month monitoring periods that the tap water lead level computed under §141.80(c)(3) is less than or equal to 0.005 mg/L and the tap water copper level computed under §141.80(c)(3) is less than or equal to 0.65 mg/L may reduce the number of samples in accordance with paragraph (c) of this section and reduce the frequency of sampling to once every three calendar years.

(vi)(A) A small or medium-size water system subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance with paragraph (d)(3) of this section and collect the number of samples specified for standard monitoring under paragraph (c) of this section. Such a system shall also conduct water quality parameter monitoring in accordance with §141.87(b), (c) or (d) (as appropriate) during the monitoring period in which it exceeded the action level. Any such system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (c) of this section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of paragraph (d)(4)(i) of this section and/or may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (d)(4)(iii) or (d)(4)(v) of this section.

(B) Any water system subject to the reduced monitoring frequency that fails to **meet the lead action level during any four-month monitoring period or that fails to** operate at or above the minimum value or within the range of values for the water quality parameters specified by the State under §141.82(f) for more than nine days in any six-month period specified in §141.87(d) shall conduct tap water sampling for lead and copper at the frequency specified in paragraph (d)(3) of this section, collect the number of samples specified for standard monitoring under paragraph (c) of this section, and shall resume monitoring for water quality

parameters within the distribution system in accordance with §141.87(d). **This standard tap water sampling shall begin no later than the six-month period beginning January 1 of the calendar year following the lead action level exceedance or water quality parameter excursion.** Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

(1) The system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (c) of this section after it has completed two subsequent six-month rounds of monitoring that meet the criteria of paragraph (d)(4)(ii) of this section and the system has received written approval from the State that it is appropriate to resume reduced monitoring on an annual frequency. **This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.**

(2) The system may resume triennial monitoring for lead and copper at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (d)(4)(iii) or (d)(4)(v) of this section and the system has received written approval from the State that it is appropriate to resume triennial monitoring.

(3) The system may reduce the number of water quality parameter tap water samples required in accordance with §141.87(e)(1) and the frequency with which it collects such samples in accordance with §141.87(e)(2). Such a system may not resume triennial monitoring for water quality parameters at the tap until it demonstrates, in accordance with the requirements of §141.87(e)(2), that it has re-qualified for triennial monitoring.

(vii) Any water system subject to a reduced monitoring frequency under paragraph (d)(4) of this section ~~that either adds a new source of water or changes any water treatment shall inform~~ **notify** the State in writing in accordance with §141.90(a)(3) **of any upcoming long-term change in treatment or addition of a new source as described in that section. The State must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system.** The State may require the system to resume sampling in accordance with paragraph (d)(3) of this section and collect the number of samples specified for standard monitoring under paragraph (c) of this section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.

(e) *Additional monitoring by systems.* The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the State in making any determinations (i.e., calculating the 90th percentile lead or copper level) under this subpart.

(f) *Invalidation of lead or copper tap water samples.* A sample invalidated under this paragraph does not count toward determining lead or copper 90th percentile levels under §141.80(c)(3) or toward meeting the minimum monitoring requirements of paragraph (c) of this section.

(1) The State may invalidate a lead or copper tap water sample at least if one of the following conditions is met.

(i) The laboratory establishes that improper sample analysis caused erroneous results.

(ii) The State determines that the sample was taken from a site that did not meet the site selection criteria of this section.

(iii) The sample container was damaged in transit.

(iv) There is substantial reason to believe that the sample was subject to tampering.

(2) The system must report the results of all samples to the State and all supporting documentation for samples the system believes should be invalidated.

(3) To invalidate a sample under paragraph (f)(l) of this section, the decision and the rationale for the decision must be documented in writing. States may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.

(4) The water system must collect replacement samples for any samples invalidated under this section if, after the invalidation of one or more samples, the system has too few samples to meet the minimum requirements of paragraph (c) of this section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the State invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

(g) *Monitoring waivers for small systems.* Any small system that meets the criteria of this paragraph may apply to the State to reduce the frequency of monitoring for lead and copper under this section to once every nine years (i.e., a “full waiver”) if it meets all of the materials criteria specified in paragraph (g)(1) of this section and all of the monitoring criteria specified in paragraph (g)(2) of this section. If State regulations permit, any small system that meets the criteria in paragraphs (g)(1) and (2) of this section only for lead, or only for copper, may apply to the State for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a “partial waiver”).

(1) *Materials criteria.* The system must demonstrate that its distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials and/or copper-containing materials, as those terms are defined in this paragraph, as follows:

(i) *Lead.* To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a “lead waiver”), the water system must provide certification and supporting documentation to the State that the system is free of all lead-containing materials, as follows:

(A) It contains no plastic pipes which contain lead plasticizers, or plastic service lines which contain lead plasticizers; and

(B) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of any standard established pursuant to 42 U.S.C. 300g-6(e) (SDWA section 1417(e)).

(ii) *Copper.* To qualify for a full waiver, or a waiver of the tap water monitoring requirements for copper (i.e., a “copper waiver”), the water system must provide certification and supporting documentation to the State that the system contains no copper pipes or copper service lines.

(2) *Monitoring criteria for waiver issuance.* The system must have completed at least one 6-month round of standard tap water monitoring for lead and copper at sites approved by the State and from the number of sites required by paragraph (c) of this section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing and/or copper-containing materials, as appropriate, meet the following criteria.

(i) *Lead levels.* To qualify for a full waiver, or a lead waiver, the system must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.

(ii) *Copper levels.* To qualify for a full waiver, or a copper waiver, the system must demonstrate that the 90th percentile copper level does not exceed 0.65 mg/L.

(3) *State approval of waiver application.* The State shall notify the system of its waiver determination, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the State may require the system to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The small system must continue monitoring for lead and copper at the tap as required by paragraphs (d)(1) through (d)(4) of this section, as appropriate, until it receives written notification from the State that the waiver has been approved.

(4) *Monitoring frequency for systems with waivers.* (i) A system with a full waiver must conduct tap water monitoring for lead and copper in accordance with paragraph (d)(4)(iv) of this section at the reduced number of sampling sites identified in paragraph (c) of this section at least once every nine years and provide the materials certification specified in paragraph (g)(1) of this section for both lead and copper to the State along with the monitoring results. **Samples collected every nine years shall be collected no later than every ninth calendar year.**

(ii) A system with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with paragraph (d)(4)(iv) of this section at the reduced number of sampling sites specified in paragraph (c) of this section at least once every nine years and provide the materials certification specified in paragraph (g)(1) of this section pertaining to the waived contaminant along with the monitoring results. Such a system also must continue to monitor for the non-waived contaminant in accordance with requirements of paragraph (d)(1) through (d)(4) of this section, as appropriate.

(iii) **If a Any water system with a full or partial waiver adds a new source of water or changes any water treatment, the system must shall** notify the State in writing in accordance with §141.90(a)(3) **of any upcoming long-term change in treatment or addition of a new source, as described in that section. The State must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system.** The State has the authority to require the system to add or modify waiver conditions (e.g., require recertification that the system is free of lead-containing and/or copper-containing materials, require additional round(s) of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.

(iv) If a system with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate, (e.g., as a result of new construction or repairs), the system shall notify the State in writing no later than 60 days after becoming aware of such a change.

(5) *Continued eligibility.* If the system continues to satisfy the requirements of paragraph (g)(4) of this section, the waiver will be renewed automatically, unless any of the conditions listed in paragraph (g)(5)(i) through (g)(5)(iii) of this section occurs. A system whose waiver has been revoked may re-apply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of paragraphs (g)(1) and (g)(2) of this section.

(i) A system with a full waiver or a lead waiver no longer satisfies the materials criteria of paragraph (g)(1)(i) of this section or has a 90th percentile lead level greater than 0.005 mg/L.

(ii) A system with a full waiver or a copper waiver no longer satisfies the materials criteria of paragraph (g)(1)(ii) of this section or has a 90th percentile copper level greater than 0.65 mg/L.

(iii) The State notifies the system, in writing, that the waiver has been revoked, setting forth the basis of its decision.

(6) *Requirements following waiver revocation.* A system whose full or partial waiver has been revoked by the State is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:

(i) If the system exceeds the lead and/or copper action level, the system must implement corrosion control treatment in accordance with the deadlines specified in §141.81(e), and any other applicable requirements of this subpart.

(ii) If the system meets both the lead and the copper action level, the system must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of sample sites specified in paragraph (c) of this section.

(7) *Pre-existing waivers.* Small system waivers approved by the State in writing prior to April 11, 2000 shall remain in effect under the following conditions:

(i) If the system has demonstrated that it is both free of lead-containing and copper-containing materials, as required by paragraph (g)(1) of this section and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of paragraph (g)(2) of this section, the waiver remains in effect so long as the system continues to meet the waiver eligibility criteria of paragraph (g)(5) of this section. The first round of tap water monitoring conducted pursuant to paragraph (g)(4) of this section shall be completed no later than nine years after the last time the system has monitored for lead and copper at the tap.

(ii) If the system has met the materials criteria of paragraph (g)(1) of this section but has not met the monitoring criteria of paragraph (g)(2) of this section, the system shall conduct a round of monitoring for lead and copper at the tap demonstrating that it meets the criteria of paragraph (g)(2) of this section no later than September 30, 2000. Thereafter, the waiver shall remain in effect as long as the system meets the continued eligibility criteria of paragraph (g)(5) of this section. The first round of tap water monitoring conducted pursuant to paragraph (g)(4) of this section shall be completed no later than nine years after the round of monitoring conducted pursuant to paragraph (g)(2) of this section.

#### **§141.87 Monitoring requirements for water quality parameters.**

All large water systems, and all small- and medium-size systems that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this section. The requirements of this section are summarized in the table at the end of this section.

(a) *General requirements -- (1) Sample collection methods.* (i) Tap samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the system, and seasonal variability. Tap sampling under this section is not required to be conducted at taps targeted for lead and copper sampling under §141.86(a). [Note: Systems may find it convenient to conduct tap sampling for water quality parameters at sites used for coliform sampling under 40 CFR 141.21.]

(ii) Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment. If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(2) *Number of samples.* (i) Systems shall collect two tap samples for applicable water quality parameters during each monitoring period specified under paragraphs (b) through (e) of this section from the following number of sites.

System size ( <i>number people served</i> )	Number of sites for water quality parameters
>100,000	25
10,001-100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
≤100	1

(ii) Except as provided in paragraph (c)(3) of this section, systems shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in paragraph (b) of this section. During each monitoring period specified in paragraphs (c)-(e) of this section, systems shall collect one sample for each applicable water quality parameter at each entry point to the distribution system.

(b) *Initial sampling* All large water systems shall measure the applicable water quality parameters as specified below at taps and at each entry point to the distribution system during each six-month monitoring period specified in §141.86(d)(1). All small and medium-size systems shall measure the applicable water quality parameters at the locations specified below during each six-month monitoring period specified in §141.86(d)(1) during which the system exceeds the lead or copper action level.

(1) At taps:

(i) pH;

(ii) Alkalinity;

(iii) Orthophosphate, when an inhibitor containing a phosphate compound is used;

(iv) Silica, when an inhibitor containing a silicate compound is used;

(v) Calcium;

(vi) Conductivity; and

(vii) Water temperature.

(2) At each entry point to the distribution system: all of the applicable parameters listed in paragraph (b)(1) of this section.

(c) *Monitoring after installation of corrosion control.* Any large system which installs optimal corrosion control treatment pursuant to §141.81(d)(4) shall measure the water quality parameters at the locations and frequencies specified below during each six-month monitoring period specified in §141.86(d)(2)(i). Any small or medium-size system which installs optimal corrosion control treatment shall conduct such monitoring during each six-month monitoring period specified in §141.86(d)(2)(ii) in which the system exceeds the lead or copper action level.

(1) At taps, two samples for:

(i) pH;

(ii) Alkalinity;

(iii) Orthophosphate, when an inhibitor containing a phosphate compound is used;

(iv) Silica, when an inhibitor containing a silicate compound is used;

(v) Calcium, when calcium carbonate stabilization is used as part of corrosion control.

(2) Except as provided in paragraph (c)(3) of this section, at each entry point to the distribution system, at least one sample no less frequently than every two weeks (biweekly) for:

(i) pH;

(ii) When alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and

(iii) When a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

(3) Any ground water system can limit entry point sampling described in paragraph (c)(2) of this section to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated ground water sources mixes with water from treated ground water sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this paragraph, the system shall provide to the State written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(d) *Monitoring after State specifies water quality parameter values for optimal corrosion control.* After the State specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under §141.82(f), all large systems shall measure the applicable water quality parameters in accordance with paragraph (c) of this section and determine compliance with the requirements of §141.82(g) every six months with the first six-month period to begin on ~~the date~~ **either January 1 or July 1, whichever comes first, after the State specifies the optimal values under §141.82(f).** Any small or medium-size system shall conduct such monitoring during each six-month period specified in this paragraph in which the system exceeds the lead or copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to §141.86(d)(4) at the time of the action level exceedance, the ~~end~~ **start** of the applicable six-month period under this paragraph shall coincide with the ~~end~~ **start** of the applicable monitoring period under §141.86(d)(4). Compliance with State-designated optimal water quality parameter values shall be determined as specified under §141.82(g).

(e) *Reduced monitoring.* (1) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under paragraph (d) of this section shall continue monitoring at the entry point(s) to the distribution system as specified in paragraph (c)(2) of this section. Such system may collect two tap samples for applicable water quality parameters from the following reduced number of sites during each six-month monitoring period.

System size ( <i>number of people served</i> )	Reduced Number of sites for water quality parameters
>100,000	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
≤100	1

(2)(i) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the State under §141.82(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in this paragraph (e)(1) of this section from every six months to annually. **This sampling begins during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs.** Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the State under §141.82(f), during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in paragraph (e)(1) from annually to every three years. **This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.**

(ii) A water system may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in paragraph (e)(1) of this section to every three 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 specified in §141.89 (a)(1)(ii), that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper in §141.80(c)(2), and that it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the State under §141.82(f). **Monitoring conducted every three years shall be done no later than every third calendar year.**

(3) A water system that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.

(4) Any water system subject to the reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the State in §141.82(f) for more than nine days in any six-month period specified in §141.82(g) shall resume distribution system tap water sampling in accordance with the number and frequency requirements in paragraph (d) of this section. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in paragraph (e)(1) of this section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of that paragraph and/or may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (e)(2)(i) or (e)(2)(ii) of this section.

(f) *Additional monitoring by systems.* The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the State in making any determinations (i.e., determining concentrations of water quality parameters) under this section or §141.82.

**SUMMARY OF MONITORING REQUIREMENTS FOR WATER QUALITY PARAMETERS<sup>1</sup>**

Monitoring Period	Parameters <sup>2</sup>	Location	Frequency
Initial monitoring.	pH, alkalinity, orthophosphate or silica <sup>3</sup> , calcium, conductivity, temperature.	Taps and at entry point(s) to distribution system.	Every 6 months.
After installation of corrosion control.	pH, alkalinity, orthophosphate or silica <sup>3</sup> , calcium <sup>4</sup> .	Taps.	Every 6 months.
	pH, alkalinity, dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual <sup>5</sup> .	Entry point(s) to distribution system <sup>6</sup> .	No less frequently than every two weeks.
After State specifies parameter values for optimal corrosion control.	pH, alkalinity, orthophosphate or silica <sup>3</sup> , calcium <sup>4</sup> .	Taps.	Every 6 months.
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual <sup>5</sup> .	Entry point(s) to distribution system <sup>6</sup> .	No less frequently than every two weeks.
Reduced monitoring.	pH, alkalinity, orthophosphate or silica <sup>3</sup> , calcium <sup>4</sup> .	Taps.	Every 6 months, annually <sup>7</sup> or every 3 years <sup>8</sup> ; reduced number of sites.
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual <sup>5</sup> .	Entry point(s) to distribution system <sup>6</sup> .	No less frequently than every two weeks.

<sup>1</sup>Table is for illustrative purposes; consult the text of this section for precise regulatory requirements.

<sup>2</sup>Small and medium-size systems have to monitor for water quality parameters only during monitoring periods in which the system exceeds the lead or copper action level.

<sup>3</sup>Orthophosphate must be measured only when an inhibitor containing a phosphate compound is used. Silica must be measured only when an inhibitor containing silicate compound is used.

<sup>4</sup>Calcium must be measured only when calcium carbonate stabilization is used as part of corrosion control.

<sup>5</sup>Inhibitor dosage rates and inhibitor residual concentrations (orthophosphate or silica) must be measured only when an inhibitor is used.

<sup>6</sup>Ground water systems may limit monitoring to representative locations throughout the system.

<sup>7</sup>Water systems may reduce frequency of monitoring for water quality parameters at the tap from every six months to annually if they have maintained the range of values for water quality parameters reflecting optimal corrosion control during 3 consecutive years of monitoring.

<sup>8</sup>Water systems may further reduce the frequency of monitoring for water quality parameters at the tap from annually to once every 3 years if they have maintained the range of values for water quality parameters reflecting optimal corrosion control during 3 consecutive years of annual monitoring. Water systems may accelerate to triennial monitoring for water quality parameters at the tap if they have maintained 90th percentile lead levels less than or equal to 0.005 mg/L, 90th percentile copper levels less than or equal to 0.65 mg/L, and the range of water quality parameters designated by the State under §141.82(f) as representing optimal corrosion control during two consecutive six-month monitoring periods.

**§141.88 Monitoring requirements for lead and copper in source water.**

(a) *Sample location, collection methods, and number of samples.* (1) A water system that fails to meet the lead or copper action level on the basis of tap samples collected in accordance with §141.86 shall collect lead and copper source water samples in accordance with the following requirements regarding sample location, number of samples, and collection methods:

(i) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). The system shall take

one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(ii) Surface water systems shall take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment (hereafter called a sampling point). The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

NOTE: For the purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.

(iii) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(iv) The State may reduce the total number of samples which must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/L or the copper concentration is greater than or equal to 0.160 mg/L, then either:

(A) A follow-up sample shall be taken and analyzed within 14 days at each sampling point included in the composite; or

(B) If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the system may use these instead of resampling.

(2) Where the results of sampling indicate an exceedance of maximum permissible source water levels established under §141.83(b)(4), the State may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a State-required confirmation sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the State-specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall either be considered as the measured value or be considered one-half the PQL.

(b) *Monitoring frequency after system exceeds tap water action level.* Any system which exceeds the lead or copper action level at the tap shall collect one source water sample from each entry point to the distribution system ~~within no later than~~ six months after the ~~exceedance~~ **end of the monitoring period during which the lead or copper action level was exceeded. For monitoring periods that are annual or less frequent, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if the State has established an alternate monitoring period, the last day of that period.**

(c) *Monitoring frequency after installation of source water treatment.* Any system which installs source water treatment pursuant to §141.83(a)(3) shall collect an additional source water sample from each entry point to the distribution system during two consecutive six-month monitoring periods by the deadline specified in §141.83(a)(4).

(d) *Monitoring frequency after State specifies maximum permissible source water levels or determines that source water treatment is not needed.* (1) A system shall monitor at the frequency specified below in cases where the State specifies maximum permissible source water levels under §141.83(b)(4) or determines that the system is not required to install source water treatment under §141.83(b)(2).

(i) A water system using only groundwater shall collect samples once during the three-year compliance period (as that term is defined in §141.2) in effect when the applicable State determination under paragraph (d)(1) of

this section is made. Such systems shall collect samples once during each subsequent compliance period. **Triennial samples shall be collected every third calendar year.**

(ii) A water system using surface water (or a combination of surface and ~~groundwater~~ ground water) shall collect samples once during each year, the first annual monitoring period to begin ~~on the date on~~ **during the year in** which the applicable State determination is made under paragraph (d)(1) of this section.

(2) A system is not required to conduct source water sampling for lead and/or copper if the system meets the action level for the specific contaminant in tap water samples during the entire source water sampling period applicable to the system under paragraph (d)(1)(i) or (ii) of this section.

(e) *Reduced monitoring frequency.* (1) A water system using only ground water may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle (as that term is defined in §141.2) **provided that the samples are collected no later than every ninth calendar year** and if the system meets one of the following criteria:

(i) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the State in §141.83(b)(4) during at least three consecutive compliance periods under paragraph (d)(1) of this section; or

(ii) The State has determined that source water treatment is not needed and the system demonstrates that, during at least three consecutive compliance periods in which sampling was conducted under paragraph (d)(1) of this section, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

(2) A water system using surface water (or a combination of surface water and ground water) may reduce the monitoring frequency in paragraph (d)(1) of this section to once during each nine-year compliance cycle (as that term is defined in §141.2) **provided that the samples are collected no later than every ninth calendar year** and if the system meets one of the following criteria:

(i) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the State in §141.83(b)(4) for at least three consecutive years; or

(ii) The State has determined that source water treatment is not needed and the system demonstrates that, during at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

(3) A water system that uses a new source of water is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new source during three consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified by the State in §141.83(a)(5).

### **§141.89 Analytical methods.**

(a) Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted with the methods in §141.23(k)(1).

(1) Analyses for alkalinity, calcium, conductivity, orthophosphate, pH, silica, and temperature may be performed by any person acceptable to the State. Analyses under this section for lead and copper shall only be conducted by laboratories that have been certified by EPA or the State. To obtain certification to conduct analyses for lead and copper, laboratories must:

(i) Analyze Performance Evaluation samples, which include lead and copper, provided by or acceptable to EPA or the State at least once a year by each method for which the laboratory desires certification; and

(ii) Achieve quantitative acceptance limits as follows:

(A) For lead:  $\pm 30$  percent of the actual amount in the Performance Evaluation sample when the actual amount is greater than or equal to 0.005 mg/L. The Practical Quantitation Level, or PQL for lead is 0.005 mg/L.

(B) For Copper:  $\pm 10$  percent of the actual amount in the Performance Evaluation sample when the actual amount is greater than or equal to 0.050 mg/L. The Practical Quantitation Level, or PQL for copper is 0.050 mg/L.

(iii) Achieve the method detection limit for lead of 0.001 mg/L according to the procedures in appendix B of part 136 of this title. This need only be accomplished if the laboratory will be processing source water composite samples under §141.88(a)(1)(~~iii~~)(iv).

(iv) Be currently certified by EPA or the State to perform analyses to the specifications described in paragraph (a)(~~2~~)(1) of this section.

(2) States have the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected and analyzed in accordance with the requirements of this subpart.

(3) All lead and copper levels measured between the PQL and MDL must be either reported as measured or they can be reported as one-half the PQL specified for lead and copper in paragraph (a)(1)(ii) of this section. All levels below the lead and copper MDLs must be reported as zero.

(4) All copper levels measured between the PQL and the MDL must be either reported as measured or they can be reported as one-half the PQL (0.025 mg/L). All levels below the copper MDL must be reported as zero.

(b) [Reserved]

### **§141.90 Reporting requirements.**

All water systems shall report all of the following information to the State in accordance with this section.

(a) *Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring.* (1) Except as provided in paragraph (a)(1)(viii) of this section, a water system shall report the information specified below for all tap water samples specified in §141.86 and for all water quality parameter samples specified in §141.87 within the first 10 days following the end of each applicable monitoring period specified in §141.86 and §141.87 (i.e., every six months, annually, every 3 years, or every 9 years): **For monitoring periods with a duration less than six months, the end of the monitoring period is the last date samples can be collected during that period as specified in §§141.86 and 141.87.**

(i) The results of all tap samples for lead and copper including the location of each site and the criteria under §141.86(a) (3), (4), (5), (6), and/or (7) under which the site was selected for the system's sampling pool;

(ii) Documentation for each tap water lead or copper sample for which the water system requests invalidation pursuant to §141.86(f)(2);

(iii) [Reserved];

(iv) The 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period (calculated in accordance with §141.80(c)(3)), unless the State calculates the system's 90th percentile lead and copper levels under paragraph (h) of this section;

(v) With the exception of initial tap sampling conducted pursuant to §141.86(d)(1), the system shall designate any site which was not sampled during previous monitoring periods, and include an explanation of why sampling sites have changed;

(vi) The results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under §141.87(b)-(e);

(vii) The results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under §141.87(b)-(e);;

(viii) A water system shall report the results of all water quality parameter samples collected under §141.87(c) through (f) during each six-month monitoring period specified in §141.87(d) within the first 10 days following the end of the monitoring period unless the State has specified a more frequent reporting requirement.

(2) For a non-transient non-community water system, or a community water system meeting the criteria of §§141.85(e)(b)(7)(i) and (ii), that does not have enough taps that can provide first-draw samples, the system must either:

(i) Provide written documentation to the State identifying standing times and locations for enough non-first-draw samples to make up its sampling pool under §141.86(b)(5) by the start of the first applicable monitoring period under §141.86(d) that commences after April 11, 2000, unless the State has waived prior State approval of non-first-draw sample sites selected by the system pursuant to §141.86(b)(5); or

(ii) If the State has waived prior approval of non-first-draw sample sites selected by the system, identify, in writing, each site that did not meet the six-hour minimum standing time and the length of standing time for that particular substitute sample collected pursuant to §141.86(b)(5) and include this information with the lead and copper tap sample results required to be submitted pursuant to paragraph (a)(1)(i) of this section.

(3) ~~No later than 60 days after~~ **At a time specified by the State, or if no specific time is designated by the State, then as early as possible prior to** the addition of a new source or any **long-term** change in water treatment, ~~unless the State requires earlier notification,~~ a water system deemed to have optimized corrosion control under §141.81(b)(3), a water system subject to reduced monitoring pursuant to §141.86(d)(4), or a water system subject to a monitoring waiver pursuant to §141.86(g), shall ~~send~~ **submit** written documentation to the State describing the change **or addition**. ~~In those instances where prior State approval of the treatment change or new source is not required, water systems are encouraged to provide the notification to the State beforehand to minimize the risk the treatment change or new source will adversely affect optimal corrosion control. The State must review and approve the addition of a new source or long-term change in treatment before it is implemented by the water system. Examples of long-term treatment changes include the addition of a new treatment process or modification of an existing treatment process. Examples of modifications include switching secondary disinfectants, switching coagulants (e.g., alum to ferric chloride), and switching corrosion inhibitor products (e.g., orthophosphate to blended phosphate). Long-term changes can include dose changes to existing chemicals if the system is planning long-term changes to its finished water pH or residual inhibitor concentration. Long-term treatment changes would not include chemical dose fluctuations associated with daily raw water quality changes.~~

(4) Any small system applying for a monitoring waiver under §141.86(g), or subject to a waiver granted pursuant to §141.86(g)(3), shall provide the following information to the State in writing by the specified deadline:

(i) By the start of the first applicable monitoring period in §141.86(d), any small water system applying for a monitoring waiver shall provide the documentation required to demonstrate that it meets the waiver criteria of §§141.86(g)(1) and (2).

(ii) No later than nine years after the monitoring previously conducted pursuant to §141.86(g)(2) or §141.86(g)(4)(i), each small system desiring to maintain its monitoring waiver shall provide the information required by §§141.86(g)(4)(i) and (ii).

(iii) No later than 60 days after it becomes aware that it is no longer free of lead-containing and/or copper-containing material, as appropriate, each small system with a monitoring waiver shall provide written notification to the State, setting forth the circumstances resulting in the lead-containing and/or copper-containing materials being introduced into the system and what corrective action, if any, the system plans to remove these materials.

(iv) By October 10, 2000, any small system with a waiver granted prior to April 11, 2000 and that has not previously met the requirements of §141.86(g)(2) shall provide the information required by that paragraph.

(5) Each ground water system that limits water quality parameter monitoring to a subset of entry points under §141.87(c)(3) shall provide, by the commencement of such monitoring, written correspondence to the State that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(b) *Source water monitoring reporting requirements.* (1) A water system shall report the sampling results for all source water samples collected in accordance with §141.88 within the first 10 days following the end of each source water monitoring period (i.e., annually, per compliance period, per compliance cycle) specified in §141.88.

(2) With the exception of the first round of source water sampling conducted pursuant to §141.88(b), the system shall specify any site which was not sampled during previous monitoring periods, and include an explanation of why the sampling point has changed.

(c) *Corrosion control treatment reporting requirements.* By the applicable dates under §141.81, systems shall report the following information:

(1) For systems demonstrating that they have already optimized corrosion control, information required in §141.81(b) (2) or (3).

(2) For systems required to optimize corrosion control, their recommendation regarding optimal corrosion control treatment under §141.82(a).

(3) For systems required to evaluate the effectiveness of corrosion control treatments under §141.82(c), the information required by that paragraph.

(4) For systems required to install optimal corrosion control designated by the State under §141.82(d), a letter certifying that the system has completed installing that treatment.

(d) *Source water treatment reporting requirements.* By the applicable dates in §141.83, systems shall provide the following information to the State:

(1) If required under §141.83(b)(1), their recommendation regarding source water treatment;

(2) For systems required to install source water treatment under §141.83(b)(2), a letter certifying that the system has completed installing the treatment designated by the State within 24 months after the State designated the treatment.

(e) *Lead service line replacement reporting requirements.* Systems shall report the following information to the State to demonstrate compliance with the requirements of §141.84:

(1) ~~Within~~ **No later than** 12 months after **the end of a monitoring period in which** a system exceeds the lead action level in sampling referred to in §141.84(a), the system ~~shall demonstrate in writing~~ **must submit written documentation** to the State ~~that it has conducted a~~ **of the material evaluation, including the evaluation conducted as required** in §141.86(a), ~~to~~ identify the initial number of lead service lines in its distribution system **at the time the system exceeds the lead action level**, and ~~shall provide the State with~~ the system's schedule for **annually** replacing ~~annually~~ at least 7 percent of the initial number of lead service lines in its distribution system.

(2) ~~Within~~ **No later than** 12 months after **the end of a monitoring period in which** a system exceeds the lead action level in sampling referred to in §141.84(a), and every 12 months thereafter, the system shall demonstrate to the State in writing that the system has either:

(i) Replaced in the previous 12 months at least 7 percent of the initial lead service lines (or a greater number of lines specified by the State under §141.84(e)) in its distribution system, or

(ii) Conducted sampling which demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to §141.86(b)(3), is less than or equal to 0.015 mg/L. In such cases, the total number of lines replaced and/or which meet the criteria in §141.84(c) shall equal at least 7 percent of the initial number of lead lines identified under paragraph ~~(a)~~**(e)(1)** of this section (or the percentage specified by the State under §141.84(e)).

(3) The annual letter submitted to the State under paragraph (e)(2) of this section shall contain the following information:

(i) The number of lead service lines scheduled to be replaced during the previous year of the system's replacement schedule;

(ii) The number and location of each lead service line replaced during the previous year of the system's replacement schedule;

(iii) If measured, the water lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling.

(4) Any system which collects lead service line samples following partial lead service line replacement required by §141.84 shall report the results to the State within the first ten days of the month following the month in which the system receives the laboratory results, or as specified by the State. States, at their discretion may eliminate this requirement to report these monitoring results. Systems shall also report any additional information as specified by the State, and in a time and manner prescribed by the State, to verify that all partial lead service line replacement activities have taken place.

(f) *Public education program reporting requirements.* (1) Any water system that is subject to the public education requirements in §141.85 shall, within ten days after the end of each period in which the system is required to perform public education tasks in accordance with §141.85~~(e)~~**(b)**, send written documentation to the State that contains:

(i) A demonstration that the system has delivered the public education materials that meet the content requirements in §141.85(a) ~~and (b)~~ and the delivery requirements in §141.85~~(e)~~**(b)**; and

(ii) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the system delivered public education materials during the period in which the system was required to perform public education tasks.

(2) Unless required by the State, a system that previously has submitted the information required by paragraph (f)(1)(ii) of this section need not resubmit the information required by paragraph (f)(1)(ii) of this section, as long as there have been no changes in the distribution list and the system certifies that the public education materials were distributed to the same list submitted previously.

(3) No later than 3 months following the end of the monitoring period, each system must mail a sample copy of the consumer notification of tap results to the State along with a certification that the notification has been distributed in a manner consistent with the requirements of §141.85(d).

(g) *Reporting of additional monitoring data.* Any system which collects sampling data in addition to that required by this subpart shall report the results to the State within the first ten days following the end of the applicable monitoring period under §§141.86, 141.87 and 141.88 during which the samples are collected.

(h) *Reporting of 90th percentile lead and copper concentrations where the State calculates a system's 90th percentile concentrations.* A water system is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period, as required by paragraph (a)(1)(iv) of this section if:

(1) The State has previously notified the water system that it will calculate the water system's 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to paragraph (h)(2)(i) of this section, and has specified a date before the end of the applicable monitoring period by which the system must provide the results of lead and copper tap water samples;

(2) The system has provided the following information to the State by the date specified in paragraph (h)(1) of this section:

(i) The results of all tap samples for lead and copper including the location of each site and the criteria under §141.86(a)(3), (4), (5), (6), and/or (7) under which the site was selected for the system's sampling pool, pursuant to paragraph (a)(1)(i) of this section; and

(ii) An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed; and

(3) The State has provided the results of the 90th percentile lead and copper calculations, in writing, to the water system before the end of the monitoring period.

### **§141.91 Recordkeeping requirements.**

Any system subject to the requirements of this subpart shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, State determinations, and any other information required by §141.81 through §141.88. Each water system shall retain the records required by this section for no fewer than 12 years.

### **§141.154 Required additional health information.**

**Note:** Only §141.154(d) has been revised by the Short-Term Revisions and is included below.

(d) Systems which detect lead above the action level in more than 5%, and up to and including 10%, of homes sampled **Every report must include the following lead-specific information:**

(1) ~~Must include a~~ **A short informational statement about the special impact of lead in drinking water and its effects on children using language such as: Infants and young children are typically more vulnerable to lead in drinking water than the general population. The statement must include the following information:**

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. [NAME OF UTILITY] is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to 2 minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline (800-426-4791).

(2) A system may ~~May~~ write its own educational statement, but only in consultation with the ~~State Primary Agency~~.

# PART 142 -- NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION

## Subpart B -- Primary Enforcement Responsibility

### §142.14 Records kept by States.

**Note:** Only §142.14(d)(8) has been revised by the Short-Term Revisions and is included below.

- (d) Each State which has primary enforcement responsibility shall retain, for not less than 12 years, files which shall include for each such public water systems in the State:
- (8) Records of the currently applicable or most recent State determinations, including all supporting information and an explanation of the technical basis for each decision, made under the following provisions of 40 CFR, part 141, subpart I for the control of lead and copper:
- (i) Section 141.81(b) -- for any water system deemed to be optimized under §141.81(b)(1) or (b)(3) of this chapter, any conditions imposed by the State on specific water systems to ensure the continued operation and maintenance of corrosion control treatment in place;
  - (ii) Section 141.82(b) -- decisions to require a water system to conduct corrosion control treatment studies;
  - (iii) Section 141.82(d) -- designations of optimal corrosion control treatment;
  - (iv) Section 141.82(f) -- designations of optimal water quality parameters;
  - (v) Section 141.82(h) -- decisions to modify a public water system's optimal corrosion control treatment or water quality parameters;
  - (vi) Section 141.83(b)(2) -- determinations of source water treatment;
  - (vii) Section 141.83(b)(4) -- designations of maximum permissible concentrations of lead and copper in source water;
  - (viii) Section 141.84(e) -- determinations establishing shorter lead service line replacement schedules under §141.84;
  - (ix) Sections 141.81(b)(3)(iii), 141.86(d)(4)(vii), and 141.86(g)(4)(iii) -- determinations of additional monitoring requirements and/or other actions required to maintain optimal corrosion control by systems monitoring for lead and copper at the tap less frequently than once every six months that change treatment or add a new source of water;
  - (x) Section 141.85 -- system-specific decisions regarding the content of written public education materials and/or the distribution of these materials;
  - (xi) Section 141.86(b)(5) -- system-specific determinations regarding use of non-first-draw samples at non-transient non-community water systems, and community water systems meeting the criteria of §§141.85(e)(b)(7)(i) and (ii) of this chapter, that operate 24 hours a day;
  - (xii) Section 141.86(c) -- system-specific designations of sampling locations for systems subject to reduced monitoring;
  - (xiii) Section 141.86(d)(iv)(A) -- system-specific determinations pertaining to alternative sample collection periods for systems subject to reduced monitoring;

(xiv) Section 141.86(g) -- determinations of small system monitoring waivers, waiver recertifications, and waiver revocations;

(xv) Section 141.87(c)(3) -- determinations regarding representative entry point locations at ground water systems;

(xvi) Section 141.90(e)(4) -- system-specific determinations regarding the submission of information to demonstrate compliance with partial lead service line replacement requirements; and

(xvii) Section 141.90(f) -- system-specific decisions regarding the resubmission of detailed documentation demonstrating completion of public education requirements.

(9) Records of reports and any other information submitted by PWSs under §141.90 of this chapter, including records of any 90th percentile values calculated by the State under §141.90(h) of this chapter.

(10) Records of State activities, and the results thereof, to:

(i) Verify compliance with State determinations issued under §§141.82(f) of this chapter, 141.82(h) of this chapter, 141.83(b)(2) of this chapter, and 141.83(b)(4) of this chapter;

(ii) Verify compliance with the requirements related to partial lead service line replacement under §141.84(d) of this chapter and compliance with lead service line replacement schedules under §141.84(e) of this chapter; and

(iii) Invalidate tap water lead and copper samples under §141.86(f) of this chapter.

(11) Records of each system's currently applicable or most recently designated monitoring requirements. If, for the records identified in paragraphs (d)(8)(i) through (d)(8)(xvii) of this section, no change is made to State determinations during a 12-year retention period, the State shall retain the record until a new decision, determination, or designation has been issued.