

40 CFR 141.31(d)(2)

Reporting requirements.

(d)(2) For Tier 1 notices for a lead action level exceedance, public water systems must provide a copy of any Tier 1 notice to the Administrator and the head of the primacy agency as soon as practicable, but not later than 24 hours after the public water system learns of the violation or exceedance.

40 CFR 141.84(a)

Lead service line inventory. All water systems must develop an inventory to identify the materials of service lines connected to the public water distribution system. The inventory must meet the following requirements:

(1) All water systems must develop an initial inventory by October 16, 2024, and submit it to the primacy agency in accordance with § 141.90(e).

(2) The inventory must include all service lines connected to the public water distribution system regardless of ownership status (e.g., where service line ownership is shared, the inventory would include both the portion of the service line owned by the water system and the customer-owned portion of the service line).

(3) A water system must use any information on lead and galvanized iron or steel that it has identified pursuant to § 141.42(d) when conducting the inventory of service lines in its distribution system for the initial inventory under paragraph (a)(1) of this section. The water system must also review the sources of information listed in paragraphs (a)(3)(i) through (iv) of this section to identify service line materials for the initial inventory. The water system may use other sources of information not listed in paragraphs (a)(3)(i) through (iv) of this section if approved by the State.

(i) All construction and plumbing codes, permits, and existing records or other documentation which indicates the service line materials used to connect structures to the distribution system.

(ii) All water system records, including distribution system maps and drawings, historical records on each service connection, meter installation records, historical capital improvement or master plans, and standard operating procedures.

(iii) 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.

(iv) Any resource, information, or identification method provided or required by the State to assess service line materials.

(4) Each service line, or portion of the service line where ownership is split, must be categorized in the following manner:

(i) “Lead” where the service line is made of lead.

(ii) “Galvanized Requiring Replacement” where a galvanized service line is or was at any time downstream of a lead service line or is currently downstream of a “Lead Status Unknown” service line. If the water system is unable to demonstrate that the galvanized service line was never downstream of a lead service line, it must presume there was an upstream lead service line.

(iii) “Non-lead” where the service line is determined through an evidence-based record, method, or technique not to be lead or galvanized requiring replacement. The water system may classify the actual material of the service line (i.e., plastic or copper) as an alternative to classifying it as “Non-lead.”

(iv) “Lead Status Unknown” where the service line material is not known to be lead, galvanized requiring replacement, or a non-lead service line, such as where there is no documented evidence supporting material classification. The water system may classify the line as “Unknown” as an alternative to classifying it as “Lead Status Unknown,” however, all requirements that apply to “Lead Status Unknown” service lines must also apply to those classified as “Unknown.” Water systems may elect to provide more information regarding their unknown lines as long as the inventory clearly distinguishes unknown service lines from those where the material has been verified through records or inspection.

(5) Water systems shall identify and track service line materials in the inventory as they are encountered in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities).

(6) Water systems must update the inventory based on all applicable sources described in paragraphs (a)(3) and (5) of this section and any lead service line replacements or service line material inspections that may have been conducted. The water system may use other sources of information if approved by the State and must use other sources of information provided or required by the State. Water systems must submit the updated inventory to the State in accordance with § 141.90(e). The inventory updates must be reflected in the publicly accessible inventory no less frequently than when required to be submitted to the State.

(i) Water systems whose inventories contain only non-lead service lines are not required to provide inventory updates to the State or to the public. If, in the future, such a water system finds a lead service line within its system, it must prepare an updated inventory in accordance with paragraph (a) of this section on a schedule established by the State.

(ii) [Reserved]

(7) To calculate the number of service line replacements applicable to paragraphs (f) and (g) of this section, the replacement rate must be applied to the sum of known lead and galvanized requiring replacement service lines when the system first exceeds the trigger or action level plus the number of lead status unknown service lines in the beginning of each year of a system's annual goal or mandatory lead service line replacement program.

(i) Each service line shall count only once for purposes of calculating the required number of service line replacements, even where the ownership of the service line is split and both the customer-owned and system-owned portions require replacement.

(ii) The number of service lines requiring replacement must be updated annually to subtract the number of lead status unknown service lines that were discovered to be non-lead and to add the number of non-lead service lines that were discovered to be a lead or galvanized requiring replacement service line.

(iii) Verification of a lead status unknown service line as non-lead in the inventory does not count as a service line replacement.

(8) The service line materials inventory must be publicly accessible.

(i) The inventory must include a location identifier, such as a street address, block, intersection, or landmark, associated with each lead service line and galvanized requiring replacement service line. Water systems may, but are not required to, include a locational identifier for lead status unknown service lines or list the exact address of each service line.

(ii) Water systems serving greater than 50,000 persons must make the publicly accessible inventory available online.

(9) When a water system has no lead, galvanized requiring replacement, or lead status unknown service lines (regardless of ownership) in its inventory, it may comply with the requirements in paragraph (a)(8) of this section using a written statement, in lieu of the inventory, declaring that the distribution system has no lead service lines or galvanized requiring replacement service lines. The statement must include a general description of all applicable sources described in paragraphs (a)(3), (5), and (6) of this section used to make this determination.

(10) Instructions to access the service line inventory (including inventories consisting only of a statement in accordance with paragraph (a)(9) of this section) must be included in Consumer Confidence Report in accordance with § 141.153(d)(4)(xi).

40 CFR 141.85(e)

Public education and supplemental monitoring and mitigation requirements.

(e) Notification of known or potential service line containing lead —

(1) Notification requirements. All water systems with lead, galvanized requiring replacement, or lead status unknown service lines in their inventory pursuant to § 141.84(a) must inform all persons served by the water system at the service connection with a lead, galvanized requiring replacement, or lead status unknown service line.

(2) Timing of notification. A water system must provide the initial notification within 30 days of completion of the lead service line inventory required under § 141.84 and repeat the notification on an annual basis until the entire service connection is no longer a lead, galvanized requiring replacement, or lead status unknown service line. For new customers, water systems shall also provide the notice at the time of service initiation.

(3) Content —

(i) Persons served by a confirmed lead service line. The notice must include a statement that the person's service line is lead, an explanation of the health effects of lead that meets the requirements of paragraph (a)(1)(ii) of this section, steps persons at the service connection can take to reduce exposure to lead in drinking water, information about opportunities to replace lead service lines as well as programs that provide financing solutions to assist property owners with replacement of their portion of a lead service line, and a statement that the water system is required to replace its portion of a lead service line when the property owner notifies them they are replacing their portion of the lead service line.

(ii) Persons served by a galvanized requiring replacement service line. The notice must include a statement that the person's service line is galvanized requiring replacement, an explanation of the health effects of lead, steps persons at the service connection can take to reduce exposure to lead in drinking water, and information about opportunities for replacement of the service line.

(iii) Persons served by a lead status unknown service line. The notice must include a statement that the person's service line material is unknown but may be lead, an explanation of the health effects of lead that meets the requirements of paragraph (a)(1)(ii) of this section, steps persons at the service connection can take to reduce exposure to lead in drinking water, and information about opportunities to verify the material of the service line.

(4) Delivery. The notice must be provided to persons served by the water system at the service connection with a lead, galvanized requiring replacement, or lead status unknown service line, by mail or by another method approved by the State.

40 CFR 141.90(e)

Lead service line inventory and replacement reporting requirements. Water systems must report the following information to the State to demonstrate compliance with the requirements of §§ 141.84 and 141.85:

(1) No later than October 16, 2024, the water system must submit to the State an inventory of service lines as required in § 141.84(a).

(2) No later than October 16, 2024, any water system that has inventoried a lead service line, galvanized requiring replacement, or lead status unknown service line in its distribution system must submit to the State, as specified in § 141.84(b), a lead service line replacement plan.

(3) The water system must provide the State with updated versions of its inventory as required in § 141.84(a) in accordance with its tap sampling monitoring period schedule as required in § 141.86(d), but no more frequently than annually. The updated inventory must be submitted within 30 days of the end of each tap sampling monitoring period.

(i) When the water system has demonstrated that it has no lead, galvanized requiring replacement, or lead status unknown service lines in its inventory, it is no longer required to submit inventory updates to the State, except as required in paragraph (e)(3)(ii) of this section.

(ii) In the case that a water system meeting the requirements of paragraph (e)(3)(i) of this section, subsequently discovers any service lines requiring replacement in its distribution system, it must notify the State within 30 days of identifying the service line(s) and prepare an updated inventory in accordance with § 141.84(a) on a schedule established by the State.

(4) Within 30 days of the end of each tap sampling monitoring period, the water system must certify that it conducted replacement of any encountered lead goosenecks, pigtails, and connectors in accordance with § 141.84(c).

(5) Within 30 days of the end of each tap sampling monitoring period, the water system must certify to the State that any partial and full lead service line replacements were conducted in accordance with § 141.84(d) and (e), respectively.

(6) If the water system fails to meet the 45-day deadline to complete a customer-initiated lead service line replacement pursuant to § 141.84(d)(4), it must notify the State within 30 days of the replacement deadline to request an extension of the deadline up to 180 days of the customer-initiated lead service line replacement.

(i) The water system must certify annually that it has completed all customer-initiated lead service line replacements in accordance with § 141.84(d)(4).

(ii) [Reserved]

(7) No later than 30 days after the end of the water system's annual lead service line replacement requirements under § 141.84(f) and (g), the water system must submit the following information to the State, and continue to submit it each year it conducts lead service line replacement under § 141.84(f) and (g):

(i) The number of lead service lines in the initial inventory;

(ii) The number of galvanized requiring replacement service lines in the initial inventory;

(iii) The number of lead status unknown service lines in the inventory at the onset of the water system's annual lead service line replacement program;

(iv) The number of full lead service lines that have been replaced and the address associated with each replaced service line;

(v) The number of galvanized requiring replacement service lines that have been replaced and the address associated with each replaced service line;

(vi) The number of lead status unknown service lines remaining in the inventory;

(vii) The total number of lead status unknown service lines determined to be non-lead; and

(viii) The total number of service lines initially inventoried as "non-lead" later discovered to be a lead service line or a galvanized requiring replacement service line.

(8) No later than 30 days after the end of each tap sampling period, any water system that has received customer refusals about lead service line replacements or customer non-responses after a minimum of two good faith efforts by the water system to contact customers regarding full lead service line replacements in accordance with § 141.84(g)(7), must certify to the State the number of customer refusals or non-responses it received from customers served by a lead service line or galvanized requiring replacement service line, and maintain such documentation.

(9) No later than 12 months after the end of a tap sampling period in which a water system exceeds the lead action level in sampling conducted pursuant to § 141.86, the system must provide to the State its schedule for annually replacing an average annual rate, calculated on a two year rolling basis, of at least three percent, or otherwise specified in § 141.84(g)(9), of the number of known lead service lines and galvanized lines requiring replacement when the lead trigger or action level was first exceeded and lead status unknown service lines at the beginning of each year that required replacement occurs in its distribution system.

(10) No later than 12 months after the end of a sampling period in which a system exceeds the lead trigger level in sampling conducted pursuant to § 141.86, and every 12 months thereafter, the system shall certify to the State in writing that the system has:

(i) Conducted consumer notification as specified in §§ 141.84(f)(4) and 141.85(g) and

- (ii) Delivered public education materials to the affected consumers as specified in § 141.85(a).
- (iii) A water system that does not meet its annual service line replacement goal as required under § 141.84(f) must certify to the State in writing that the water system has conducted public outreach as specified in § 141.85(h). The water system must also submit the outreach materials used to the State.

(11) The annual submission to the State under paragraph (e)(10) of this section must contain the following information:

(i) The certification that results of samples collected between three months and six months after the date of a full or partial lead service line replacement were provided to the resident in accordance with the timeframes in § 141.85(d)(2). Mailed notices post-marked within three business days of receiving the results shall be considered “on time.”

(ii) [Reserved]

(12) Any system which collects samples following a partial lead service line replacement required by § 141.84 must 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, but water systems shall still retain such records. Systems must 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.

(13) Any system with lead service lines in its inventory must certify on an annual basis that the system has complied with the consumer notification of lead service line materials as specified in § 141.85(e).

40 CFR 141.90(f)(4)

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

(f) Public education program reporting requirements.

(4) Annually by July 1, the water system must demonstrate to the State that it delivered annual consumer notification and delivered lead service line information materials to affected consumers with a lead, galvanized requiring replacement, or lead status unknown service line in accordance with § 141.85(e) for the previous calendar year. The water system shall also provide a copy of the notification and information materials to the State.

40 CFR 141.202

Tier 1 Public Notice—Form, manner, and frequency of notice.

(a) Which violations or situations require a Tier 1 public notice? Table 1 of this section lists the violation categories and other situations requiring a Tier 1 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

Table 1 to § 141.202—Violation Categories and Other Situations Requiring a Tier 1 Public Notice

(10) Exceedance of the Action Level for lead as specified in § 141.80(c).

(b) When is the Tier 1 public notice to be provided? What additional steps are required? Public water systems must:

(1) Provide a public notice as soon as practical but no later than 24 hours after the system learns of the violation;

(2) Initiate consultation with the primacy agency as soon as practical, but no later than 24 hours after the public water system learns of the violation or situation, to determine additional public notice requirements; and

(3) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the primacy agency. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.

(c) What is the form and manner of the public notice? Public water systems must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, water systems are to use, at a minimum, one or more of the following forms of delivery:

(1) Appropriate broadcast media (such as radio and television);

(2) Posting of the notice in conspicuous locations throughout the area served by the water system;

(3) Hand delivery of the notice to persons served by the water system; or

(4) Another delivery method approved in writing by the primacy agency.