

567—42.2(455B) Lead consumer notice and public education for lead action level exceedance. All CWS and NTNC systems must comply with the lead consumer notice in accordance with 42.2(1). A CWS or NTNC system that exceeds the lead action level based on tap water samples collected in accordance with 567—paragraph 41.4(1)“c” must comply with the public education requirements in accordance with 42.2(2).

42.2(1) Lead consumer notice. All CWS and NTNC systems must provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that are tested as listed in 567—42.2(455B). Any system exceeding the lead action level shall also implement the public education requirements of 42.2(2).

a. Reporting requirement. All CWS and NTNC systems must provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of 567—paragraph 41.4(1)“c” 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).

b. 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.

c. Content of notice. The consumer notice must include the following:

- (1) Results of the lead tap water monitoring for the tap that was tested,
- (2) An explanation of the health effects of lead,
- (3) A list of steps consumers can take to reduce exposure to lead in drinking water,
- (4) Contact information for the water utility, and
- (5) The lead maximum contaminant level goal of 0 mg/L and the 90th percentile lead action level of 0.015 mg/L and the definitions for these two terms from rule 567—40.2(455B).

d. Delivery of notice. 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 department. For example, upon approval by the department, an NTNC 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.

e. Inclusion of copper results. The system may also include results of copper testing in the notice along with the 90th percentile copper action level of 1.3 mg/L, copper MCLG of 1.3 mg/L, and health effects language.

42.2(2) Lead public education for lead action level exceedance. A water system that exceeds the lead action level based on tap water samples collected in accordance with 567—paragraph 41.4(1)“c” shall deliver the public education materials contained in 42.2(2)“a” in accordance with 42.2(2)“b.” Water systems that exceed the lead action level must sample the tap water of any customer who requests it in accordance with 42.2(2)“c.”

a. Content of written public education materials. CWS and NTNC systems must include the following elements in printed materials (e.g., brochures and pamphlets) in the same order as listed in this paragraph. In addition, language in 42.2(2)“a”(1), (2), and (6) must be included in the materials exactly as written, except for the text in brackets in these paragraphs for which the water system must substitute system-specific information. Any additional information presented by a water system must be consistent with the information in 42.2(2)“a” and be in plain language that can be understood by the general public. Water systems must submit all written public education materials to the department prior to delivery. The department may require the system to obtain approval of the content of written public education materials prior to delivery.

(1) The following information must be included exactly as written. “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.”

(2) The following information must be included exactly as written. “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."

(3) Sources of lead. The printed materials must:

1. Explain what lead is.
2. Explain possible sources of lead in drinking water and how lead enters drinking water and include information on home/building plumbing materials and service lines that may contain lead.

3. Discuss other important sources of lead exposure in addition to drinking water (e.g., paint).

(4) Discuss the steps the consumers can take to reduce their exposure to lead in drinking water as follows:

1. Encourage running the water to flush out the lead.
2. Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.

3. Explain that boiling the water does not reduce lead levels.

4. Discuss other options consumers can take to reduce exposure to lead in drinking water, such as alternative sources or treatment of water.

5. Suggest that parents have their child's blood tested for lead.

(5) The printed materials must 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.

(6) The following information must be included exactly as written. "For more information, call us at [*insert your telephone number*] or visit our website at [*insert your website link here*]. For more information on reducing lead exposure around your home/building and the health effects of lead, visit EPA's website at www.epa.gov/lead or contact your health care provider."

(7) Community water systems must also include the following elements:

1. Tell consumers how to get their water tested.
2. Discuss lead in plumbing components and the difference between low lead and lead free.
- b. *Delivery of public education materials.*

(1) Outreach to non-English speaking consumers. For public water systems serving a large proportion of non-English speaking consumers, as determined by the department, 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.

(2) Delivery of public education at CWS. A CWS that exceeds the lead action level on the basis of tap water samples collected in accordance with 567—paragraph 41.4(1)"c" and that is not already conducting public education tasks under 42.2(2) must conduct the public education tasks within 60 days of the date of notification of the action level exceedance:

1. Deliver printed materials meeting the content requirements of 42.2(2)"a" to all bill-paying customers.

2. Contact customers who are most at risk by delivering education materials that meet the content requirements of 42.2(2)"a" 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 CWS'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 requirement of 42.2(2)"a" to all organizations on the provided lists.

3. Contact customers who are most at risk by delivering materials that meet the content requirements of 42.2(2)"a" to the following organizations that are located within the water system's service area, along

with an informational notice that encourages distribution to all the organization's potentially affected customers or community public water supply system's users:

- Public and private schools or school boards;
- Women, Infants, and Children (WIC) and Head Start programs;
- Public and private hospitals and medical clinics;
- Pediatricians;
- Family planning clinics; and
- Local welfare agencies.

4. Make a good-faith effort to locate the following organizations within the service area and to deliver to them materials that meet the content requirements of 42.2(2)“a,” 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:

- Licensed child care centers;
- Public and private preschools;
- Obstetricians, gynecologists, and midwives.

5. 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 substitute 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 telephone number of water system*] or visit [*insert your website link here*].”

The message or delivery mechanisms can be modified in consultation with the department; specifically, the department may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.

6. Post material meeting the content requirements of 42.2(2)“a” on the water system's website if the system serves a population greater than 100,000.

7. Submit a press release to newspaper, television, and radio stations.

8. In addition to including those items previously listed, systems must implement at least three activities from one or more of the following categories. The educational content and selection of these activities must be determined in consultation with the department.

- Public service announcement;
- Paid advertisement;
- Public area information displays;
- Emails to customers;
- Public meetings;
- Household deliveries;
- Targeted individual customer contact;
- Direct material distribution to all multifamily homes and institutions; and
- Other methods approved by the department.

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 department has established an alternate monitoring period, the last day of that period.

(3) Continuing public education at a CWS. As long as a CWS exceeds the action level, it must repeat the activities pursuant to 42.2(2)“b”(2) as follows:

1. A CWS shall repeat the tasks contained in 42.2(2)“b”(2)“1,” “2,” and “8” every 12 months.

2. A CWS shall repeat the tasks contained in 42.2(2)“b”(2)“5” with each billing cycle.

3. A CWS serving a population greater than 100,000 shall post and retain material on a publicly accessible website pursuant to 42.2(2)“b”(2)“6.”

4. A CWS shall repeat the task in 42.2(2)“b”(2)“7” twice every 12 months on a schedule agreed upon with the department. The department can allow activities in 42.2(2)“b”(2) 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 department in advance of the 60-day deadline, and the system must already have initiated public education activities prior to the end of the 60-day deadline.

(4) Delivery of public education at an NTNC system. Within 60 days of the date of notification of the action level exceedance, an NTNC system shall deliver the public education materials specified as follows:

1. 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
2. Distribute informational pamphlets or brochures on lead in drinking water to each person served by the nontransient noncommunity water system. The department may allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as at least the same coverage is achieved. If the system serves children 18 years of age and under, such as a school or child care facility, the public education notice must be provided to the parents or legal guardians of the children.

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 department has established an alternate monitoring period, the last day of that period.

(5) Continuing public education at an NTNC system. An NTNC system shall repeat the tasks contained in 42.2(2)“b”(4) at least once during each calendar year in which the system exceeds the lead action level. The department can allow activities in 42.2(2)“b”(4) 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 department in advance of the 60-day deadline, and the system must already have initiated public education activities prior to the end of the 60-day deadline.

(6) Discontinuation of public education activities. A CWS or NTNC 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 567—paragraph 41.4(1)“c.” Such system shall recommence public education in accordance with 42.2(2) if the system subsequently exceeds the lead action level during any monitoring period.

(7) Special population CWS allowance. A CWS that meets the following criteria may apply to the department in writing for reduced public education and notification requirements:

1. The CWS is a facility, such as a prison or 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
2. The CWS provides water as part of the cost of services provided and does not separately charge for water consumption.

If the department approves the request in writing, the CWS is not required to include the language in 42.2(2)“a”(7) and must deliver the public education in accordance with 42.2(2)“b”(4) and (5), in lieu of 42.2(2)“b”(2) and (3).

(8) CWS serving 3,300 or fewer people. A CWS serving 3,300 or fewer people may limit certain aspects of its public education programs as follows:

1. The system must implement at least one of the activities listed in 42.2(2)“b”(2)“8.”
2. The system may limit the distribution of the public education materials in 42.2(2)“b”(2)“2” and “3” to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.
3. The department may waive the requirements of 42.2(2)“b”(2)“7” for the system provided the system distributes notices to every household served by the system.

c. 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 567—paragraph 41.4(1)“c” 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 itself required to collect and analyze the sample.

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