Instructions for Lead Action Level Exceedance Tier 1 Public Notification for Lead and Copper Rule Revisions

# Template Attached

Beginning October 16, 2024, an exceedance of the action level for lead requires Tier 1 public notification. This applies to any community water system or non-transient non-community water system.

A lead **action level exceedance (ALE)** occurs when the 90th percentile concentration of lead is greater than 15 micrograms per liter (µg/L) or 0.015 milligrams per liter (mg/L).

## Regulatory Requirements

Public water systems with a lead ALE must:

* Provide public notice to persons served as soon as practical but no later than 24 hours after learning of the lead ALE. For new consumers, water systems must also provide this notice prior to, or at the time-of-service initiation, for as long as the exceedance continues (Code Fed. Regs., tit. 40, § 141.202 subd. (b), tit. 40, § 141.206 subd. (a), (b))
* 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 (Code Fed. Regs., tit. 40, § 141.202 subd. (b))
* Submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) District Office for approval prior to distribution or posting, unless otherwise directed by DDW (Cal. Code of Regs., tit. 22, § 64463, subd. (b)).
* Provide a copy of the notice to EPA and DDW as soon as practical but no later than 24 hours after learning of the exceedance (Code Fed. Regs., tit. 40, § 141.31 subd. (d)(2)).
* Send a copy of each type of notice and a certification that all public notice requirements were met to DDW within ten days after issuing the notice and for any subsequent or repeat notices (Cal. Code Regs., tit. 22, § 64469 subd. (d), tit. 40, § 141.31 subd. (d)(1)).
* Include the statement: *Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

## Delivery Methods

Public water systems must provide the notice that can reach all persons using one or more of the following methods to deliver the notice to consumers (Code Fed. Regs., tit. 40, § 141.202 subd. (c):):

* Hand delivery
* Broadcast media, such as radio and television
* Posting in conspicuous locations throughout the water service area (posted notices must remain in place for as long as the exceedance continues and no less than seven days)

Alternate method to deliver notices is allowed but must be approved in writing by DDW before distribution.

Notices should be printed on the system’s letterhead, if available.

## Required Elements of the Public Notice

The public notice template attached is appropriate for the methods described above (Cal. Code Regs., tit. 22, § 64465 and Code Fed. Regs., tit. 40, § 141.205). However, the template may be modified for posting, but modified public notices must include all the required elements and leave the health effects and notification language in *italics* unchanged. This language is **mandatory**.

The notice must include:

1. A description of the ALE, including the contaminant of concern (lead), and the lead level.
2. The date(s) the exceedance occurred.
3. The adverse health effects associated with the contaminant, exactly as written in the template:

*Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney, or nervous system problems.*

1. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water. (Be clear who is served by your water system. Also, you may need to list the areas you serve.)
2. Whether alternative water supplies should be used.
3. What actions consumers should take, including when they should seek medical help, if known.
4. What the system is doing to correct the situation (for example, describe the lead service line replacement plan or other appropriate corrective action plan).
5. When the water system expects to resolve the situation.
6. The name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice.
7. The statement to encourage the notice recipient to distribute the public notice to other persons served (specifically, people in apartments, nursing homes, schools, and businesses), exactly as written in the template:

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

## Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance (Health and Safety Code § 116450 (h)(1)(A)).

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language (Cal. Code Regs., tit. 22, § 64465 subd. (c)(1)(B)).

## After Issuing the Notice

Send a copy of each type of notice and a certification that the public water system has met all the public notice requirements to DDW within ten days after issuing the notice [Cal. Code Regs., tit. 22, § 64469 subd. (d); and Code Fed. Regs., Tit. 40, § 141.31 subd. (d)(1)]. Public water systems should also issue a follow-up certification that they have met all the public notice requirements for any repeat notices.

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Este aviso contiene información muy importante sobre su agua potable, por favor lea el aviso en español si va aquí incluido. Si el aviso en español no va incluido aquí, contacte al sistema de agua para pedir una copia.

### DRINKING WATER WARNING

[Water System Name] water has elevated levels of lead in some [homes and/or buildings]

[Water System Name]found elevated levels of lead in drinking water in some homes and/or 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.

Between [Month/Year] and [Month/Year], we collected [insert # of samples] samples and analyzed them for lead. The results of more than 10 percent of the samples exceeded the lead action level. The lead action level is 0.015 milligrams per liter (mg/L) or 15 micrograms per liter (µg/L).

**[Water system may use the following paragraph if one sample exceeds the lead action level and the water system will resample the sample location.]**

This notice is provided out of an abundance of caution. [Water System Name] had one sample location exceed the lead action level. We are resampling the sample location and will notify you of the result when it is received.

This does not mean that every property that receives drinking water from [Water System Name]has lead in its drinking water. It means that your drinking water has the potential to release lead if your service line or home plumbing contain lead components. It also means that you should understand how to reduce your exposure to lead through drinking water. Keep in mind that drinking water is not the only potential source of lead exposure, since lead can be found in air, soil, and paint. For more information on all sources of lead, visit https://www.epa.gov/lead.

#### What is an Action Level?

The lead action level is a measure of the effectiveness of the corrosion control treatment in water systems. The action level is not a standard for establishing a safe level of lead in a home. To check if corrosion control is working, EPA requires water systems to test for lead at the tap in certain homes, including those with lead service lines. Systems compare sample results from homes to EPA’s action level of 0.015 mg/L (15 µg/L). If 10 percent of the samples from these homes have water concentrations that are greater than the action level, then the system must perform actions such as public education, adjusting treatment, and replacing lead service line.

You may have received a separate notice that the pipe that connects your [home, building, or other structure] to the water main was identified as a [lead service line or galvanized requiring replacement service line, or a service line made of unknown material]. If so, lead service lines or certain galvanized requiring replacement service lines can potentially place you at risk for exposure to lead. Please refer to the notice you have received separately for information about service line replacement.

#### Health Effects of Lead

*Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney or nervous system problems.*

#### Steps You Can Take to Reduce Your Exposure to Lead in Your Water

Below are recommended actions that you may take, separately or in combination, if you are concerned about lead in your drinking water. The list also includes where you may find more information and is not intended to be a complete list or to imply that all actions equally reduce lead from drinking water.

* **AVOID CONSUMING YOUR TAP WATER IF YOU ARE PREGNANT OR A CHILD.** Water, juice, and formula for infants, children should be prepared with bottled water or filtered water using an NSF approved filter.
* **If you choose to use your tap water:**
  + **Use cold water**. Do not use hot water from the tap for drinking, cooking, or making baby formula as lead dissolves more easily into hot water. Boiling water does not remove lead from water.
  + **Flush.** Let the water run from the tap before it is used for drinking or cooking if the faucet has gone unused for a few hours. Flushing the tap means running the cold-water faucet for 30 to 60 seconds.
  + **If you have received a separate notice that the pipe that connects your [home, building, or other structure] to the water main was identified as a [lead service line or galvanized requiring replacement service line or a service line made of unknown material], consider flushing your faucet (running water without consuming it) for a longer period of time.** Lead from the service line may be released in the water what you are not using water in your home. Water that has been sitting in your home’s pipes may contain lead from your service line. To avoid wasting water when flushing your faucets, use this water for your other household activities such as flushing toilets, taking a shower, doing laundry, or running the dishwasher.
  + **Use a filter certified to reduce lead**. Some filters, also known as point-of-use (POU) devices, can reduce lead in drinking water. A list of these residential treatment devices can be found at: [https://www.waterboards.ca.gov/ drinking\_water/certlic/device/ watertreatmentdevices.html](https://www.waterboards.ca.gov/%20drinking_water/certlic/device/%20watertreatmentdevices.html)

Read the directions to learn how to properly install and use the POU and when to replace it.

* Avoid using a filter cartridge after it has expired because it can become less effective at removing lead.
* Do not run hot water through the filter.
  + **Clean your aerator.** Clean your faucet’s screen (also known as an aerator) regularly. Sediment, debris, and lead particles can collect in the aerator. If lead particles are caught in the aerator, lead can be released into your water.
  + **Have your water tested.** If you have concerns about your water quality, the State Water Board’s Environmental Laboratory Accreditation Program has a map of laboratories that can test your water at the consumer’s expense, which can be found at: <https://www.waterboards.ca.gov/drinking_water/certlic/labs/> [Community water systems must include this paragraph in the public notice. Water systems that offer testing for lead and/or copper can insert that information here.]
  + **Look for alternative water sources or treatment of water.** [Describe how to obtain bottled water if being provided by system]
  + **If you and your family have other health issues concerning the consumption of this water:** 
    - You may wish to consult your doctor and/or your child’s doctor
    - You may share a copy of this notice with them
    - You may wish to ask for your child to be given a blood lead test

#### What happened?

[Insert information about how and when the lead action level exceedance was discovered in your community and provide information on the source(s) of lead in the drinking water, if known. Below is some example text.]

Between [Month/Year] and [Month/Year], we collected [insert # of samples] samples and analyzed them for lead. The results of more than 10 percent of our samples exceeded the action level for lead.

[Water System Name] is focused on protecting the health of every household in our community; however, lead from service lines and lead plumbing and fixtures can dissolve or break off into water and end up at the faucet. [Describe any system specific sources of lead, if known.] We found that [insert source(s) of lead e.g., lead service lines, lead in plumbing, etc.] are [potential] sources of lead in your drinking water. This does not mean that every property that receives drinking water from [Water System Name] has lead in the drinking water. It does mean that you should understand how to reduce your exposure to lead through water. Keep in mind that drinking water is not the only potential source of lead exposure, since lead can be found in air, soil, and paint. For more information on all sources of lead, visit https://www.epa.gov/lead.

#### What is being done?

[For corrosion control treatment, consider the following text:]

[Water System Name] balances water chemistry at the treatment plant to minimize pipe and plumbing components from corroding and leading to the possibility of lead dissolving into water. This process is known as corrosion control. We are completing an assessment of the corrosion control treatment currently used by our water system. [If appropriate, the last sentence can be replaced by “We are changing our corrosion control treatment to provide better protection again lead release.” Insert an approximate timeline for completing this.]

[Or:]

We are working to determine which corrosion control treatment strategy would be most effective in addressing this situation. [Insert an approximate timeline for completing this.]

[If you are conducting service line replacement, consider adding the following text:]

We are removing service lines that can release lead, which includes lead service lines and galvanized requiring replacement service lines. [Insert an approximate timeline for completing this.]

[Include any other actions you plan to take with a statement such as the following.]

We also plan to take the following steps:

* + - We are conducting additional lead and/or water quality monitoring of our water system supply.
    - We are increasing our lead monitoring to determine the extent of the situation.
    - We are offering free lead testing to concerned customers [describe how customers can access this service, if available].
    - We are making [point-of-use or pitcher] filters available to customers [describe availability such as who may obtain a filter and where].
    - We are making bottled water available to customers [describe availability such as who may obtain bottled water and where, if available].

#### Very small community water systems (CWS) and non-transient, non-community water systems (NTNCWS) that control all service lines of the distribution system can use the following, if appropriate:

We are investigating and removing lead-containing plumbing materials within the facility or installing water filters at locations impacted by lead-containing plumbing.

For more information, please contact [name of water utility contact] at [phone number and/or email] or [mailing address], or visit our website at [website address]. General guidelines on ways to lessen the risk from lead in drinking water are available from EPA’s website <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water>.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by [System Name].

State Water System ID#:\_\_\_\_\_\_\_\_\_\_\_\_\_. Date distributed: \_\_\_\_\_\_\_\_\_\_\_\_\_.