ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[FRL–5449–7]

RIN 2040–AC27

Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is giving notice that it is considering several minor changes to the national primary drinking water regulations for lead and copper to improve its implementation. The intended effect of this action is to eliminate unnecessary requirements, streamline and reduce reporting burden, and promote consistent national implementation. The changes proposed in this action do not affect the lead or copper maximum contaminant level goals or the basic regulatory requirements.

DATES: Written comments should be postmarked or delivered by hand by July 11, 1996. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Eastern time) July 11, 1996.

ADDRESSES: Send written comments on the proposed revisions only to the Lead and Copper Rule Comment Clerk; Water Docket MC–4101; Environmental Protection Agency; 401 M Street, SW., Washington, DC 20460. See Supplementary Information under the heading ''Submission of Comment Information'' for additional details.

Supporting documents for this proposed rulemaking are available for review at EPA's Water Docket; 401 M Street, SW., Washington, DC 20460. For access to the Docket materials, call (202) 260–3027 between 9 a.m. and 3:30 p.m. for an appointment.

FOR FURTHER INFORMATION CONTACT: The Safe Drinking Water Hotline, toll free (800) 426–4791, or Judy Lebowich; Drinking Water Implementation Division; Office of Ground Water and Drinking Water; EPA (4604), 401 M Street SW., Washington, DC 20460; telephone (202) 260–7595.

SUPPLEMENTARY INFORMATION:

Submission of Comment Information

Commenters are requested to submit any references cited in their comments. Commenters also are requested to submit an original and 3 copies of their written comments and enclosures. Commenters who want receipt of their comments acknowledged should include a self-addressed, stamped envelope. No facsimiles (faxes) will be accepted. The Agency would prefer for commenters to type or print comments in ink. Commenters should use a separate paragraph for each issue discussed.

EPA will also accept comments electronically. Comments should be addressed to the following Internet address: ow-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Electronic comments will be transferred into a paper version for the official record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission.

EPA is experimenting with electronic commenting, therefore commenters may wish to submit both electronic comments and duplicate paper comments. This document has also been placed on the Internet for public review and downloading at the following location: gopher.epa.gov.

A. Background

In 1991, the Environmental Protection Agency (EPA) promulgated maximum contaminant level goals (MCLGs) and national primary drinking water regulations (NPDWRs) for lead and copper (''Lead and Copper Rule''). (56 FR 26460, June 7, 1991) The goal of the rule is to provide maximum human health protection by reducing lead and copper levels at consumers' taps to as close to the MCLGs as is feasible. To accomplish this goal, the regulations established requirements for community water systems (CWSs) and non-transient non-community water systems (NTNCWSs). These systems must conduct periodic monitoring and optimize corrosion control. In addition, these systems must perform public education when the level of lead at the tap exceeds the lead action level, treat source water if it is found to contribute significantly to high levels of lead or copper at the tap, and replace lead service lines in the distribution system if the level of lead at the tap continues to exceed the lead action level after optimal corrosion control has been installed. Implementation of the rule was phased based on system size. Large-size systems (those serving more than 50,000 people) were to begin monitoring January 1, 1992. Medium-size systems (those serving between 3,301 and 50,000 people) were to begin monitoring July 1, 1992. Small-size systems (those serving 3,300 or fewer people) were to begin monitoring July 1, 1993.

Today's action proposes several minor revisions to improve implementation of the Lead and Copper Rule. Most of these changes were recommended by a work group EPA formed in 1993 composed of Headquarters and Regional EPA staff, and several State drinking water officials, to identify implementation issues. The proposed changes resulting from those recommendations cover the following topics: requirements for systems deemed to have optimized corrosion control; accelerated reduced monitoring; monitoring waivers for ''all plastic'' systems; selection of sample sites under reduced monitoring; systems that have reduced the number and frequency of monitoring and that change treatment or water source; entry point monitoring for water quality parameters in ground water systems; NTNCWS sampling locations and times; public education; source water monitoring; holding times for acidified lead and copper samples; and reporting requirements for systems and States. In addition, EPA is requesting comment on the following paperwork burden reduction suggestions that the Agency has not had time to fully assess but believes are worth considering and may include in the final rule: eliminate the requirement for systems to calculate and report 90th percentile values; reduce the frequency of entry point water quality parameter monitoring; allow flushing and bottled water instead of corrosion control in NTNCWSs; eliminate the requirement for systems to justify not recommending specific corrosion control treatment; allow alternatives to tap samples to assess the effectiveness of corrosion control; and reduce the frequency of State reporting of 90th percentile values and treatment milestones.

Two other revisions proposed today result from legal challenges to the 1991 Lead and Copper Rule brought by the American Water Works Association (AWWA) and the Natural Resources Defense Council (NRDC). (*AWWA et al.* v. *EPA*, Nos. 91–1338, 91–1343 (DC Circuit) First, as a result of settlement discussions with AWWA in that litigation, EPA agreed to propose regulatory provisions that would authorize States to invalidate the results of lead and copper sampling under certain circumstances. That issue is discussed in section B.3 below. Second, the U.S. Court of Appeals for the District of Columbia Circuit held in this case that the Agency had failed to provide adequate notice and opportunity for public comment regarding the provision in the regulations defining the extent to which a public water system (PWS) has

''control'' over lead service lines, for purposes of determining the systems's obligation to replace such lines under the rule. The Agency is therefore proposing a revised definition of this term for public comment.

NRDC challenged the rule's exclusion of transient, non-community water systems (TNCWSs). In *AWWA*, the court granted the Agency's request for a voluntary remand so that the Agency could provide a more detailed justification of this exclusion. The Agency is not proposing in this rulemaking to alter the current exclusion that exists in the regulation for TNCWSs. Based on the information currently available, the Agency believes that this exclusion continues to be appropriate in light of the fact that the chronic health effects associated with lead in drinking water should not be of concern in such systems (e.g., gas stations, motels, restaurants, campgrounds, rest stops). EPA is currently collecting additional information relevant to this issue that will be made available for public review and comment prior to the promulgation of a final rule. The Agency solicits comment regarding the continued appropriateness of this exclusion, whether modification of the current exclusion would be appropriate and, if so, what alternative approaches are available for addressing these systems. After consideration of the additional information being collected by the Agency and public comments, EPA will either retain the current exclusion or make appropriate modification. If EPA decides to retain the current exclusion, EPA's preamble to the final rule will fully explain the Agency's rationale for such a decision.

In that same ruling, the Court addressed two other NRDC challenges to the 1991 rule: (1) the decision to establish a treatment technique in lieu of a maximum contaminant level (MCL); and (2) the schedules for completing the rule's treatment requirements. The Court upheld the Agency's decisions on these two issues as consistent with the Safe Drinking Water Act (SDWA).

B. 40 CFR 141, Subpart I—Control of Lead and Copper

1. Requirements for Systems Deemed To Have Optimized Corrosion Control

Section 141.81(b) specifies three ways by which a water system can demonstrate that corrosion control already has been optimized and, following such a demonstration, forego the steps of conducting treatment studies and installing additional treatment. EPA inadvertently omitted requirements for systems making such a demonstration under two of the § 141.81(b) provisions and is today proposing the modifications discussed below to correct that oversight.

(a) Water Systems Deemed to Have Optimized Corrosion Control in Accordance with § 141.81(b)(2). A water system deemed to have optimized corrosion control in accordance with § 141.81(b)(2) has demonstrated to the State that it already has completed activities equivalent to the corrosion control steps specified in § 141.81(d) for large-sized systems or in § 141.81(e) for medium- and small-sized systems. The rule requires systems that have optimized corrosion control pursuant to § 141.81(b)(2) to meet water quality parameters specified by the State as reflecting optimal corrosion control treatment. This requirement ensures that these systems will continue to provide adequate treatment to minimize lead and copper levels at the tap. The Agency intended that, once the State designated the optimal water quality control parameters, the system would continue monitoring in the same manner as those systems that installed corrosion control treatment to comply with § 141.81 (d) or (e). This requirement is not clear in the current regulations. EPA today proposes to clarify this requirement by revising § 141.81(b)(2) to require that systems deemed to have optimized corrosion control under that paragraph comply with the same continuing monitoring requirements as any system that optimizes corrosion control pursuant to § 141.81 (d) or (e) of the regulations.

(b) Water Systems Deemed to Have Optimized Corrosion Control in Accordance with § 141.81(b)(3). Under § 141.81(b)(3), systems may show they have optimized corrosion control by demonstrating that the difference between the 90th percentile lead level measured at the tap and the highest source water samples lead concentration is below the Practical Quantitation Limit (PQL) for lead (0.005 mg/L) for two consecutive 6-month monitoring periods. In these instances, the primary source of lead contamination, if any, is the source water and the Agency does not believe that systems could produce quantifiable improvements in lead levels at the tap through corrosion control when corrosion is introducing, at most, minimal amounts of lead. (56 FR 26480–26481)

The current rule does not require these water systems with minimal lead corrosion to meet the copper action level in order to be deemed to have optimized corrosion control. This clearly was not the intent of the rule which seeks to minimize the levels of both lead and copper at the tap. To correct this problem, EPA proposes to add a criterion to § 141.81(b)(3) requiring water systems to meet the copper action level to qualify as having optimized corrosion control under the provisions of § 141.81(b)(3).

This requirement would become effective 18 months after promulgation. In cases where systems have been deemed as having optimal corrosion control under § 141.83(b)(3) based on source water and tap water lead samples, the State should review those systems in terms of their copper tap sample results from the initial rounds of monitoring as well. If a system meets the lead criteria (difference between source water and 90th percentile tap water concentrations is below the lead PQL), but exceeded the copper action level during initial monitoring, the State could direct the system to conduct a new round of sampling consistent with § 141.86(a)–(c) for both copper and lead to determine current levels before this requirement becomes effective and the system is triggered into the corrosion control treatment steps. In such cases, the latest round of sampling should be used in determining whether the system meets the requirements of § 141.81(b)(3).

Even though systems meeting the § 141.81(b)(3) criteria are not required to install corrosion control treatment, they may be treating the water for other water quality considerations, or they may install treatment in the future. Changes in treatment such as disinfection for microbial contamination can affect the corrosivity of the water in the distribution system (56 FR 26486–24867). Thus it is important that these systems continue to monitor periodically to ensure that lead and copper levels do not increase in the future. EPA therefore proposes to further modify § 141.81(b)(3) to require such systems deemed to have optimized corrosion control in accordance with § 141.81(b)(3) to continue tap water monitoring for lead and copper at least once every three calendar years (triennially) using the reduced number of sample sites specified in § 141.86(c) and following the requirements of § 141.86(d)(4)(iv) regarding the location and timing of such sampling. Since some large systems may not have monitored since 1992, the Agency proposes that the first round of this triennial monitoring occur during the first June–September period that occurs after the effective date of the revision, with the exception that systems that have monitored pursuant to § 141.86 (d)(3) or (d)(4) during the three years prior to the effective date be allowed to

use those results and continue triennial monitoring based on the date of that monitoring.

EPA believes that, in most instances, this reduced monitoring will provide information to help ensure that these systems maintain minimal levels of corrosion in the distribution system. The Agency recognizes that system-specific circumstances such as changes in the source water, or changes in treatment to comply with existing or future regulations, may necessitate more frequent monitoring or other appropriate action to ensure that such systems maintain minimal corrosion in the distribution system. Adequate data and case histories are not available to ensure accurate *a priori* estimates of time and location of problems associated with treatment changes in different types of systems. EPA therefore proposes to add language to § 141.81(b)(3) giving States flexibility to require additional monitoring and/or other action(s) the State deems appropriate in these situations.

Finally, EPA recognizes that the revised requirements in § 141.81(b)(3) may result in a few systems being triggered into corrosion control treatment. The Agency is proposing that any such system comply with the requirements of § 141.81(e) and that any such large system adhere to the schedule specified in that paragraph for medium-sized systems.

2. Accelerated Reduced Monitoring for Water Systems With Very Low Lead and Copper Levels

(a) Monitoring for Lead and Copper at the Tap. EPA is proposing to allow water systems that demonstrate for two consecutive 6-month monitoring periods that they have very low lead and copper levels at the tap to reduce the frequency of lead and copper tap water monitoring to once every three years (triennial monitoring) more rapidly than the current regulations permit. Under the current regulations, qualifying systems must demonstrate they have maintained optimal corrosion control for three consecutive years of monitoring before they are eligible to reduce to triennial monitoring.

Sampling results for the initial two rounds of monitoring submitted by large and medium-size systems indicate that over 20% of these systems had 90th percentile lead levels less than or equal to 0.005 mg/L for two consecutive 6-month monitoring periods.[1] EPA expects similar results for the small-size systems. EPA believes it is reasonable to allow systems with lead and copper results significantly below the action levels during consecutive monitoring periods to reduce the frequency of monitoring for lead and copper at the tap to triennially without first going through three years of monitoring.

EPA proposes to add provisions for accelerated reduced monitoring to § 141.86(d)(4) by redesignating paragraph (d)(4)(v) as (d)(4)(vi) and adding a new paragraph (d)(4)(v) containing the accelerated reduced monitoring provisions. In order to qualify for accelerated reduced monitoring, a water system would need to demonstrate to the State that its 90th percentile lead level was less than or equal to the PQL for lead (i.e., the lead level was less than or equal to 0.005 mg/L) and its 90th percentile copper level was less than or equal to one-half the copper action level (i.e., the copper level was less than or equal to 0.65 mg/L) for two consecutive 6-month monitoring periods.

Because of the high degree of variability in lead and copper levels at household taps, EPA believes it is important to establish criteria that minimize the risk of allowing systems that are likely to have elevated levels of lead or copper at the tap during subsequent monitoring periods to accelerate reduced monitoring. The PQL represents the lowest level that laboratories can reliably and consistently measure within specified limits of precision and accuracy. The Agency considered using the PQL as the upper limit for allowing accelerated reduced monitoring for both lead and copper. EPA believes the PQL for lead, which is one-third of the lead action level, is the appropriate lead level to set for accelerated reduced monitoring. EPA believes the PQL for copper for these purposes would be unnecessarily restrictive, however. The copper PQL is less than one-tenth the copper action level. Moreover, unlike the lead action level, the copper action level is the same as the copper MCLG. For these reasons, EPA proposes to use one-half the copper action level as the copper threshold for determining eligibility for accelerated reduced monitoring.

The Agency believes water systems that have met these low levels for two consecutive 6-month monitoring periods will still provide adequate public health protection if such systems are allowed to conduct accelerated reduced monitoring while saving significant monitoring costs and minimizing the inconvenience to homeowners in the sampling pool.

(b) Monitoring for Water Quality Parameters at the Tap. EPA is proposing that water systems which meet the criteria for accelerated reduced monitoring for lead and copper at the tap also be allowed to accelerate reduced monitoring for water quality parameters at the tap to once every three years more rapidly than currently allowed. Because small and medium-size systems that have very low levels of lead and copper at the tap are not required to conduct water quality parameter monitoring, this proposed change would apply only to large water systems. EPA proposes to add provisions for accelerated reduced water quality monitoring by redesignating the current § 141.87(e)(2) as § 141.87(e)(2)(i) and adding a new § 141.87(e)(2)(ii) containing the provisions for accelerated reduced monitoring at the tap. Systems eligible for this accelerated reduced monitoring would have to continue to monitor for water quality parameters at the entry points to the distribution system. The frequency of this monitoring is one sample every two weeks, as specified in § 141.87(c).

3. Sample Invalidation

EPA proposes to add provisions, in a new § 141.86(f), to allow States to invalidate samples under four circumstances: (1) if the laboratory establishes that improper sample analysis caused erroneous results; (2) if the State determines that the sample was taken from a site that does not meet the site selection criteria of § 141.86; (3) if the sample container is damaged in transit; or (4) if the State has substantial reason to believe that the sample was subject to tampering. EPA agrees that these circumstances are likely to yield results that may not represent the tap water levels of lead and copper from the water system's high risk sites and therefore the State should have authority to exclude such results.

Systems will be required to report the results of all samples to the State and must provide evidence of documentation for any sample the system believes should be invalidated. The proposed § 141.86(f)(3) requires States to document all decisions in writing and prohibits States from invalidating a sample solely on the grounds that a follow-up sample is higher or lower than the original sample. In addition, § 141.86(f)(4) would require that any replacement sample be taken at the same location as

[1] Based on 90th percentile lead levels for large and medium-size systems reported to EPA through March 20, 1995 (EPA, 1995a). Prior to August 15, 1995, the EPA data system of record was known as the Federal Reporting Data System (FRDS). Effective August 15, 1995, the Safe Drinking Water Information System (SDWIS) became the official EPA data system of record.

the invalidated sample or, if that is not possible, then at a location other than those already used for sampling during the monitoring period. Any replacement samples also must be taken by the end of the applicable monitoring period, if possible, or within 20 days of the date the State invalidates the sample, whichever date is later.

Allowing at least a 20-day window to replace invalidated samples provides water systems the opportunity to correct what might otherwise be a monitoring violation. The Agency recognizes that, in some cases, the system may not know before the end of the applicable monitoring period that a sample has been invalidated. Some water systems take only the required number of samples, and, in such cases, any invalidated samples would mean an insufficient number of samples would be available for 90th percentile calculations. Absent the opportunity to replace invalidated samples, the system would incur a monitoring violation under this scenario. EPA believes it is reasonable to allow such systems to replace invalidated samples as long as the replacement samples are taken in a timely manner. Any replacement samples taken after the end of the applicable monitoring period cannot also be used to meet the sampling requirements of the subsequent monitoring period.

A water system would need to replace invalidated samples only if it did not have sufficient valid samples to meet minimum sampling requirements. EPA encourages systems to take more samples than required by the rule and not to wait until the end of the monitoring period to complete sampling. In this way, if one or more samples is invalidated, the system has a ''cushion'' and should not need to take replacement samples. If replacement samples are required, however, the system will still have the opportunity to avoid a monitoring violation.

Adding provisions for sample invalidation necessitates a change to the system reporting requirements in § 141.90. EPA proposes to add the requirement, as a new § 141.90(a)(1)(ii),[2] for a system requesting sample invalidation to submit the appropriate documentation to the State.

4. Monitoring Waivers for ''All Plastic'' Systems

Small systems that believe they are free of sources of lead and copper contamination within the system view the tap water monitoring requirements for lead and copper to be excessive. Some States also have requested relief from monitoring requirements for such systems from both a common sense and a public health standpoint. EPA believes such relief makes sense for small systems, so long as the State is satisfied that the system is free of faucets, valves, and water meters made of brass or bronze containing lead, lead service lines, lead solder pipe joints, copper pipes, and other sources of lead and copper contamination within the system itself and all buildings, and that source waters are not subject to lead or copper contamination.

Many manufacturers of brass and bronze fittings and fixtures (e.g., faucets) are attempting to meet the standard recently established by NSF, International for lead leaching from faucets (NSF, 1995) by producing faucets that contain low levels of lead or are completely free of lead-containing materials. EPA believes the existence of so-called ''all plastic'' systems will become more common as industry practices evolve. This makes it more likely that smaller systems can demonstrate that they are free of lead-containing materials. The Agency is therefore proposing to give States discretion to waive some of the monitoring requirements for small systems where the State has determined that, after at least one round of standard tap water monitoring for lead and copper performed since the system became ''all plastic,'' that the system is free of lead and copper-containing materials in the distribution and plumbing systems.

EPA proposes to provide States this discretion by adding a new paragraph (g) to § 141.86. This provision specifies that any small-size system, in which the distribution system and service lines, and all buildings (e.g., residences, schools, commercial buildings), are free of lead or copper pipes or service lines, leaded brass or bronze fittings or fixtures, lead soldered pipe joints and other sources of lead and copper contamination, may apply to the State for a waiver from the tap water monitoring requirements of § 141.86(d) once it has completed one six-month round of standard tap water monitoring for lead and copper since it became free of these materials. The system must demonstrate that the 90th percentile lead level for any monitoring period since the system became free of lead-containing and copper-containing materials did not exceed 0.005 mg/L and that the 90th percentile copper level did not exceed 0.65 mg/L. The system must also support this request with certification regarding the absence of lead and copper materials throughout the system, including buildings.

States would have to notify the system of its determination in writing, setting forth the basis of its decision and any conditions of the waiver. As a condition of the waiver, the State may require certain activities such as monitoring at specific sites or public education. Even if a waiver is approved, limited monitoring at a reduced number of sites would be required once every nine years. A system would have to resume more frequent tap water monitoring if it could no longer certify that it was free of materials containing lead or copper and the State would have the discretion to require the system to resume more frequent tap water monitoring based on changes in treatment, source waters, or tap water lead or copper levels.

In some cases, States or local communities may have plumbing codes that prohibit the use of faucets not meeting the NSF, International lead leaching standard. Where such codes do not exist, States may decide, as a condition of the waiver, to require that systems provide consumers with public education materials encouraging the use of faucets meeting the standard. Some States may wish to review all waivers periodically even in the absence of any changes in treatment or materials which would necessitate such a review.

EPA does not expect any decrease in public health protection if States implement the proposed waiver provisions. The Agency believes that these waivers will be granted where States have substantive documentation or equivalent evidence that the system is truly free of lead and copper, e.g., uniform construction and plumbing specifications requiring lead-free and copper-free materials. In the circumstances under which a waiver would be permitted (very low lead and copper levels in tap water monitoring, absence of lead and copper materials in the system), the Agency sees no value to requiring States and water systems to invest limited resources on a situation that appears to be non-existent. EPA believes such resources should be redirected to areas of the program where the potential of higher public health risk exists.

These provisions necessitate two changes to the system reporting requirements in § 141.90. The introductory text at § 141.90(a) specifies that water systems must provide monitoring data to the State within the first 10 days following the end of each applicable monitoring period specified in §§ 141.86, 141.87, and 141.88. EPA

[2] EPA is proposing to eliminate the current requirement at § 141.90(a)(1)(ii). See preamble discussion in section B.8.

proposes to revise this paragraph to include a frequency of ''every 9 years'' to reflect the monitoring frequency of ''all plastic'' systems with monitoring waivers. EPA also proposes to include the reporting requirements associated with applying for the waiver at a new § 141.90(a)(4).[3]

5. Sample Site Location

(*a*) *Systems Unable to Locate Sufficient Tier 1, 2, and 3 Sites.* The current regulations do not address situations where a water system is unable to locate a sufficient number of sites meeting the tiering criteria specified in § 141.86(a). This has resulted in some confusion regarding whether such systems are required to monitor and, if so, how they should select sample sites. The Agency intended that all CWSs and NTNCWSs monitor for lead and copper at the tap. EPA therefore proposes to revise paragraph 141.86(a)(5) to clarify that any CWS with insufficient tier 1, 2, and 3 sites shall complete its sampling pool with representative sites throughout the distribution system. Likewise, EPA proposes to revise paragraph 141.86(a)(7) to clarify that any NTNCWS with insufficient tier 1 and 2 sites shall complete its sampling pool with representative sites. EPA's guidance, *Lead and Copper Rule Guidance Manual; Volume I: Monitoring,* contains suggestions for selecting sites in these circumstances.

(*b*) *NTNCWSs Without Enough Taps That Can Provide First-Draw Samples.* The existing regulations require that lead and copper tap samples must ''have stood motionless in the plumbing * * * for at least six-hours.'' This is known as a ''first-draw'' sample. In implementing the regulations, States have found that some NTNCWSs cannot achieve this standing time because they operate 24 hours a day. Such facilities may include factories operating on a three-shift basis and other facilities that provide drinking water continuously. These systems are unable to ensure that water will have stood in the plumbing for at least six hours. EPA believes that requiring such systems to sample after a standing time that does not exist is unnecessary. The Agency therefore proposes to add paragraph § 141.86(b)(5) to allow NTNCWSs that do not have enough taps where the water will have stood in the plumbing for at least six hours to ask the State, in writing, for approval to sample from taps where the water will have stood for less than six hours. Such systems will be required to collect first-draw samples from as many appropriate taps as possible. Section 141.86(b)(5) also will require such systems to identify sampling times and locations that would likely result in the longest standing time and to sample at times and locations approved by the State for the remaining required samples. EPA also proposes to add the corresponding reporting requirements in a new paragraph 141.90(a)(2).[4]

The Agency invites comment on an alternative which would allow NTNCWSs that do not have enough taps where the water will have stood in the plumbing for at least six hours to proceed without up-front State approval to sample from taps where the water will have stood less than six hours. The system would still be required to sample from taps with the longest standing times possible, however, States would not need to specify sites prior to monitoring. States would have discretion to verify at any time that the proper sample was conducted.

(*c*) *Sample Site Justifications.* Sections 141.86(a)(8) and 141.90(a)(2) and (3) require any water system that uses non Tier 1 sites in its sampling pool to send a letter to the State demonstrating why it is necessary to use non Tier 1 sites. Sections 141.86(a)(9) and 141.90(a)(4) require any water systems with lead service lines that cannot identify enough sites connected to lead service lines for its sampling pool to send a letter to the State demonstrating why it is unable to collect 50 percent of the samples from sites served by lead service lines. EPA included these requirements to help ensure that systems collect samples from high risk sites. The Agency expected these to be ''one time'' requirements that would be completed, if necessary, prior to the start of initial monitoring.

Water systems, particularly those not exceeding the lead and copper action levels, are finding it necessary to adjust the sampling pool every monitoring period because they are experiencing difficultly obtaining continued access to the same sites. Changes to the sampling pool frequently trigger the need for letters to the State justifying the selection of new sampling sites. EPA believes that requiring systems to justify the use of other than high risk sites on an ongoing basis imposes an unnecessary burden as States can determine whether systems are sampling routinely at appropriate sites through other mechanisms such as periodic on-site inspections and file reviews. The Agency therefore proposes to eliminate these requirements. To accomplish this, EPA proposes to: (a) delete the current §§ 141.90(a)(2) through (4); and (b) revise § 141.86(a) by deleting paragraph (8) and revising paragraph (9) and redesignating it as paragraph (8).

(*d*) *Selection of Sample Sites Under Reduced Monitoring.* Section 141.86(d)(4) allows systems serving more than 100 people that qualify for reduced monitoring to decrease the number of required sample sites by fifty percent. Section 141.86 currently does not specify which sampling sites should be included in the reduced sampling pool. EPA is concerned that, rather than select representative locations, some systems might select those sites which yielded the lowest concentrations of lead and copper during the previous rounds of tap water sampling. EPA proposes to clarify § 141.86(c) so that systems shall choose representative sites and States shall have the authority to designate which sample sites must be used for reduced monitoring in those situations where the State believes that such designation is appropriate. The Agency believes this proposed revision minimizes additional regulatory burden. The State will not be required to specify sampling sites for any system. Rather, the proposed revision allows States to specify locations for those systems that they believe may attempt to ''game'' the system, thus allowing the State to concentrate on water systems that need the extra attention.

6. Optimized Systems That Change Treatment or Source Water

EPA expects most systems that have optimized corrosion control will continue to apply the same chemicals and maintain roughly uniform dosage rates in order to maintain suitable passivation or corrosion inhibition. Some systems, however, may find it necessary to change their treatment to comply with other regulatory requirements or changes in source water. For example, more stringent regulations for disinfection and disinfection by-products could result in a water system switching from one corrosion control treatment (e.g., pH/alkalinity adjustment) to another (e.g., phosphate-based inhibitor). In addition, over time, some systems may find it necessary to switch from one source water to another and, as a result, some would have to change their corrosion control treatment to account for different water chemistry.

It is important that corrosion control treatment be maintained even in the

[3] EPA is proposing to eliminate the current reporting requirement at § 141.90(a)(4). See preamble discussion in section B.5(c).

[4] EPA is proposing to eliminate the current reporting requirement at § 141.90(a)(2). See preamble discussion in section B.5(c).

face of changes in other aspects of water quality (either because of a new source or changes in other treatment). Without properly maintained treatment, protective films in the distribution system can be solubilized within weeks or even days (Fuge et al., 1992, Colling, et al., 1992; Schock et al., 1996) and lead and/or copper can be released from the interior surfaces of pipes and other plumbing or distribution system materials. This is addressed in the current rule by requirements for systems that install treatment to continue to monitor for lead and copper as well as various water quality parameters. There is a concern, however, that the current rule may not adequately address systems deemed to have optimized corrosion control who later make changes in their treatment for reasons discussed above. Because these systems would be monitoring at a reduced frequency, increases in lead and/or copper that may occur within a relatively short time may not be detected for up to three years.

The Agency believes this will be a relatively uncommon problem. Further, the Agency recognizes that any increases in lead and/or copper levels would be unintended in systems that previously expended significant resources demonstrating they had optimized corrosion control. Nevertheless, EPA believes that such a contingency should be addressed and is proposing to amend § 141.86(d)(4) by adding a new paragraph (vii) that would apply to systems that have been on a reduced monitoring schedule and either (a) change their source water, or (b) change any water quality treatment process, including disinfection, disinfection by-product removal, and corrosion control. EPA also proposes to add the corresponding reporting requirement in a new paragraph at § 141.90(a)(3).[5] Systems falling into this category would have to inform the State of such a change. Adequate data and case histories are not available for EPA to ensure accurate *a priori* estimates of time and location of problems associated with treatment changes in different types of system. Based on such information, the State could require the system to resume standardized lead and copper tap water monitoring, or 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.

7. Entry Point Monitoring for Water Quality Parameters in Ground Water Systems

Sections 141.81 (d) and (e) require monitoring for various water quality parameters at entry points to the distribution system in those systems that install corrosion control treatment. Based on conversations with States since the rule became effective, the Agency believes that for some systems that rely on ground water sources, monitoring for water quality parameters at each entry point to the distribution system may not be necessary. Some ground water systems, especially in the western states, can have dozens or even hundreds of wells, and monitoring for numerous water quality parameters at all entry points can be difficult to coordinate and expensive.

For example, ground water systems can have distinct hydraulic zones where water from the different zones do not mix. In many of these cases, it is possible that corrosion control treatment is needed at some wells but not all. The Agency believes that there would be little value in monitoring at all wells with identical water qualities in the same hydraulic zone if the same treatment is being applied. Similarly, it would not be reasonable to monitor water quality parameters at all wells receiving no treatment, especially if the water from these sources is in a distinct hydraulic zone from wells that do receive treatment and therefore do not blend with treated water. In these cases, it could be sufficient to monitor at a representative number of wells to ensure that the treatment being applied is appropriate for the current water quality and that treatment conditions are being maintained.

The Agency proposes to amend § 141.87 by adding a new paragraph (c)(3) to allow ground water systems that have installed corrosion control treatment and are required to monitor for the water quality parameters listed in § 141.87(c), to limit their entry point monitoring to those locations that are representative of water quality conditions throughout the system. For those systems, monitoring for water quality parameters would be required at some entry points receiving treatment as well as at some points receiving no corrosion control treatment if the water from those points mixes with other source water in the system that is treated. Systems taking advantage of this provision would be required to provide the State the same kinds of detailed records regarding chemical additions and water quality at those entry points that are monitored, as well as documentation showing that those points are in fact representative of water quality throughout the system. EPA proposes to add the corresponding reporting requirement in a new § 141.90(a)(5).[6]

The Agency also proposes to revise the summary table at the end of § 141.87 to reflect this change as well as the current and proposed provisions in § 141.87(e) allowing reduced monitoring for water quality parameters at the tap to occur on an annual or triennial frequency.

8. Other Changes Pertaining to Tap Water Monitoring for Lead and Copper

(a) First Draw Certifications. Sections 141.90(a)(1) (ii) and (iii) currently contain requirements for water systems to provide a certification that each sample collected by the system pursuant to § 141.86(d) meets the first-draw specifications in § 141.86(b) and that each tap sample collected by residents was taken after the water system informed them of the proper sampling procedures. EPA included these requirements to help ensure use of the proper sampling protocol contained in § 141.86. Most water systems have now completed at least two rounds of monitoring for lead and copper at the tap and have experience collecting first drawn samples. The Agency believes the continued requirement to provide these certifications every monitoring period imposes a burden that can no longer be justified. EPA therefore proposes to eliminate this requirement by deleting these paragraphs.[7]

(b) State Approval for Reduced Monitoring. Section 141.86(d)(4) (ii) contains provisions for any water system that 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 to request State approval to reduce the frequency of monitoring for lead and copper at the tap to once per year and to reduce the number of samples in accordance with § 141.86(c). Section 141.86(d)(4)(iii) contains similar provisions for such water systems to request approval from the State to further reduce the frequency of lead and copper tap water monitoring to once every three years after

[5] EPA is proposing to eliminate the current reporting requirement at § 141.90(a)(3). See preamble discussion in section B.5(c).

[6] EPA is proposing to eliminate the current reporting requirement at § 141.90(a)(5). See preamble discussion at B.8(b).

[7] As discussed in section B.3 above, EPA proposes to replace paragraph 141.90(a)(1)(ii) with a new requirement pertaining to sample invalidation requests. EPA proposes to reserve paragraph 141.90(a)(1)(ii).

demonstrating they have maintained optimal corrosion control during three consecutive years of monitoring. The Agency believes State approval is appropriate in these instances because of the number of factors that must be considered when determining eligibility for reduced monitoring.

Based on conversations with States since the rule became effective, EPA believes the requirement for systems to explicitly request such approval is redundant. States routinely review system eligibility for reduced monitoring as part of their regular compliance determination and notify those systems that are eligible to begin reduced monitoring. Under these circumstances, the Agency believes that asking systems to request such a determination adds unnecessary transaction costs. EPA therefore is proposing to revise §§ 141.86(d)(4)(ii) and (iii) to remove the requirement that systems explicitly request State approval for reduced monitoring and to delete the corresponding system reporting requirement at § 141.90(a)(5).

This revision reduces system burden but would not change the State's role. The revised §§ 141.86(d)(4) (ii) and (iii) will continue to require States to review monitoring records and notify the system in writing of its determination and to review the determination, as appropriate, as new data become available.

(c) Sampling for Water Systems That Do Not Operate Year Round. Water systems sampling once per year or less must take samples in June, July, August, or September. This requirement causes problems for some NTNCWSs, such as schools and ski resorts, that may not be open, and therefore do not serve water, during these months. The intent of the rule is that the sampling be done during the warmest months of the year. EPA did not intend, however, that seasonal systems sample during months when the system is not in operation as the results of such sampling would not be representative of the water used for drinking. EPA proposes to revise the current § 141.86(d)(4)(iv) to require water systems that do not operate between June and September to monitor at times most likely to represent their warmest months of operation.

(d) Holding Time for Acidified Lead and Copper Samples. EPA proposes to change § 141.86(b)(2) by decreasing the holding time for acidified lead or copper samples from 28 to 16 hours. EPA originally required 28 hours for acid to redissolve metals in water samples. The Agency has since obtained data[8] to show that 16 hours is sufficient to solubilize all metals including lead and copper. In a recent methods update rule (59 FR 62456, December 5, 1994) EPA changed the holding time for acidified samples to 16 hours but neglected to correct the rule at § 141.86(b)(2) to reflect this change. This change would reduce the burden on utilities and laboratories to have separate acidification holding times for lead and copper, and it increases the number of samples that can be analyzed in a day. This proposed change does not affect the accuracy or reliability of lead or copper determinations.

9. Public Education

(a) Public Education Language. The regulations prescribe specific language that systems must include in the text of all written materials they distribute as a part of their lead public education program. Delivery of educational materials by systems that have exceeded the lead action level has done much to educate the public on lead in drinking water. Some EPA Regions and States have raised concern, however, that the required public education material, while appropriate for CWSs that serve water to residential customers, may not be appropriate for NTNCWSs and even some small CWSs such as prisons and hospitals. To address these concerns, EPA is proposing alternative language that is more appropriate for such systems.

EPA proposes to make numbering changes to § 141.85. Paragraph (a) will continue to contain the public education language; however, in order to add language specific to NTNCWSs, EPA proposes to split paragraph (a) into two paragraphs. Paragraph (a)(1) will contain public education material for CWSs; paragraph (a)(2) will contain public education material for NTNCWSs. The numbers inside paragraphs (a)(1) and (a)(2) will be changed accordingly and conforming changes will be made in § 141.85(c).

The new NTNCWS language in paragraph (a)(2) provides more relevant and helpful information for persons consuming water in such a system than the existing public education language. EPA proposes to replace phrases such as ''some homes in the community'' with ''some drinking water samples [taken from this facility]'' because a NTNCWS typically does not serve water to homes. EPA proposes to delete the reference to having water tested for lead because customers of a NTNCWS are unlikely to have water tested for lead as they tend to consume the water for only a short period of time and have little or no control over the water in the distribution system. For similar reasons, EPA proposes deleting references to having a plumber check pipes for solder and having an electrician check for possible improper grounding. Additionally, EPA proposes to replace references to home treatment devices with a recommendation that bottled water be consumed if lead levels at the tap cannot be reduced. EPA also proposes to change the language for flushing taps for NTNCWSs. Persons using taps at such water systems likely will not know the nature of the plumbing system as would homeowners. For example, reference to lead service lines in the CWS notice does not have any added health benefit for NTNCWSs where the consumer is unlikely to be aware of the existence of such lines. EPA therefore proposes to limit the discussion of flushing to suggesting a 15–30 second flush, which should clear any water with high lead levels that come from the faucet.

EPA believes that the public education language in § 141.85(a)(1) is not appropriate for some types of CWSs, such as prisons and hospitals. The notice for CWSs in these institutions is inappropriate. Inmates and patients who are not capable of installing home treatment devices or having their water tested should not be given the CWS public education language. References to ''your home'' and ''your family's health'' also are inappropriate. Therefore, EPA proposes to add § 141.85(c)(7) to allow a CWS to request that the State allow it to issue public education materials as if it were an NTNCWS if the system is a facility where the population served is not capable of, or is prevented from, making improvements to plumbing or installing point of use treatment devices and the system provides water as part of the covered services and does not directly bill for water consumption. EPA believes this is appropriate for certain institutions and should be allowed where the State believes it better protects public health. The Agency also invites comment on an alternative whereby a community water system for which the NTNCWS public education would be appropriate would not require up-front approval from the State before issuing the public education materials. The system would still have to submit certification that it completed its public

[8] These data are discussed in conjunction with EPA Methods 200.8 and 200.9 in the manual, *Methods for the Determination of Metals in Environmental Samples—Supplement 1.* [EPA, 1994]

education requirements, including the NTNCWS material that it used.

EPA recognizes that many public water systems, especially CWSs with large populations, have had public education material printed and that making changes would be costly. The Agency believes, however, that none of the changes to the public education language will be applicable for most CWSs and expects them to continue to be able to use already printed materials.

(b) Mailing and Timing of Notices. Water systems that exceed the lead action level must perform public education tasks within 60 days of the initial exceedance. As part of this activity, CWSs are required to include the required materials with the water bill and print an alert on the billing statement. EPA's intent in establishing these requirements was to provide customers timely notification that the system had exceeded the lead action level, information about health risks, sources of exposure, and steps the consumer can take to reduce exposure. While the Agency believes there is value in requiring notice in the water bill and that such an approach saves the cost of a separate mailing, the EPA Regions and States responsible for implementing the regulations have found that these requirements pose unintended problems for many water systems.

Many water utilities do not bill frequently enough to meet the 60-day requirement; ninety days is more the norm. Also, many systems use postcards or computer-generated self-mailers. These formats do not allow the enclosure of additional materials nor do they have sufficient space to include the required alert on the bill itself. Systems exceeding the action level that have one, or both, of these problems face difficulty complying with the current requirements unless they change their billing system. This is not the Agency's intent. EPA therefore proposes to revise § 141.85(c)(2)(i) to allow community water systems more flexibility in the mailing of public education materials.

First, EPA proposes, in a new paragraph (c)(2)(i)(A), to allow such systems to mail these materials on the same schedule as the system's billing cycle, as long as the mailing occurs within 6 months of the exceedance. EPA also proposes to revise the language of § 141.85(c)(2) by adding the phrase, ''Except as provided in paragraph (c)(2)(i)(A) of this section, * * *'' to be consistent with this new provision.

Second, EPA proposes to add a new paragraph (c)(2)(i)(B) to allow systems that do not bill using envelopes, or that will not bill within 6 months of exceeding the lead action level, the option of distributing the lead public education materials to billing units through a separate mailing as long as the mailing is completed within 6 months of exceeding the lead action level and achieves at least equal coverage. Systems using an alternative delivery of lead public education would be required to include an alert with the public education materials to minimize the risk that the materials would be discarded as ''junk mail.''

(c) Systems Serving 500 or Fewer People. In addition to mailing notices to billing units, CWSs must submit notices to the major daily and weekly newspapers circulated throughout the community, provide lead information to facilities and organizations visited frequently by children and pregnant women, and submit public service announcements to radio and television stations with the largest audiences that broadcast to the community served by the water system. The preamble to the final rule (56 FR 26500–26503) explains why the Agency believes these steps are necessary and appropriate.

For some small systems, particularly those that provide water only to a small number of people in a larger urban or suburban area, these requirements have created unintended consequences. The rule requires systems to include their telephone number so consumers can call with questions about lead in their drinking water. In some cases, small systems that serve only a small portion of a larger metropolitan area have been flooded with calls from individuals not served by the system who heard or read these announcements. Such systems are ill-equipped to respond appropriately to a large-scale public response. The requirement to distribute materials to locations visited frequently by pregnant women and children similarly imposes a significant burden on these systems since it may involve a large number of locations if the system is near an urban or suburban area.

EPA does not believe it is appropriate to impose such burdens on systems serving few people. EPA considered the option of allowing CWSs serving 500 or fewer people to use the same method of delivery as NTNCWSs. Non-transient non-community systems are required to 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 to distribute information pamphlets and/or brochures to each person served by the system. EPA believes the requirement to post in every building served by the system could be a problem for a community system since it would require access to residences and other buildings not controlled by the system in order to post notices in appropriate locations.

The Agency therefore proposes to add provisions, in a new § 141.85(c)(8), to allow CWSs serving 500 or fewer people to limit or omit some of the required tasks. Section 141.85(c)(8) will allow such systems to omit tasks requiring submission of information to newspapers and radio and television stations. In place of these tasks, EPA proposes to require these systems to mail or hand deliver the same lead public education materials the system is required to mail to billing units to all other regular consumers (e.g., tenants of multi-family residences whose water is included in their rent). EPA also proposes to allow such systems to limit the number of locations to which they must furnish informational pamphlets. EPA proposes that such systems be required to provide these materials to locations frequented by pregnant women or children within the system's service area and only those locations outside the system's service area that are regularly visited by the system's consumers. Finally, EPA proposes that a system performing public education in accordance with the provisions of § 141.85(c)(8) repeat the tasks every 12 months for as long as the system continues to exceed the lead action level. The Agency believes this proposed approach will significantly reduce the burden imposed on these systems without jeopardizing the effectiveness of their lead public education programs.

In addition to eliminating the requirement for CWSs serving 500 or fewer people to provide public service announcements to radio and television stations every six months for as long as the system exceeds the lead action level, EPA solicits comment regarding the option of also eliminating this requirement for CWSs serving between 501 and 3,300 people. Since the ''local'' radio and televisions stations for communities served by small-sized water systems frequently belong to larger listening and viewing areas, this option should reduce small-sized system burden by reducing the need for the system to respond to a large number of inquiries from those not served by the system. In addition, since radio and television stations often do not air public service announcements that affect only a small subset of their audience, omitting this task may not affect the effectiveness of the system's public education program. On the other hand, the use of multiple media to deliver lead public education to as many people as possible and the use of

public service announcements have been found to be very effective. Omitting the public service announcement requirement may reduce the effectiveness of the lead public education program for the larger small-sized systems (i.e., those serving between 501 and 3,300 people) because these systems are more likely to have consumers who cannot be reached effectively through other approaches (i.e., direct mailing to billing units, newspaper notices, and brochures distributed to locations visited frequently by pregnant women and children). Commenters should address the effect this option would have on the lead public education program for CWS serving 501 to 3,300 people, what, if any, tasks should be required in lieu of public service announcements for these systems, and the burden implications of this option.

(d) Schedule for Reporting Completion of Public Education Tasks. Section 141.90(f) requires that each water system subject to the public education requirements submit a letter to the State by December 31st of each year demonstrating that the system has delivered the required public education program. The letter must be accompanied by a list of all newspapers, radio and television stations, and facilities and organization to which the system delivered the public education materials during the previous year.

The Agency believes the current reporting requirement fails to provide the States and EPA with information in a manner timely enough to oversee systems' compliance with the public education program mandated in the final rule. In some cases, the current provision in § 141.90(f) gives a public water system as much as ten months before it submits a letter to the State certifying that it has delivered the public education materials to its customers in accordance with § 141.85(c). For example, under the current provision a system that initially exceeds the lead action level in the monitoring period ending January 1 is required to deliver the public education program within 60 days of the exceedance (e.g., by March 1), but does not have to submit the certification letter to the State until December 31. If the system fails to deliver the public education program in a timely manner, the State would have difficulty knowing of a violation until months after it has occurred.

In place of the current requirement for a letter submitted by December 31st, EPA is proposing to require that each water system subject to the public education requirements submit a letter demonstrating compliance with the public education requirements within ten days after the end of each period[9] in which it is required to perform public education tasks. The ten days allows systems to assemble records and notify the State. Such a requirement is consistent with the time frame allowed in other reporting requirements, which allow ten days after an action or the end of a reporting period for a system to report to the State. The letter would have to be accompanied by a list of all newspapers, radio and television stations, and facilities and organization to which the system delivered the public education materials during the most recent period during which the system was required to perform public education tasks.

EPA recognizes that this proposed revision will require community water systems that must deliver public service announcements to radio and television stations every six months to submit two letters to the State during a calendar year instead of the single letter that is now required. EPA believes, however, that accelerating the public education reporting requirement will improve compliance because, in addition to making the requirements easier to enforce, it also will encourage water systems that exceed the lead action level to deliver the public education program to their customers.

10. Control of Lead Service Lines

In the June 7, 1991, regulations, EPA promulgated a broad definition of ''control'' as it applies to lead service lines in the distribution system that included: (1) Authority to set standards for construction, repair or maintenance of the line; (2) authority to replace, repair or maintain the service line; or (3) ownership of the service line. As discussed above, AWWA challenged this definition, arguing that systems should not be required to replace lead service lines they do not own and that EPA had substantially changed the definition of control from that which had been proposed without providing opportunity for public comment. The Court agreed with AWWA that the Agency had failed to give adequate public notice that it was considering requiring systems to replace portions of service lines that the system does not own. The Court remanded and vacated the definition of control as it applies to portions of line beyond a water system's ownership. (*AWWA* v. *EPA*, 40 F.3d 1266 (D.C. Cir. 1994)) Because the Court vacated the rule on this procedural ground, it did not address AWWA's substantive argument that EPA was without statutory authority to require replacement of privately owned portions of service lines.

After further consideration, EPA has decided to propose a revised definition of ''control'' of lead service lines (LSLs) that would obligate water systems to replace the portion of the line that they own, as well as any additional portion which the system has the authority to replace, in order to protect the quality of water delivered to the user. EPA is concerned that the LSL replacement requirements in the original rule, which required systems to also replace the privately owned portion of the line where the system had standard setting authority or other forms of authority, could result in confusion and delay in implementation of the rule. Confusion could have resulted from different perceptions of the precise scope of the system's legal authority, and resolution of such disputes would have required the intervention of the State, a potentially time consuming process.

To accommodate the revised definition of LSL control and to further streamline the LSL replacement requirements, the Agency proposes that the rule would not include the rebuttable presumption contained in the original rule. Rather, the rule's provision would be ''self-implementing'' and not require affirmative demonstrations by the systems or *a priori* review by the State. For this reason, EPA proposes to eliminate the reporting requirement at § 141.90(e)(4) for any system seeking to rebut the presumption that it controls the entire service line to send a letter to the State. EPA solicits comment specifically regarding the degree to which systems may have the authority to replace the privately owned portions of lead service lines.

EPA also solicits comment regarding the option of only requiring replacement of the portion of the line owned by the water system. Such an approach would further simplify implementation of the rule, since the division in ownership between the system and the user should be clear to all parties.

11. Source Water Monitoring

(a) Composite Samples. Section 141.88(a)(1) requires any system that exceeds an action level to collect entry point samples to determine the contribution from source water to lead and copper tap water levels. These

[9] The regulations require a CWS to provide public service announcements to the broadcast media every six months as long as the system continues to exceed the lead action level. A water system must repeat the appropriate written public education tasks every 12 months as long as it continues to exceed the lead action level.

systems may composite source water samples in accordance with the requirements regarding sample location, number of samples, and collection methods specified for inorganic chemical sampling in § 141.23(a).

Section 141.23(a)(4) specifies that a water system may composite samples from as many as five sampling sites. When the final rule was published in June 1991, § 141.23 tied the resampling triggers for inorganic chemicals in source water to the method detection limit (MDL). These provisions were modified by the Phase V Rule (57 FR 31776, July 17, 1992). Section 141.23(a)(4)(I) now requires that follow-up samples be collected if any composited inorganic chemical sample concentration is greater than or equal to one-fifth of the maximum contaminant level (MCL). The use of one-fifth of the MCL as the resampling trigger for source water lead and copper levels is inappropriate since there are no MCLs for lead or copper.

EPA considered a resampling trigger of one-fifth the action level for lead and copper in a composite source water sample on the basis that such a resampling trigger might be analogous to a resampling trigger of one-fifth of the MCL for all other regulated inorganic compounds in drinking water. While using one-fifth of the MCL as the resampling trigger is sufficient for most inorganic chemicals, lead and copper are regulated through a slightly different means. That is, an action level at the 90th percentile as measured in tap samples does not directly correspond to any particular source water levels. Contributions to lead and copper levels at the tap can come from source water and through corrosion of the distribution system. In some cases, the contribution from the source may be significant and merits treatment. EPA believes that using one-fifth of the action level as the resampling trigger is inappropriate for lead and copper.

EPA's guidance, *Lead and Copper Rule Guidance Manual Volume II: Corrosion Control Treatment* dated September 1992 (Document number EPA 811–B–92–002), provides levels below which treatment is not an advisable option for lead and copper in source water. Below these levels, the Agency believes it would be more expedient to control lead and copper levels through corrosion control treatment of the distribution system than through source water treatment. The Agency believes source water treatment for lead is generally not advisable when lead levels in the source water are less than or equal to 0.005 mg/L. The Agency also believes that source water treatment for copper is generally not advisable when copper levels in the source water are less than or equal to 0.8 mg/L.

EPA therefore believes the water system and the State generally should be concerned when source water lead levels exceed 0.005 mg/L or source water copper levels are greater than 0.8 mg/L. As discussed above, EPA believes that the less conservative level of concern for copper is appropriate since the copper action level is the same as the copper MCLG. Since the rule allows compositing of up to 5 samples, the composite sample concentration can be as much as one-fifth the level at any of the sites included in the composite before treatment would be considered. EPA believes the resampling trigger should be set at one-fifth the level of concern to ensure that sampling sites with lead and/or copper levels greater than the level of concern are identified.

EPA proposes that water systems resample for lead and copper in source water at each of the sites from which the composite sample was taken when the composite sample concentration is greater than 0.001 mg/L for lead and/or greater than 0.160 mg/L for copper. The Agency believes these levels are appropriate because the final rule specifies that the State may require a water system to treat its source water at the lower levels and it is therefore crucial that EPA, the States, and water systems, have information at the lower levels to make informed decisions on proper treatment.

The proposed lead resampling trigger of 0.001 mg/L is the method detection limit (MDL) for lead. The Agency is aware that there is concern about using MDLs as monitoring and compositing criteria because, statistically, half the samples whose true value is at the MDL could be reported as false negatives. The Agency therefore also is soliciting comment on the option of not allowing composite source water samples.

EPA proposes to revise § 141.88(a)(1) by dropping the reference to § 141.23(a)(1) through (4) [10] and incorporating the requirements regarding sample location, number of samples, and collection methods at a new § 141.88(a)(1) (i) through (iii). The proposed new § 141.88(a)(1)(iii) will contain the provisions for compositing source water samples for lead and copper as well as the resampling triggers for lead and copper. This paragraph also clarifies that compositing of samples must be done by certified laboratory personnel and provides a cost-savings option that, 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, if resampling is necessary.

The revised resampling triggers for lead and copper at § 141.88(a)(1)(iii) necessitate revisions to the laboratory certification procedures at § 141.89(a)(1)(iii). Currently § 141.89(a)(1)(iii) requires that laboratories that accept composite samples be capable of achieving the MDLs that previously were the resampling triggers for lead and copper. For lead, at § 141.89(a)(1)(iii)(A), the MDL of 0.001 mg/L corresponds to the resampling trigger discussed above that is proposed to be added to § 141.88(a)(1)(iii). However, for copper, the MDL is below the resampling trigger proposed to be added at § 141.88(a)(1)(iii). The MDL for copper is 0.001 mg/L, or 0.020 mg/L if atomic absorption direct aspiration is used. EPA therefore proposes to revise § 141.89(a)(1)(iii) to delete the requirement concerning the copper MDL because the laboratory will be sufficiently tested on its capabilities under § 141.89(a)(1)(ii)(B) where it is required to achieve a quantitative acceptance limit of ±10 percent of the actual amount of the performance evaluation sample when the actual amount is greater than or equal to 0.050 mg/L.

(b) Reduced Source Water Monitoring. Systems that exceed the lead or copper action level at the tap are required to monitor for lead or copper in their source water. States are required to determine whether source water treatment is needed and, if treatment is required, to establish maximum permissible levels for lead and copper in the system's source water. The current regulations, at § 141.88(e), allow source water monitoring at a reduced frequency ultimately for water systems that meet the maximum permissible source water lead and copper levels set by the State. This reduced monitoring is not currently allowed for systems required to conduct source water monitoring but for which the State has not set maximum permissible source water levels. In these instances, the State effectively has determined that source water treatment is not necessary and that the source water does not contribute significantly to lead and

[10] Section 141.23(a)(1) through (4) contains the requirements regarding sample location, number of samples, and timing for inorganic chemicals. Since the requirements pertaining to sampling for lead and copper in source water differ somewhat from those in § 141.23(a) (1)–(4), the Agency believes it will be less confusing to specify the requirements regarding lead and copper in Subpart I, where all other lead and copper sampling is addressed.

copper levels at the tap. EPA believes it is appropriate to allow such systems to reduce the frequency of source water monitoring. Some water systems will exceed the lead or copper action level on a continuing basis with little or no contamination originating from the source. For these systems, corrosion control treatment may require a number of years to take full effect.

EPA therefore proposes to revise §§ 141.88(e)(1) and (2) to allow water systems that exceed the action level, but for which the State has not set maximum permissible source water levels, to reduce the frequency of source water monitoring for lead and copper if the system maintains source water lead levels below 0.005 mg/L and source water copper levels below 0.8 mg/L for three consecutive monitoring periods, if using an exclusively ground-water source, or three consecutive years, if using a surface water or combined surface and ground-water source. As explained above, these are the levels for lead and copper in source water below which EPA generally believes source water treatment is not necessary. The proposed monitoring protocol is consistent with current rule requirements for systems that meet State-set maximum permissible levels after installation of source water treatment. The preamble to the rule (56 FR 26529) explained that this protocol is consistent with the monitoring protocols for other inorganic chemicals.

12. System Reporting Requirements

As discussed above, EPA is proposing a number of changes to water system reporting requirements at § 141.90. The following chart summarizes these changes.

SUMMARY OF PROPOSED CHANGES TO SYSTEM REPORTING REQUIREMENTS

Paragraph	Proposed revision	Preamble discussion
141.90(a)(1)(ii)	Remove requirement for certification of first draw samples collected by the system	B.8(a)
	Replace with new requirement for documentation to accompany sample invalidation requests	B.3
141.90(a)(1)(iii)	Remove requirement for certification pertaining to first draw samples collected by residents	B.8(a)
	Reserve paragraph	
141.90(a)(2)	Remove requirement for CWSs to send letter to State demonstrating why sufficient Tier 1 sites cannot be located.	B.5(b)
	Replace with new requirement for NTNCWSs that cannot find enough first draw sampling sites to send a letter to the State.	B.5(d)
141.90(a)(3)	Remove requirement for NTNCWSs to send letter to State demonstrating why sufficient Tier 1 sites cannot be located.	B.5(b)
	Replace with new requirement for systems subject to reduced monitoring to notify the State if there are any changes in treatment or source water.	B.6
141.90(a)(4)	Remove requirement to send letter to State demonstrating why 50% of sampling sites are not served by lead service lines.	B.5(b)
	Replace with new reporting requirements associated with ''all plastic'' system monitoring requests	B.4
141.90(a)(5)	Remove reporting requirements associated with requesting reduced monitoring	B.8(b)
	Replace with new reporting requirement demonstrating representative locations for biweekly entry point water quality parameter monitoring after the installation of corrosion control treatment.	B.7
141.90(e)(4)	Remove reporting requirements associated with rebutting presumption of control of lead service lines	B.10
141.90(f)	Revise deadline for reporting completion of public education tasks	B.9(d)

13. Other Revisions Suggested by Stakeholders

As part of a broad ''Government Reinvention'' initiative, EPA has been examining ways to reduce the paperwork burden on regulated parties and States associated with environmental regulations. Through public meetings, EPA has solicited input from States, water utilities, and environmental groups regarding ways to reduce the burden associated with National Primary Drinking Water Regulations, including the lead and copper rules. Some of the suggestions made by these ''stakeholders'' were already part of the set of revisions that are being proposed for public comment in this notice. Several other suggestions are not being formally proposed at this time because the EPA has not had time to fully assess them, but the Agency believes that they are worth considering. Thus, the Agency is requesting comment, data, or other relevant information on these additional suggested revisions to the lead and copper rule, summarized below, so that it can more fully evaluate their merits for possible inclusion in the final rule, or proposal in subsequent rulemaking. Stakeholder suggestions regarding other aspects of the drinking water program are being addressed through other regulatory and programmatic pathways.

(a) Eliminate PWS Requirement to Calculate and Report 90th Percentile Values. Under § 141.90(a)(1)(i), water systems are required to submit to the State the results of all tap samples for lead and copper. Systems are also required under § 141.90(a)(1)(iv) to submit the 90th percentile lead and copper concentration measure from the tap water samples. Some States have found that many systems, especially smaller systems, submit incorrect values for the 90th percentiles. As a result, some States routinely re-calculate 90th percentile values based on the individual tap sample data. Given this problem, it has been suggested that the rule be revised to give States flexibility to eliminate the requirement that systems submit 90th percentile values provided that the State performs the calculation. The Agency has received other input that the current requirement for systems to calculate the 90th percentile values is helpful because it helps systems that do exceed an action level begin follow-up steps, especially water quality parameter monitoring. Also, 90th percentile values, especially for smaller systems, are often obvious to the trained eye reviewing the actual data and it allows States to quickly sort through many reports to focus on high priority cases. Comments on this issue are invited.

(b) Allow Monthly Monitoring of Water Quality Parameters at Entry Points. For systems required to install corrosion control treatment, the rule requires collection of one sample, at least every two-weeks (bi-weekly) for pH, and if alkalinity or a corrosion inhibitor is adjusted as part of optimal corrosion control treatment, a reading of the dosage rate of the chemical used to adjust alkalinity or the inhibitor used,

and the alkalinity concentration or concentration of orthophosphate or silica (whichever is applicable). It has been suggested that monitoring for these water quality parameters can be reduced to a once per month frequency which would significantly reduce both system and State burdens. On the other hand, monthly monitoring may not provide systems and States with frequent enough information to insure that corrosion control treatment is consistently applied so that protective films are maintained. Further, even though the requirement is for bi-weekly monitoring, systems typically conduct this monitoring on a daily basis. As such, bi-weekly measurements should not present an added burden for most systems. EPA invites comment on this issue.

(c) Allow Flushing and Bottled Water Instead of Corrosion Control in NTNCWSs. Some stakeholders recommended that the rule be revised to give States flexibility to allow non-transient non-community water systems (NTNCWSs) that exceed the lead and/or copper action level, to substitute flushing and/or the use of bottled water rather than having to install corrosion control treatment. These systems usually do not have access to trained operators who can study and properly maintain corrosion control treatment, and handle potentially hazardous chemicals, and facilities that can easily house the chemical feeders, especially in systems with wells and buried pressure tanks. Further, NTNCWSs can control the use of individual taps and many are confined to one or a few buildings that would be amenable to a flushing program. Allowing the water to run for several minutes each morning or prior to a work shift could effectively reduce elevated lead concentrations, especially if the source of lead is in the outlets (e.g., brass faucets, water coolers) or building plumbing (i.e., lead solder). Use of bottled water (certified to meet all EPA standards), combined with permanently posted notices informing customers, is another alternative that would free the system of having to install and maintain treatment. Drawbacks to such a provision include the lack of clear performance measures, short of more extensive monitoring than currently required, that States could use in monitoring the efficacy of the flushing program in reducing exposure. EPA welcomes input on this issue particularly regarding the availability and reliability of automated flushing devices, and appropriate monitoring requirements that could be used to insure compliance.

(d) Eliminate PWS Need To Justify Not Recommending Specific Corrosion Control Treatment. A PWS required to conduct a corrosion control study is also required under § 141.82(c)(6) to recommend to the State the treatment option that the study indicates will constitute optimal corrosion control for that system. The system is required to provide a rationale for its recommendation including supporting data and documentation regarding constraints on other treatment options that could have adverse effects on other water quality treatment processes. Some stakeholders have recommended eliminating the requirement for systems to explain under § 141.82(c)(4) why they did not choose a specific treatment as long as they identify a corrosion control treatment that works. The benefits of such a change would be to reduce paperwork which in some, and possibly many, cases is extraneous. In determining what constitutes optimal corrosion control, however, it is important that States know the potential adverse effects and other constraints associated with alternative treatments. Without this requirement, it could add to the burden on States in assembling the necessary data and documentation to make their decision. EPA invites comment on this issue.

(e) Allow Alternatives To Tap Samples To Assess Effectiveness of Corrosion Control. Collection of lead and copper tap water samples has presented water systems with significant challenges in terms of conducting materials surveys, identifying high risk sites, soliciting assistance from individual households, and gaining access to homes at often inconvenient hours or arranging for sample pickup. Water systems, with considerable assistance from States, have met these challenges such that compliance with the tap water monitoring requirements is almost complete. As implementation of the rule progresses, it would be useful if there were alternatives to tap water sampling to assess lead and copper levels that occur at the tap and that provide sufficient information for systems and States in tracking the efficacy of corrosion control treatment, for example. At this time, the Agency does not have data to develop alternative sampling methods that would provide information with as much certainty as direct sampling at taps. The Agency agrees with some stakeholders that information is needed on an alternative monitoring framework to evaluate corrosion control compliance, without going into customers' homes. The public is invited to submit suggestions, and especially technical data, that could be used in developing reliable monitoring methods that do not involve household tap water sampling, that could be used to measure and predict actual and/or relative exposures of the public to lead and copper, and that could measure compliance with, and the efficacy of, corrosion control treatment requirements.

C. State Reporting Requirements in 40 CFR Part 142

1. Proposed Revisions

Section 142.15(c)(4) contains State reporting requirements for lead and copper. The current reporting requirements are as follows.

- Lead and Copper Exceedances—§ 142.15(c)(4)(i).
- Systems required to conduct corrosion control studies and the date of completion—§ 142.15(c)(4)(ii).
- Systems for which the State has designated optimal corrosion control treatment, the date of the designation, and those systems that have completed installation—§ 142.15(c)(4)(iii).
- Systems for which the State has designated optimal water quality parameters and the date of the designation—§ 142.15(c)(4)(iv).
- Systems which are required to install source water treatment and those which have completed installation—§ 142.15(c)(4)(v).
- Systems for which the State has specified maximum permissible source water levels—§ 142.15(c)(4)(vi).
- Systems required to replace lead service lines, those systems for which an accelerated replacement schedule is required, and those systems in compliance with their schedules—§ 142.15(c)(4)(vii).

EPA proposes to modify these State milestone reporting requirements to eliminate redundant or unnecessary requirements and to add requirements to report other key information. EPA anticipates these changes will result in little or no cost to the States and water systems. The Agency presented most of these proposed changes in EPA's May 1992 guidance, entitled *Lead and Copper Rule, Definitions and Federal Reporting for Milestones, Violations, and SNCs,* in which EPA explained the Agency's intention to modify the regulation. In addition, as discussed below, the Agency is today proposing to eliminate one of the milestones pertaining to the installation of corrosion control treatment. The specific changes proposed are discussed below.

(a) 90th Percentile Lead Levels. Section 141.90(a) requires public water

systems to submit to the States the results of all tap water lead levels, including the 90th percentile values for lead and copper. States are required to submit only a portion of this information to the Agency. The current State reporting requirement at § 142.15(c)(4)(i) requires each State to submit the name and PWS identification number of each public water system that exceeds the lead and copper action level and the date the exceedance occurred. EPA intended this information to be reported if either the lead or the copper action level is exceeded, not just in those instances where a system exceeds both levels. EPA also believes that the term ''date upon which the exceedance occurred'' is confusing and has advised States to use the last day of the compliance period in which the exceedance occurred. EPA proposes to revise the language of § 142.15(c)(4)(i) to clarify its intent by replacing the term ''lead and copper action levels'' with the term ''lead or copper action level'' and by replacing the term ''date upon which the exceedance occurred'' with the term ''last date of the compliance period in which the exceedance occurred.''

The Agency also is proposing to broaden this reporting requirement by adding a new § 142.15(c)(4)(ii) to require that each State submit to EPA the 90th percentile lead levels reported by all large- and medium-size water systems. EPA is proposing to require reporting of these data because it believes it is essential that the Agency maintain a data base on the national distribution of tap water lead levels before and after public water systems install optimal corrosion control treatment or source water treatment. EPA believes that data collected by water systems in accordance with the monitoring protocol specified in § 141.86 will greatly assist the Agency in determining the effectiveness of treatment to reduce drinking water lead levels, and in estimating the benefits that accrue to the public as a result of systems installing treatment. Moreover, EPA believes that collection of such data will prove invaluable when the Agency reviews the lead and copper regulations in the future. While the Agency would like these data for small systems also, the Agency is not proposing to require it because EPA believes that such a requirement would impose too great a burden on the States.

The States have shown support for this effort to collect crucial data on lead levels and the effectiveness of treatment around the country by submitting 90th percentile lead levels for large- and medium-size systems. The cost of this change will be minimal. The States already have the data in question and, for most of them, the process of transferring it to the Agency involves only a minor programming change to electronically transfer the extra piece of information during the normal reporting process. States without automated data tracking systems will find it more difficult to report these data. However, these States do have the data on hand and the extra reporting steps are minimal.

(b) Treatment Technique Milestones. (i) Corrosion control study milestones. The current § 142.15(c)(4)(ii) requires States to submit the name of each water system that is required to conduct a corrosion control study and the date the study is completed. EPA is proposing to eliminate this requirement because a public water system that fails to conduct a corrosion control treatment study is in violation of the regulation and will be automatically identified for EPA in the data system. Because all violations are reported to EPA through the data system, the Agency does not believe a separate report identifying each system required to conduct a study will provide EPA with information that will be useful in assessing the status of systems' compliance with the regulations.

(ii) Optimal corrosion control treatment designation/corrosion control treatment installation milestones. Section 142.15(c)(4)(iii) requires each State to report the name of every system for which it has designated optimal corrosion control treatment, the date of that determination, and each system that completed installation of treatment as certified under § 141.90(c)(3). EPA is proposing to revise this paragraph to eliminate reporting of systems that have completed installation of corrosion control treatment. Failure of a system to complete this installation is a violation that must be reported to EPA. EPA therefore believes that separate reporting of this milestone is redundant.

(iii) Requirement for source water treatment milestones. Section 142.15(c)(4)(v) requires the State to report the name of the system for which it requires installation of source water treatment and the effective date of that requirement. EPA is not proposing to change this requirement. This paragraph also requires States to report each system that has completed installation of source water treatment. EPA proposes to move this requirement to a new paragraph, 142.15(c)(4)(vi), and to make a minor change to include the date the State receives certification from the system that the treatment was installed properly. EPA proposes to add this reporting requirement so that the Agency can use the verifiable date of installation to ensure that further monitoring proceeds as required by the rule.

The current § 142.15(c)(4)(vi) requires the State to report the name of the system for which it has specified maximum permissible source water levels for lead and copper. EPA is proposing to eliminate this reporting requirement. The Agency can determine those systems for which the State will set maximum permissible levels from the information reported for the source water treatment/source water treatment installation milestones. In addition, EPA will know if a system fails to meet its maximum permissible source water levels because the system will incur a violation which would be reported to the data system. The Agency does not see any added value from having the State separately report the date it designated maximum permissible levels.

(iv) Cost of changing treatment technique milestones. As with the change regarding reporting of 90th percentile lead levels, the cost of changing the requirement to report the date that the system certified completion of source water treatment installation will be minimal. The State will already have this information on hand and reporting it with the other required information will be a minimal increase of effort that will be more than offset by eliminating the reporting of several treatment milestones altogether.

(d) Reporting Lead Service Line Replacement Milestones. Section 142.15(c)(4)(vii) requires the State to submit three separate pieces of information on each public water system required to replace lead service lines: Each system that must begin replacing lead service lines; each system for which the State has established an accelerated replacement schedule; and each system reporting compliance with its replacement schedule. EPA proposes that instead of the current reporting requirement, the State report each water system that must replace lead service lines and the date replacement must begin. Reports identifying water systems in compliance with the replacement schedule, or with a State-specified accelerated schedule, would be redundant because systems in violation of their replacement schedule would be reported to the data system as violations. The Agency also can require this information from States, if needed. EPA proposes to revise § 142.15(c)(4)(vii) accordingly. EPA estimates there will be no costs associated with this change.

2. Other Possible Changes to State Reporting Requirements

(a) Reporting of State-Designated Optimal Water Quality Control Parameters, Maximum Permissible Source Water Levels and Accelerated Lead Service Line Replacement Schedules. Although EPA is not proposing the following reporting requirements today, EPA is considering them and seeks public comment. These requirements are the reporting of State-designated optimal water quality control parameters and maximum permissible source water levels and the retention of the requirement to report accelerated lead service line replacement schedules.

For all systems that have to install corrosion control treatment, the regulations require States to designate the range of optimal water quality control parameters within which a system must operate once it has optimized treatment. For systems with high source water levels of lead or copper, the rule also requires States to specify whether source water treatment is required, and, if so, to specify maximum permissible source water levels after treatment has been installed. Finally, the rule allows States to establish an accelerated lead service line replacement schedule.

Unlike other NPDWRs in which EPA establishes maximum contaminant levels with which PWS must comply, in the lead and copper rule, the levels with which systems must comply (i.e., the optimal water quality control parameters and maximum permissible source water levels) are set by the States. Unless the State reports those levels to EPA, EPA does not know the limits with which each system must comply. This lack of information could place the Agency in a weaker oversight position and could require EPA to rely on ad-hoc requests to the States for this information.

In the same way, when a State establishes an accelerated lead service line replacement schedule for a PWS, this schedule becomes the federal requirement. Unless this new schedule is reported or EPA contacts the State, the Agency would not know the requirement with which the PWS must comply. If a system on an accelerated lead service line replacement schedule fails to replace the number of lines in a given year required by the State, EPA would know that they are out of compliance, however, just as if the system was on the standard replacement schedule.

EPA is sensitive to the burden which additional reporting places on the States and this is one reason why the Agency is not proposing to add this requirement. EPA also recognizes that States are required to maintain this information and that if it is needed, EPA may request it from the States. It should be noted, however, that responding to ad-hoc requests for information can take the States a good deal of time and resources.

EPA requests comment on whether or not to require the reporting of optimal water quality control parameters, the maximum permissible source water levels, and to retain the requirement to report accelerated lead service line replacement schedules. EPA requests comment on requiring this reporting for:

(a) all PWSs subject to the lead and copper rule;

(b) only PWSs serving 50,000 or more persons;

(c) only PWSs serving 10,000 or more persons; and

(d) only PWSs serving 3,300 or more persons.

Commenters should address both the need for the federal government to have access to the information on a routine basis as well as the burden of providing it for each of the options listed above. EPA may decide to promulgate final requirements to report this information for all PWSs, or for a subset of PWSs, as noted above.

(b) Reduce State Reporting to EPA of Lead and Copper Action Level Exceedences and Treatment Technique Milestone Information from Quarterly to Annually. In addition to the paperwork burden suggestions described above in section B.13, EPA is considering a stakeholder suggestion to reduce the frequency of reporting data required pursuant to § 142.15(c)(4). This section requires States to report information about action level exceedences and information related to treatment technique milestones for those systems that are triggered into corrosion control, source water treatment, and lead service line replacement. This section currently requires States to report such information on a quarterly basis—e.g., when a reportable milestone is completed, the information about that milestone is to be reported to EPA in the following calendar quarter.

Some stakeholders have suggested a modification to this section to change the reporting frequency for this information from quarterly to annually. As an example, the Agency might specify a date (e.g., January 1) and require that all new 90th percentile and treatment technique milestone information resulting from activities that occurred during the previous federal fiscal year (October 1 through September 30) be reported to EPA by that date (January 1). Such a change would mean that States would need to transmit the 90th percentile and treatment technique milestone information only once a year instead of four times a year.

If such a modification were made, costs associated with transmission of data should be reduced. Also, since the States will be retaining the information for a longer period of time before reporting to EPA, this change would give the States more time to review, edit, and correct the information that they are submitting and may help to improve the quality of the data being transmitted. Reducing the reporting frequency may, on the other hand, increase State burden because States would need to distinguish between those data elements which still must be reported quarterly (violation and enforcement information under § 142.15(a)) and those which may be reported annually. States do not currently need to make such a distinction since they submit all new information on a quarterly basis. Further, reducing the reporting frequency to annually means that some of the data will be as much as 12 months old by the time EPA has access to it. As an example, a milestone completed and reported to the State in February would not be reported to EPA in May, as is currently required, but instead would not be reported to EPA until the following January. This delay could affect the Agency's ability to quickly conduct nation-wide trend analyses and to assist with follow-up actions to encourage the system to return to compliance.

EPA asks for comments on this suggestion and requests that commenters address the following: (1) Whether such a reporting frequency change would significantly reduce or increase burden; (2) whether EPA and the public needs this information in a more current fashion (i.e., quarterly or semi-annually); and (3) whether reducing the reporting frequency to annually would likely have any effect on data quality. EPA may decide to include provisions to reduce the frequency of reporting lead and copper information pursuant to § 142.15(c)(4) in the final rule.

D. Proposed Effective Dates

EPA proposes to promulgate revisions pertaining to monitoring, analytical methods, reporting and recordkeeping requirements in § 141.81, §§ 141.86 through 141.90, and § 142.15 pursuant to both sections 1445 and 1412 of the Safe Drinking Water Act (SDWA) and proposes that these revisions take effect

30 days after promulgation. Although Section 1412(b) of the SDWA provides that National Primary Drinking Water Regulations (as defined in Section 1401), and amendments thereto, shall take effect 18 months after their promulgation, under Section 1445, there is no such limitation for monitoring, reporting, and recordkeeping compliance. To allow these revisions to be effective 30 days after promulgation of these revisions, EPA proposes promulgating these provisions of the revisions under section 1445. Effective 18 months after promulgation, these revisions will also be deemed effective under section 1412.

The Agency proposes to promulgate revisions pertaining to treatment technique requirements, including public education provisions, in §§ 141.81, 141.84, and 141.85, pursuant to section 1412 of the SDWA and proposes that these revisions take effect 18 months after promulgation.

E. Request for Comments

The Agency invites all interested persons to submit comments within 90 days on all aspects of this proposal to make minor revisions to the language of 40 CFR 141 and 142. However, the Agency only solicits comment on the proposed changes and the suggestions for reducing paperwork burden discussed in this preamble, and not on provisions of the existing regulation that would not be altered by this proposal. After carefully considering all public comments pertaining to the proposed changes, EPA will promulgate final language for these provisions.

F. Impact of These Revisions

1. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(a) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(b) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(c) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(d) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

(a) Costs. At the time of promulgation, based on data from a select group of U.S. cities, the Agency estimated that the cost for water systems to comply with the various treatment requirements would total between $500 and $790 million per year. Household costs were estimated to range from less than $1 per year for large systems (serving over 50,000 people) to $2 to $20 per year per household in smaller systems. Now that water systems have collected lead samples from hundreds of thousands of household taps around the country to comply with the monitoring requirements of the rule, much more reliable predictions of costs (and benefits) can be made. It is clear that significantly fewer systems will be required to install corrosion control and, therefore, both costs and benefits associated with the rule are less than originally predicted. We would now estimate that costs associated with the rule are roughly $200 million per year, resulting in reduced lead exposure for approximately 40 million Americans. Health benefits associated with these exposure reductions would still be substantial, totaling over $1 billion per year and resulting in an estimated 200,000 young children whose blood lead levels are reduced to below the Centers for Disease Control (CDC)/EPA action level of 10 micrograms per deciliter.

To calculate the relative magnitude of the regulatory revisions proposed here, the original cost model and the same basic assumptions regarding impacts of the individual rule components were used. Regardless of the baseline used, it is clear that the projected impacts of the proposed regulatory revisions, discussed below, will be minimal compared to the total national costs associated with the lead and copper regulations. Overall, we estimate the proposed changes will result in a very minor reduction and we do not believe the percentage reduction will change substantially if costs for the entire rule were recalculated.

The estimated national impact of these proposed changes is shown in the following table. EPA estimates the total national cost of the lead and copper regulations will decrease by approximately $1.9 million per year.

SUMMARY OF COST IMPACTS OF PROPOSED REVISIONS TO LEAD AND COPPER NATIONAL PRIMARY DRINKING WATER REGULATIONS (EPA, 1996b)

[Annual cost estimates in millions of dollars]

Major rule components	6/7/91 final rule [2]	Impact of proposed revisions	Revised LCR cost estimate
Monitoring	39	−1.02	38
Corrosion Control Treatment (including Corrosion studies)	220	0	220
Source Water Treatment	90	0	90
Public Education	30	−0.54	29
Lead Service Line Replacement	80–370	−0.01	80–370
State Implementation Costs	40	−0.31	40
Total	499–789	−1.88	497–787

[1] Unless otherwise noted, the costs presented in this table represent water system costs.

[2] Costs for the 1991 final rule were estimated at the time of promulgation and do not reflect actual costs associated with implementation since then.

[3] Includes impact of proposed revisions to both the public education requirements and the deadline for system reporting completion of lead public education tasks to the State.

Overall, EPA estimates that national system costs will decrease by approximately $1.5 million annually. Although most water systems should benefit somewhat, the systems most likely to benefit are those that are able to take advantage of proposed provisions allowing less frequent monitoring and/or from the proposed changes to the public education requirements. Despite this reduction in overall national costs, EPA recognizes that a few individual water systems may incur increased costs as a result of these proposed revisions. For example, water systems affected by the changes to §§ 141.81(b)(2) and 141.81(b)(3) may incur additional costs if they are not already conducting monitoring consistent with the proposed revised requirements.

EPA estimates that the total national cost for States to implement the proposed revised regulations will decrease by approximately $300,000 annually. This decrease results primarily from revisions that will result in fewer compliance determinations (since some systems will be monitoring less frequently) and changes in State reporting to EPA.

(b) Benefits. The intent of this proposed rulemaking is to improve implementation of the lead and copper regulations by eliminating unnecessary requirements, streamlining and reducing burden, and promoting consistent national implementation. EPA does not intend these revisions to modify the level of health protection extended by the lead and copper regulations and no modification is expected. While there are no known changes in health benefits associated with these proposed changes, improved implementation should result in some health benefits being achieved sooner.

2. Regulatory Flexibility Act

The Regulatory Flexibility Act requires EPA to consider the effect of regulations on small entities (5 U.S.C. 602 et seq.) If there is a significant economic effect on a substantial number of small entities, the Agency must prepare a Regulatory Flexibility Analysis (RFA) describing alternatives that would minimize the impact. The impact on small entities resulting from the requirements of the lead and copper rule was assessed at the time the requirements were imposed. As discussed above, the impact of the revisions proposed in this action will be to reduce total national annual monitoring costs slightly and EPA anticipates many small systems will benefit from these changes. States are not considered small entities under this rulemaking for RFA purposes. Thus, there is no additional impact on small entities imposed by these regulations.

3. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 0270.36) and a copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., S.W.; Washington, DC 20460 or by calling (202) 260–2740.

This proposed rule would add recordkeeping and reporting requirements for some water systems and the States in the following categories: Sampling plans; sample invalidation; ''all plastic'' system waiver requests; and notifications of changes in treatment or source water. This proposed rule also would require more frequent reporting of the completion of public education tasks for CWSs serving more than 500. This information collection is necessary to evaluate system-specific needs, including examining treatment effectiveness; to adjust monitoring frequencies and schedules to address possible public health concerns, and to determine whether the public is receiving timely notification of possible health risks associated with high levels of lead at the tap. In addition, this proposal includes requirements for States to report to EPA the 90th percentile lead values for large and medium-size systems that do not exceed the lead action level and the date associated with one of the treatment technique milestones about which States currently are required to report. This information will be used to develop national compliance trends and to help evaluate whether changes in national policy or regulations are necessary to protect public health. The information collection in this proposed rule is mandatory, is authorized under sections 1401(1)(D), 1413(a)(3) and 1445 of the 1986 Amendments to the Safe Drinking Water Act and is considered public information. The additional recordkeeping and reporting requirements in this proposal are offset by other proposed provisions that will reduce monitoring burden and eliminate some system and State reporting requirements.

The annual public reporting and recordkeeping burden for this collection of information is estimated to decrease the base Public Water System Supervision (PWSS) program burden (ICR No. 270.30 approved under OMB Control Number 2040–0090) for 78,703 respondent public water systems by an average of 1.2 hours per system annually and to decrease the burden on each of the 56 State respondents by an average of 179.0 hours annually. The frequency of response includes on occasion, biweekly, quarterly (State respondents only), every six months, annual, every 3 years and every 9 years. With one exception (the change in deadline for reporting completion of public education tasks), this proposal either leaves unchanged, or reduces, the current frequency of response. The average annual per system burden cost is estimated to decrease by approximately $20.00 ($13.45 operations and maintenance and $6.55 purchase of services). The average annual per State burden cost is estimated to decrease by approximately $5,600, all of which is operations and maintenance. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Comments are requested on the Agency's need for the information proposed to be added or eliminated, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques. Send comments on the ICR to the Director, OPPE Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., S.W.; Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., N.W.; Washington, DC 20503, marked

''Attention: Desk Officer for EPA.'' Include the ICR number in any correspondence. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after April 12, 1996, a comment to OMB is best assured of having its full effect if OMB receives it by May 13, 1996. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

4. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (''UMRA''), P.L. 104–4, which was signed into law on March 22, 1995, requires EPA to prepare a written statement with respect to rules that contain federal mandates that may result in costs to State, local, or tribal governments of an estimated $100 million or more in any one year. Also, before EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the UMRA a small government agency plan.

The UMRA generally defines a federal mandate for regulatory purposes as one that imposes an enforceable duty upon State, local, or tribal governments or the private sector. Today's rule simply addresses proposed minor revisions to the existing national primary drinking water regulations for lead and copper. These revisions, when promulgated, will reduce monitoring burden for some water systems, make it easier for many water systems to conduct lead public education, and modify the definition of ''control'' as it applies to the lead service line replacement requirements of the existing regulation. This proposed rule also provides additional flexibility to States and modifies the information that States must report to EPA. This effect of the proposed rule would make minor revisions to the enforceable duty imposed on States and other entities. The estimated impact of these proposed revisions will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of less that $100 million per year. Thus, there are no federal mandates in this rule for purposes of the UMRA. In addition, today's action does not establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, and so does not require a small government agency plan under UMRA section 203.

5. Enhancing the Intergovernmental Partnership

Executive Order 12875, Enhancing Intergovernmental Partnerships requires Federal agencies to consult with State, local, and tribal entities in the development of rules and policies that will affect them. EPA has coordinated extensively with these entities in proposing these minor revisions to the Lead and Copper Rule in the following ways.

First, the EPA distributed a strawman draft proposal to interested parties, including State program officials, the Association of State Drinking Water Administrators (ASDWA) and major trade associations (e.g., the Association of Metropolitan Water Agencies (AMWA), the American Water Works Association (AWWA)) in August 1993. The Agency took the resulting comments into consideration while developing this proposal.

Second, representatives from three States participated on the Agency work group. These States were selected in consultation with ASDWA. In addition, EPA Regional work group members consulted with the States in their Region, in some cases sharing draft work group products with their States.

Third, in November 1995, the Agency provided national, local, and tribal organizations (e.g., the National League of Cities, the National Association of Towns and Townships, the National Association of County Health Officers, the Native American Water Association, etc.) a brief article for inclusion in their newsletters announcing upcoming plans to publish the proposal. The article encouraged readers to provide EPA comment on the proposed revisions and provided information on how interested parties could obtain a copy from EPA.

Fourth, the Agency is developing generic contacts with State, Tribal, and local fiscal and program officials which will enable various programs to consult with affected parties in a coordinated fashion. Identification of appropriate contacts was not accomplished in a time frame which enabled EPA's Office of Water to have extensive consultation with affected parties before proposal. EPA is committed to expanded dialogue and collaboration with State, Tribal and local governments, however, and plans to work with these contacts to provide for the maximum input from the regulated community for the drafting of the final rule. EPA will also send copies of this proposed rule to these governmental bodies, as well as to appropriate national and local associations.

G. References

The following references are referred to in this document and are included in the public docket. The public docket is available as described at the beginning of this document.

American Water Works Association, et al. v. *EPA*, 40 F.3d 1266 D.C. Cir. 1994).

Colling, J.H., Croll, B.T., Whincup, P.A.E., and Harward, C. Plumbosolvency Effects and Control in Hard Waters. J. IWEM, 6:259–268. (June, 1992). [Colling et al., 1992]

Federal Register, Vol. 56, No. 20. National Primary Drinking Water Regulations—Synthetic Organic Chemicals and Inorganic Chemicals; Monitoring for Unregulated Contaminants; National Primary Drinking Water Regulations Implementation; National Secondary Drinking Water Regulations; Final Rule. (Wed. Jan. 30, 1991), 3526–3614. [56 FR 3526]

Federal Register, Vol 56, No. 110. Drinking Water Regulations—Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper; Final Rule. (Fri. Jun. 7, 1991), 26460–26564. [56 FR 26460]

Federal Register, Vol. 56, No. 135. Drinking Water Regulations; Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper; Final Rule; Correction. (Mon. Jul. 15, 1991), 32113. [[56 FR 32113]

Federal Register, Vol. 57, No. 138. National Primary Drinking Water Regulations; Synthetic Organic Chemicals and Inorganic Chemicals; Final Rule. (Fri. Jul. 17, 1992), 31776–31849. [57 FR 31776]

Federal Register, Vol. 57, No. 125. Drinking Water Regulations; Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper; Final Rule; Correcting Amendments. (Mon. Jun. 29, 1992), 28785–28789. [57 FR 28785]

Federal Register, Vol. 59, No. 125. Drinking Water; Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper; Final Rule; Technical corrections. (Thu. Jun. 30, 1994), 33860–33864. [59 FR 33860]

Federal Register, Vol. 59, No. 232, Analytical Methods for Regulated Drinking Water Contaminants; Final Rule. (Mon. Dec. 5, 1995), 62456–62471. [59 FR 62456]

Federal Register, Vol. 60, No. 125. National Primary and Secondary Drinking Water Regulations; Analytical Methods for Regulated Drinking Water Contaminants; Final Rule. (Thu. Jun. 29, 1995), 34084–34086. [60 FR 34084]

Fuge, Ronald, Pearce, J.G. Nicholas, and Perkins, William T. Unusual Sources of Aluminum and Heavy Metals in Potable Waters. Environmental Geochemistry and Health, 14:15–18. (April, 1992). [Fuge et al., 1992]

NSF, International Personal communication from Ann Marie Gebhart, NSF, Ann Arbor, Michigan, to Jeff Cohen, U.S. EPA, Office of Ground Water and Drinking Water, July 28, 1995. [NSF 1995]

Schock, Michael R., Wagner, Ivo, and Oliphant, Roger. The Corrosion and Solubility of Lead in Drinking Water. Ch. 4

in Internal Corrosion of Water Distribution Systems, Second Edition, AWWARF/EBI. (1995, in press). [Schock et al., 1996]

U.S. Environmental Protection Agency. Regulatory Impact Analysis of Proposed National Primary Drinking Water Regulations for Lead and Copper. Prepared by Wade Miller Associates, Inc. (April 1991). [EPA, 1991a]

U.S. Environmental Protection Agency. Lead and Copper Rule Guidance Manual; Volume I: Monitoring. Prepared by Black & Veatch, ECOS, Inc., and Malcolm Pirnie, Inc. (Sep. 1991, NTIS PB 92–112101). [EPA, 1991b]

U.S. Environmental Protection Agency. Lead and Copper Rule; Definitions and Federal Reporting for Milestones, Violations and SNCs. (May 1992, ERIC G405, NTIS PB–93–156131). [EPA, 1992a]

U.S. Environmental Protection Agency. Lead and Copper Rule Guidance Manual; Volume II: Corrosion Control Treatment. Prepared by Black & Veatch and Malcolm Pirnie, Inc. (Sep. 1992, NTIS PB–93–101583). [EPA, 1992b]

U.S. Environmental Protection Agency. Methods for Determination of Metals in Environmental Samples—Supplement 1. (May 1994, NTIS PB 94–184942). [EPA, 1994]

U.S. Environmental Protection Agency. National Primary Drinking Water Regulations for Lead and Copper; Analysis of Analysis of Occurrences of Very Low 90th Percentile Lead Levels. (Oct. 1995, EPA 812–X–95–001, NTIS PB 96–129–077). [EPA, 1995]

U.S. Environmental Protection Agency. Regulatory Impact Analysis Addendum; Proposed Changes to National Primary Drinking Water Regulations for Lead and Copper. Prepared by The Cadmus Group. (Jan. 1996, EPA 812–B–96–002, NTIS PB 96–141494). [EPA, 1996a]

U.S. Environmental Protection Agency. Information Collection Request; Proposed Changes to National Primary Drinking Water Regulations for Lead and Copper. Prepared by The Cadmus Group. (Jan. 1996, EPA 812–B–96–003, NTIS PB 96–141502). [EPA, 1996b]

List of Subjects

40 CFR Part 141

Environmental protection, Chemicals, Indians—lands, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

40 CFR Part 142

Administrative practice and procedure, Chemicals, Indians—lands, Radiation protection, Reporting and recordkeeping requirements, Water supply.

Dated: March 22, 1996.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, title 40, chapter I, parts 141 and 142 of the Code of Federal Regulations are proposed to be amended as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4 and 300j–9.

2. Section 141.81 is proposed to be amended by revising paragraph (b)(2) introductory text and paragraph (b)(3) to read as follows:

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

* * * * *

(b) * * *

(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 (§ 141.82(g)) and continue to conduct tap sampling (§ 141.86(d)(3) and § 141.87(d)). A system shall provide the State with the following information in order to support a determination under this paragraph:

* * * * *

(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). Any such water system 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). The first round of monitoring pursuant to § 141.86(d)(4)(iv) shall be conducted in [the year of the first May 1 after publication of the final rule in Federal Register] during the months of June–September with the exception that systems that have monitored pursuant to § 141.86(d) (3) or (4) during any of the three years prior to [30 days after publication of final rule in Federal Register] may use those results and continue monitoring every three years based on the date of that monitoring. The State may require any system deemed to have optimized corrosion control pursuant to this paragraph 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 (e.g., if there is a change in treatment or a new source is added). As of [18 months after publication of final rule in Federal Register] a system is not deemed to have optimized corrosion control under this paragraph unless it meets the copper action level. Any system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this paragraph shall comply with the requirements of paragraph (e) of this section with any such large system adhering to the schedule specified in that paragraph for medium-sized systems.

* * * * *

3. Section 141.84 is proposed to be amended by removing paragraph (e), redesignating paragraphs (f), (g), and (h) as paragraphs (e), (f), and (g), respectively, and by revising paragraph (d) to read as follows:

§ 141.84 Lead service line replacement requirements.

* * * * *

(d) A water system shall replace that portion of the lead service line which the system owns as well as that portion of the line which the system has the legal authority to replace in order to protect the quality of the water delivered to the user. In cases where the system does not replace the entire lead service line, the system shall notify the user served by the line that the system will replace the portion of the service line specified in the previous sentence and shall offer to replace the building owner's portion of the line, but is not required to bear the cost of replacing the building owner's portion of the line. For buildings where only a portion of the lead service line is replaced, the water system shall inform the resident(s) that the system will collect a first flush tap water sample after partial replacement of the service line is completed if the resident(s) so desire. In cases where the resident(s) accept the offer, the system shall collect the sample and report the results to the resident(s) within 14 days

following partial lead service line replacement.

* * * * *

4. Section 141.85 is proposed to be amended by redesignating paragraphs (a)(1) through (a)(4)(v) as follows:

Old paragraph	New paragraph
(a)(1)	(a)(1)(i).
(a)(2)	(a)(1)(ii).
(a)(3)	(a)(1)(iii).
(a)(3)(i)	(a)(1)(iii)(A).
(a)(3)(ii)	(a)(1)(iii)(B).
(a)(3)(iii)	(a)(1)(iii)(C).
(a)(4)	(a)(1)(iv).
(a)(4)(i)	(a)(1)(iv)(A).
(a)(4)(ii)	(a)(1)(iv)(B).
(a)(4)(ii)(A)	(a)(1)(iv)(B)(*1*).
(a)(4)(ii)(B)	(a)(1)(iv)(B)(*2*).
(a)(4)(ii)(C)	(a)(1)(iv)(B)(*3*).
(a)(4)(ii)(D)	(a)(1)(iv)(B)(*4*).
(a)(4)(ii)(E)	(a)(1)(iv)(B)(*5*).
(a)(4)(ii)(F)	(a)(1)(iv)(B)(*6*).
(a)(4)(iii)	(a)(1)(iv)(C).
(a)(4)(iii)(A)	(a)(1)(iv)(C)(*1*).
(a)(4)(iii)(B)	(a)(1)(iv)(C)(*2*).
(a)(4)(iv)	(a)(1)(iv)(D).
(a)(4)(iv)(A)	(a)(1)(iv)(D)(*1*).
(a)(4)(iv)(B)	(a)(1)(iv)(D)(*2*).
(a)(4)(iv)(C)	(a)(1)(iv)(D)(*3*).
(a)(4)(v)	(a)(1)(iv)(E).

4a. Section 141.85 is further proposed to be amended by adding paragraph (a)(1) heading and paragraphs (a)(2), (c)(7) and (c)(8) and by revising paragraphs (c)(2) introductory text, (c)(2)(i), (c)(2)(ii), (c)(2)(iii) introductory text, and paragraph (c)(4) introductory text to read as follows:

§ 141.85 Public education and supplemental monitoring requirements.

* * * * *

(a) * * *

(1) *Content of printed public education materials for community water systems*—(i) *Introduction.* * * *

* * * * *

(2) *Content of printed public education materials for non-transient non-community water systems.*—(i) *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 any lead service line that is in place and that we control 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) *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.

* * * * *

(c) * * *

(2) Except as provided in paragraphs (c)(2)(i)(A) or (c)(8) of this section, a community water system that fails to meet the lead action level on the basis of water samples collected in accordance with § 141.86 shall, within 60 days:

(i) 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) A community water system having a billing cycle that does not include a billing within 60 days of exceeding the action level may mail the materials on the same schedule as the system's billing cycle, but in no case may the mailing occur later than six months after the exceedance.

(B) A community water system 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 the time frames specified above. Such water systems shall include the following alert in the package, 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.''

(ii) 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.

(iii) 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:

* * * * *

(4) Within 60 days after it exceeds the lead action level, a non-transient non-community water system shall deliver the public education materials contained in paragraph (a)(2) of this section as follows:

* * * * *

(7) A community water system may apply to the State, in writing, to use the text specified in paragraph (a)(2) of this section in lieu of the text in paragraph (a)(1) of this section and to perform the tasks listed in paragraphs (c)(4) and (c)(5) of this section in lieu of the tasks in paragraphs (c)(2) and (c)(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) (i) A community water system serving 500 or fewer people shall complete the tasks contained in paragraphs (c)(2)(i) and (c)(2)(iii) of this section. Such systems may limit distribution of the public education materials required under paragraph (c)(2)(iii) of this section to facilities and organizations that are most likely to be visited regularly by pregnant women and children served by the system, including all appropriate facilities and organizations within the system's service area.

(ii) A community water system serving 500 or fewer people that delivers public education in accordance with paragraph (c)(8)(i) of this section shall repeat the tasks contained in paragraph (c)(8)(i) of this section at least once during each calendar year in which the system exceeds the lead action level.

* * * * *

5. Section 141.86 is proposed to be amended by removing paragraph (a)(8), by redesignating paragraph (a)(9) as paragraph (a)(8) and paragraph (d)(4)(v) as paragraph (d)(4)(vi), by adding a sentence to the end of paragraphs (a)(5) and (a)(7), by adding paragraphs (b)(5), (d)(4)(v), (d)(4)(vii), (f) and (g), and by revising newly designated paragraph (a)(8) and paragraphs (b)(1), (c), (d)(4)(ii) through (d)(4)(iv), and the sixth sentence of paragraph (b)(2) to read as follows:

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

(a) * * *

(5) * * * 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.

* * * * *

(7) * * * 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.

(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)(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) * * * If the sample is not acidified immediately after collection, then after acidification to resolubilize the metals the sample must stand in the original container for the time specified in the approved EPA method. * * *

* * * * *

(5) A non-transient non-community water system 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:

(i) Collect as many first draw samples from appropriate sample taps as possible;

(ii) Identify sampling times and locations that would likely result in the longest standing time for the remaining sample sites; and

(iii) Sample at times and locations approved by the State.

(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. States may specify sampling locations when a system is conducting reduced monitoring. The table is as follows:

System size (number of people served)	Number of sites (standard monitoring)	Number of sites (reduced monitoring)
>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) * * *

(4) * * *

(ii) Any water system that 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. 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 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. 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 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. If a water system does not operate between June and September, the system must monitor at times representative of system operation during the applicable monitoring period. Samples for such systems must be taken during the month(s) of operation that will likely be the warmest.

(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 the PQL for lead specified in § 141.89(a)(1)(ii) and the tap water copper level computed under § 141.80(c)(3) is less than or equal to one-half the copper action level specified in § 141.80(c)(2) 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.

* * * * *

(vii) Any water system subject to reduced monitoring that either changes its source water or changes any water treatment shall inform the State within 60 days. 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 (d) 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.

* * * * *

(f) *Invalidation of lead or copper tap water samples.* A sample invalidated under this paragraph does not count toward meeting the minimum monitoring requirements of this section.

(1) The State may invalidate a lead or copper tap water sample only if the conditions of paragraph (f)(1) (i), (ii), (iii) or (iv) of this section are 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 evidence of documentation for samples the system believes should be invalidated.

(3) To invalidate a sample under paragraph (f)(1) of this section, the decision and the rationale for the decision must be documented in writing.

(4) Replacement samples for any samples invalidated under this section must be taken as soon as possible, but within 20 days of 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 ''all plastic'' systems.* (1) Any small-size system in which the system's distribution and service lines and all buildings connected to the system are free of materials containing lead and copper, including but not limited to, lead or copper service lines, lead or copper pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, may apply to the State for a waiver from the requirements of paragraph (d) of this section once it has completed one six-month round of standard tap water monitoring for lead and copper subsequent to becoming free of materials containing lead and copper. Such monitoring shall be completed at sites approved by the State and from the number of sites required by paragraph (c) of this section.

(2) To qualify for a waiver the system must:

(i) Provide certification to the State that the system itself and all buildings connected to the system are free of all lead-containing and copper-containing materials, as specified in paragraph (g)(1) of this section; and

(ii) Demonstrate that the 90th percentile lead level for any and all rounds of monitoring performed since the system became free of all lead-containing and copper-containing materials, as specified in paragraph (g)(1) of this section, does not exceed 0.005 mg/L and the 90th percentile copper level for any and all such rounds of monitoring does not exceed 0.65 mg/L.

(3) A State may grant a waiver to some or all of the monitoring requirements of paragraph (d) of this section after the State evaluates the information provided by the system as required by paragraph (g)(2) of this section. As a condition of the waiver, the State may require the system to perform specific activities (e.g., limited monitoring or public education) to minimize the risk of lead or copper contamination in tap water. The State shall notify the system of its determination in writing, setting forth the basis of its decision and any conditions of the waiver.

(4) A system with a waiver must conduct tap water monitoring for lead and copper at the reduced number of sampling sites identified in paragraph (c) of this section once every nine years. If the 90th percentile lead level is

greater than 0.005 mg/L and/or if the 90th percentile copper level is greater than 0.65 mg/L, the State may require the system to resume regular tap water monitoring pursuant to paragraph (d) (3) or (4) of this section, or to take other appropriate action to ensure that the system maintains minimal levels of corrosion in the distribution system.

(5) If a system with a waiver from monitoring requirements adds a new source of water or changes any water treatment, the system shall inform the State within 60 days. The State may require the system to resume regular tap water monitoring pursuant to paragraph (d) (3) or (4) of this section. Any such system may apply for an extension of the waiver by repeating the steps listed in paragraphs (g)(2) (i) and (ii) in this section. If the system continues to satisfy the requirements of paragraph (g)(2) of this section, a State may extend the waiver as described in paragraph (g)(3) of this section.

(6) If, due to new construction or repairs, a system can no longer certify that the system itself and all buildings connected to the system are free of lead-containing and copper-containing materials, the system must resume regular tap water monitoring pursuant to paragraph (d)(4) of this section.

6. Section 141.87 is proposed to be amended by redesignating paragraph (e)(2) as paragraph (e)(2)(i), by adding paragraphs (c)(3) and (e)(2)(ii), and by revising paragraph (c)(2) introductory text and the table at the end of the section to read as follows:

§ 141.87 Monitoring requirements for water quality parameters.

* * * * *

(c) * * *

(2) For surface water systems, at each entry point to the distribution system, one sample every two weeks (biweekly) for:

* * * * *

(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 corrosion control treatment conditions throughout the system. Any such system shall provide to the State by the commencement of such monitoring identification of the selected entry points and information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

* * * * *

(e) * * *

(2) * * *

(ii) Any large 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 the PQL for lead specified in § 141.89(a)(1)(ii), that its tap water copper level at the 90th percentile is less than one-half the action level 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).

* * * * *

SUMMARY OF MONITORING REQUIREMENTS FOR WATER QUALITY PARAMETERS [1]

Monitoring period	Parameters [2]	Location	Frequency
Initial monitoring	pH, alkalinity, orthophosphate or silica [3], calcium, conductivity, temperature.	Taps and at entry point(s) to distribution systems..	
After installation of corrosion control.	pH, alkalinity, orthophosphate or silica [3], calcium [4].	Taps	Every 6 months
	pH, alkalinity, dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual [5].	Entry point(s) to distribution system [6].	Biweekly.
After state specifies parameter values for optimal corrosion control.	pH, alkalinity, orthophosphate or silica [3], calcium [4].	Taps	Every 6 months.
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual [5].	Entry point(s) to distribution system [6].	Biweekly.
Reduced monitoring	pH, alkalinity, orthophosphate or silica [3], calcium [4].	Taps	Every 6 months, annually [7] or every 3 years [8]; reduced number of sites.
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual [5].	Entry point(s) to distribution system [6].	Biweekly.

[1] Table is for illustrative purposes; consult the text of this section for precise regulatory requirements.

[2] 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.

[3] 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.

[4] Calcium must be measured only when calcium carbonate stabilization is sued as part of corrosion control.

[5] Inhibitor dosage rates and inhibitor residual concentrations (orthophosphate or silica) must be measured only when an inhibitor is used.

[6] Ground water systems may limit monitoring to representative locations throughout the system.

[7] 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.

[8] 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 optimum control during 3 consecutive years of annual monitoring.

7. Section 141.88 is proposed to be amended by revising paragraphs (a)(1), (e)(1), and (e)(2) to read as follows:

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

(a) * * *

(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) A water system 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).

(ii) 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).

(iii) 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 0.001 mg/L or the copper concentration is greater than 0.160 mg/L, then either:

(A) A follow-up sample shall be taken and analyzed within 14 days at each sampling site 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.

* * * * *

(e) * * *

(1) A water system using only groundwater may reduce the monitoring frequency for lead and/or copper to once during each nine-year compliance cycle (as that term is defined in § 141.2) 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 0.005 mg/L and the concentration of copper in source water was less than 0.8 mg/L.

(2) A water system using surface water (or a combination of surface and groundwater) 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) 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 0.005 mg/L and the concentration of copper in source water was less than 0.8 mg/L.

* * * * *

8. Section 141.89 is proposed to be amended by revising paragraph (a)(1)(iii) to read as follows:

§ 141.89 Analytical methods.

(a) * * *

(1) * * *

(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).

* * * * *

9. Section 141.90 is proposed to be amended by removing and reserving paragraph (a)(1)(iii) and removing paragraph (e)(4), by revising all references to ''§ 141.84(f)'' in paragraph (e)(2) to read ''§ 141.84(e)'', and by revising paragraphs (a)(1) introductory text, (a)(1)(ii), (a)(2) through (a)(5) and (f) to read as follows:

§ 141.90 Reporting requirements.

* * * * *

(a) * * *

(1) A water system shall report the following information specified all tap water samples within the first 10 days following the end of each applicable monitoring period specified in § 141.86 and § 141.87 and § 141.88 (i.e., every six-months, annually, every 3 years, or every 9 years):

* * * * *

(ii) Documentation for each tap water lead or copper sample for which the water system requests invalidation pursuant to § 141.86(f)(1);

(iii) [Reserved];

* * * * *

(2) By the start of the first applicable monitoring period in § 141.86(d) that commences after [30 days following publication of final rule in Federal Register], each non-transient non-community water system that does not have enough taps that can supply first draw samples, as defined in § 141.2, shall send a letter to the State identifying sampling times and locations for enough non-first draw samples to make up its sampling pool under § 141.86(b)(5).

(3) By 60 days after any change in source water or water treatment, a water system subject to reduced monitoring pursuant to § 141.86(d), or subject to a monitoring waiver pursuant to § 141.86(g), shall send a letter to the State describing the change along with any appropriate monitoring results.

(4) By the start of the first applicable monitoring period in § 141.86(d) that commences after [30 days following publication of final rule in Federal Register], each small-size water system that requests a monitoring waiver, or any extension of a monitoring waiver, shall send a letter to the State providing the information listed under § 141.86(g)(2).

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

* * * * *

(f) *Public education program reporting requirements.* Any water system that is subject to the public education requirements in § 141.85 shall submit a letter to the State 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(c) demonstrating 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(c). This information shall include a list of all the newspapers, radio stations, television stations, and

facilities and organizations to which the system delivered public education materials during the most recent period during which the system was required to perform public education tasks.

* * * * *

PART 142—NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION

10. The authority citation for part 142 continues to read as follows:

Authority: 42 U.S.C. 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4 and 300j–9.

11. Section 142.15 is proposed to be amended by revising paragraphs (c)(4)(i) through (c)(4)(iii) and (c)(4)(v) through (c)(4)(vii) to read as follows:

§ 142.15 Reports by States.

* * * * *

(c) * * *

(4) * * *

(i) Each public water system which exceeded the lead or copper action level and the last day of the compliance period in which the exceedance occurred;

(ii) For each large and medium-size public water system, all 90th percentile lead levels calculated during each monitoring period in § 141.86, and the first and last day of the compliance period for which the 90th percentile lead level was calculated;

(iii) Each public water system for which the State has designated optimal corrosion control treatment under § 141.82(d) and the date of the determination;

* * * * *

(v) Each public water system which the State has required to install source water treatment under § 141.83(b)(2) and the date of the determination;

(vi) Each public water system that completed installation of source water treatment as certified under § 141.90(d)(2) and the date the State received such certification; and

(vii) Each public water system required to begin replacing lead service lines as specified in § 141.84 and the date each system must begin replacement.

* * * * *

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