

**ENVIRONMENTAL PROTECTION AGENCY**

40 CFR Parts 141, 142, and 143

[WH-FRL-3254-6]

**Drinking Water Regulations; Public Notification**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This action under section 1414(c) of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300f *et seq.*, amends the general public notification regulations found at 40 CFR 141.32, and amends the public notification requirements for exceedances of the National Secondary Drinking Water Regulations for fluoride found at 40 CFR 143.5, to make them consistent with the new general public notification requirements. These changes apply to owners and operators of public water systems which fail to comply with certain requirements of the National Primary Drinking Water Regulations (NPDWRs), or certain monitoring requirements, and owners or operators of public water systems which have a variance or exemption. EPA is establishing requirements regarding the manner, form, content and frequency of the public notice.

In addition, EPA is promulgating new public notification requirements regarding lead contamination of drinking water to implement section 1417(a)(2) of the SDWA. The new public notification requirements for lead require public water systems to identify and provide notice to persons who may be affected by lead contamination in their drinking water, where such contamination results from the use of lead in the construction materials of the distribution system. These notification requirements, which apply to owners and operators of community and non-transient non-community water systems, apply in addition to the general public notification requirements for lead. EPA is today establishing requirements regarding the content, form, manner, and frequency of the lead notice.

Finally, EPA is amending the State implementation regulations found at 40 CFR Part 142, Subpart B to require States to adopt, at a minimum, the general public notification requirements found in revised § 141.32, and procedures for implementing § 141.32(b)(3)(iii), which allows States to extend the public notification time frames for certain Tier 2 monitoring violations from three months to one year.

**EFFECTIVE DATE:** The amended general public notice requirements under new 40 CFR 141.32, will take effect April 28, 1989. The public notice requirements for lead found at 40 CFR 141.34, the amended public notification requirements for violations of the Secondary Maximum Contaminant Level (SMCL) for fluoride found at 40 CFR 143.5, and the amended State implementation requirements found at 40 CFR Part 142, Subpart B will take effect November 27, 1987. The redesignation of 40 CFR 141.32 as 40 CFR 141.36 and the new introductory text are effective November 27, 1987. Section 141.36 expires April 23, 1989. In accordance with 40 CFR 23.7, this regulation shall be considered final. Agency action for the purposes of judicial review at 1:00 p.m. eastern time on November 12, 1987.

**ADDRESSES:** Public comments and supporting documents for this rulemaking are available for review during normal business hours at EPA, Room 1101 East Tower, USEPA, 401 M Street SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Ralph Langemeier, Chief, Drinking Water Branch, Water Management Division, Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, telephone (913) 236-2815; or Carl Reeverts, Deputy Director, State Programs Division, Office of Drinking Water, 401 M Street SW., Washington, DC 20460, telephone (202) 382-5522.

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**I. Statutory and Regulatory Background**

**A. Statutory Authority**

On June 19, 1986, the Safe Drinking Water Act, 42 U.S.C. 300f, *et seq.*, ("SDWA" or "the Act") was amended. Section 1414(c), as amended, requires owners or operators of public water systems to notify the persons they serve when certain violations of the National Primary Drinking Water Regulations (NPDWRs) or certain monitoring requirements occur, when variances or exemptions are in effect, and when a system fails to comply with any schedule prescribed pursuant to a variance of exemption. The amendments require that EPA amend the existing public notification rule "to provide for different types and frequencies of notice based on the differences between violations." \* \* \* tak[ing] into account the seriousness of any potential adverse health effects which may be involved." Under the amendments, EPA must prescribe the form, manner, and frequency for giving notice under section 1414(c).

The SDWA amendments also added a new section 1417 prohibiting the use of certain lead-pipe, solder, and flux in (1) the installation or repair of any public water system; or (2) any plumbing in a residential or nonresidential facility connected to a public water system and providing water for human consumption. Section 1417(a)(2) requires each public water system to identify and provide notice to persons who may be affected by lead contamination in their drinking water, where such contamination results from either the lead content in the construction materials of the system and/or corrosivity of the water sufficient to cause leaching of lead from plumbing systems. The Act requires notification even if the system is in compliance with the maximum contaminant level (MCL) for lead.

Section 1417(b) provides that the lead public notification requirements in section 1417(a)(2) shall be enforced in all States as of June 19, 1988. EPA is authorized to withhold up to five percent of a State's section 1443(a) public water system supervision program grant if the Agency determines that the State is not

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community water systems; (2) whether a requirement to inform new customers of potential health hazards was appropriate; (3) whether to require individual notice to all consumers by hand delivery; and (4) whether to require public water systems to provide an annual violations summary to their customers.

**Newspaper Notice.** As noted in the April 6, 1987 notice, the SDWA, as amended, states that "notification of violations shall include notice by general circulation newspaper serving the area. \* \* \* Therefore, EPA proposed that newspaper notice be required for all violations. Some commenters stated that newspaper notice would be impractical for very small public water systems such as mobile home parks, small subdivisions, and water co-operatives. Some commenters requested that EPA waive newspaper notice under certain circumstances (such as for Tier 2 violations), or for small systems. In view of the statutory requirements regarding newspaper notice for all violations, EPA does not believe it has the option of entirely waiving the notification requirement for some subset of violations. However, as explained below, in the final rule the proposal was modified to allow posting and hand delivery in lieu of newspaper notice.

The proposed rule also required that the newspaper notice be published in a daily or weekly newspaper of general circulation in the area served by the system. EPA considered the "area served by a weekly or daily newspaper" to be the area where a paper is routinely available. In the case of a public water system in violation, the newspaper selected should be one that virtually all customers would be expected to subscribe to or otherwise receive. If no single newspaper could reasonably be expected to be available to the system's customers, then EPA would expect the notice to be published in several newspapers, the intent being to reach virtually all customers. One commenter requested that EPA provide guidance on the definition of "newspaper notice."

One commenter requested that EPA provide guidance on the definition of "newspaper notice." EPA believes that the definition of "newspaper notice" should be based on the availability of the newspaper to the public. EPA will specify the minimum number of newspapers to be published in the area served by the system. EPA will also specify the minimum number of copies of each newspaper to be distributed to the public water system.

**Mail Notice.** EPA proposed mail notice for all Tier 1 violations as part of the initial notice, and as a subsequent notice for any continuing Tier 1 and Tier 2 violations. Notice could be mailed separately or mailed with the water bill. Proposed § 141.33(a)(1)(B) provided that "mail delivery may be waived by the primacy agent in writing where the primacy agent determines that the violation has been corrected within 30 days."

EPA received several comments concerning the appropriateness of notice by mail-delivery for certain violations. Some commenters suggested that mail notice be used "sparingly," e.g., for "serious" Tier 1 violations, or replaced by newspaper notice for Tier 2 violations. One commenter indicated that the requirement for written waiver of notice was burdensome, and should be deleted. Still another commenter stated that more time should be allowed for correction of the violation before notice is required, explaining that a violation of a microbiological MCL can be corrected within 30 days, but that correction of other MCL violations can take longer. Another commenter suggested that mail notice be eliminated entirely, as "the delay inherent in notification by mail (or by hand) substantially undermines the usefulness of such notification."

Several commenters, however, objected to any waiver of notice by mail delivery. One commenter expressed the concern that consumers may not be reached by other forms of notice. Another commenter indicated that notice by mail delivery allows users to take such steps as they deem necessary to reduce the likelihood of repeated intermittent violations, and may also be needed to allow especially sensitive members of the public to act to protect their health from intermittent violations—especially those posing acute risks or aggravating existing health problems.

EPA proposed a waiver of mail notice to avoid causing undue alarm upon receiving a notice after the violation has been promptly corrected. EPA believes that when a violation has been corrected, newspaper notice is sufficient without subsequent mail notice after correction of the violation. In response to comments, EPA has extended the deadline for mail delivery from 30 to 45 days in the final rule. This not only gives the system extra time to correct the violation but also allows time to pick up on a billing cycle and therefore reduce the cost of notification. Mail notices will generally address violations with chronic or long-term health effects (EPA

expects that violations of NPDWRs for microbiological contaminants will be corrected more quickly; therefore the extra time is not likely to create a problem.

EPA is requiring that any waivers be approved by the State in writing. In developing this waiver provision, the Agency was concerned that it could be used to avoid giving public notice where notice is clearly required. By requiring the State to approve the waiver, the State will have the opportunity to determine that the violation has actually been corrected. Also, the waiver must be in writing so that there is no danger that public water system representatives could erroneously conclude that public notification was waived during a telephone conversation with a State official.

One commenter suggested that EPA require that mail notice be sent not only to the billed address but also to the service address when the two are distinct. EPA endorses this suggestion and encourages its use. However, since this requirement would be difficult to specify in a rule of general applicability that takes into account all the different circumstances involved, EPA has decided to leave this requirement to the discretion of the States.

A number of commenters expressed support for hand delivery of the public notice as an alternative to mail notice for small public water systems such as mobile home parks and subdivisions. EPA has considered this suggestion and believes it to be a viable, effective alternative to mail notice for small public water systems, saving the cost of mailing. Therefore, the final rule allows for the option of hand delivery in place of mail notice.

**c. Posting.**

(1) **General.** In the April 6, 1987 notice, EPA proposed to require posting for community water systems not served by a daily or weekly newspaper of general circulation, and as an option for non-community water systems. The majority of commenters supported this proposal. Two commenters requested that EPA specify the minimum number of postings according to type of public water system (e.g., amusement park, rest stop) and indicate at what point or points the notice should be posted. EPA has considered these suggestions and believes, due to the variety of public water systems in terms of the number of persons and size of the area they serve (particularly non-community water systems), that it is not practical to specify in a general rule the minimum number of posting and posting locations. The Agency believes that these

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corrosivity to lead based on actual water samples. However, all waters are capable of leaching lead to some degree. The rate of leaching depends on many factors, including the type of plumbing materials, amount of lead surface in contact with water, the age of the material, the chemistry and temperature of the water, and the amount of flushing of the plumbing. EPA is currently studying these parameters in the course of developing a revised NPDWR for lead. However, available studies have been unable to correlate any easily measured water quality parameters with lead concentrations at the consumer's tap. These studies also demonstrate that even with optimal treatment there is still a high probability of leaching lead. Therefore, based on current information, EPA has concluded that all community and non-transient non-community water systems should provide the lead public notice unless they can demonstrate to the State that there is no lead-containing material in the water system, including the residential and nonresidential portions of the system. This requirement is reflected on the final rule.

Additional information may become available in the course of developing the monitoring requirements for lead—the revised NPDWR for lead is scheduled for promulgation in mid-1988—that allows a public water system to determine that its water is "non/corrosive" to lead. If so, EPA would consider amending this public notification rule.

Third, a large number of public water system, States, and other commenters suggested that the Agency should allow States to give the lead notice on behalf of public water systems, at least in some cases. EPA agrees that notification by the State may be sometimes appropriate, as long as the State notice on behalf of the water systems contains all the elements listed under § 141.34(c) and (d) (including system-specific information about what each system is doing to mitigate the lead content in drinking water and whether there is any need to serve alternative supplies) and meets the requirements under 141.34(b). See discussion under II.c.3 below.) In order to make State notification a more viable option, the final rule revised the manner of notice from requiring mail and newspaper notice to allowing water systems to give notice either by mail, newspaper, or hand delivery (also, posting is an additional option for non-transient non-community water systems). If a State chooses to give statewide notice of the behalf of the public water systems covered by this rule, the State could, for example, use

newspaper advertisements, in newspapers serving the area, that are of sufficient size and location in the newspaper that they would likely attract widespread attention. In addition, the State should use public service announcements, on radios and television serving the area, that are aired at such times and frequency as are necessary to reach the consumers for which the notice is intended.

EPA disagrees with the commenters who stated that the rule should transfer some of the legal responsibility for the lead notice to the States. The statute and legislative history clearly place the responsibility for fulfilling this requirement on the public water system. Thus, while EPA is allowing States to provide the lead notice on behalf of the water system, under the conditions of § 141.34(f), described below, the water system remains legally liable for ensuring the notice takes place.

Fourth, several States and public water systems thought that public notice should be required only where there was a clear indication that the drinking water would potentially have lead concentrations above the maximum contaminant level set by EPA. The commenters suggested that EPA and the State use data collected under the 1980 corrosivity monitoring requirement to determine which systems should be required to give public notice. EPA disagrees with this interpretation of the statutory requirement; it believes that the statute and legislative history require public water systems to give notice to persons that may be affected by lead contamination; the Act clearly requires lead notice even if there is no MCL violation.

Lastly, one commenter asked about the applicability of the lead notice requirements to consecutive systems. EPA expects the owner or operator of a public water system which is subject to the public notification requirements for lead, and which provides water to another community or non-transient non-community water system, to provide one-time notice by letter to the receiving system. The receiving system, in turn, must provide its customers public notice concerning lead in compliance with the lead public notification requirements.

## 2. Frequency of Notice

Section 1417(b)(2) of the Act states that the public notice requirements for lead "shall apply in all states effective 24 months after the enactment of this section." In the April 6, 1987, notice EPA proposed to codify this provision by requiring the owner or operator of each community water systems to issue the

initial notice for lead no later than June 19, 1988. EPA also proposed that each system give notice annually for five years from the initial notice or the effective date of the lead ban, whichever was later. (The lead ban is mandated by sections 1417 (a)(1) and (b)(1) of the Safe Drinking Water Act.) EPA proposed a five-year span because experience indicates that lead levels are substantially decreased five years after the last application of new lead solder in water supply systems.

Several commenters objected to the proposed requirement for a repeat notice each year for five consecutive years; most thought a single notice was sufficient and that repeat notices would be costly and difficult for the State to enforce. Several commenters thought that repeat notices were unnecessary because of the lead ban and other outreach activities. Two commenters, on the other hand, thought that the notice should be repeated each year until the lead ban was in effect in the community served by the water system. EPA agrees that the five-year repeat notice requirement is probably not generally necessary and that a mandatory five-year notice would be costly to implement. Certainly the statute does not require ongoing notice. In addition, EPA expects to promulgate a revised NPDWR for lead by June, 1988, and to be in effect by December, 1989 (18 months after promulgation). The revised NPDWR will more directly control lead in drinking water. Therefore, EPA has changed the final rule to require a single year notice, to begin on or before June 19, 1988. If the owner or operator chooses to give newspaper notice, such notice is to be given once a month for three consecutive months. The mail and hand delivery options require one-time notice. If a non-transient non-community water system chooses posting, it is to be continuous for three months.

## 3. Manner of Notice

Section 1417 of the SDWA requires the Administrator to prescribe the manner and form of the public notice for lead. In the April 6, 1987 notice, EPA proposed that notice to the consumer be given by mail delivery (direct mail or with individual water bills) and by newspaper notice.

In the April 6, 1987 proposal, EPA also requested comment on an option to require that public water systems supplement mail notice with hand delivery of notices to individual units or posting at multiple family dwellings, apartment complexes, and other locations where individual consumer may not receive a water bill.

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EPA received numerous comments on the manner of notice proposed in the April 6, 1987 notice. Most of the commenters on this aspect of the proposal objected to the requirement for a mail notice, believing that the mail notice was both costly and less effective than other forms of communication (i.e., newspaper, electronic media). Many of these commenters also thought that a mail notice should be tailored to the severity of the problem in the individual water system, with more notices required where a lead problem is known.

EPA agrees that the form of the notice should be tailored to the problems in the individual water system and has decided to make the requirement more flexible. Therefore, the final rule requires that water systems give one notice, using an option of mail notice, newspaper notice, or hand delivery. Posting is an additional option for non-transient non-community water systems. If the water system chooses the newspaper notice, it must give notice once per month for three consecutive months. If posting is chosen by the non-transient non-community water system, it must be continuous for three months. The mail or hand delivery options require single-time notices.

#### 4. Form and Content of Notice

Section 1417(a)(2)(B) of the Act specifically requires that public notices for lead be written in a clear and readily understandable manner. The Act states that notices must include information concerning potential sources of lead in drinking water, potential adverse health effects, reasonably available methods of mitigating known or potential lead content in drinking water, any steps the system is taking to mitigate lead content in drinking water, and the necessity for seeking alternative water supplies, if any.

EPA proposed in the April 6, 1987 notice a list of general requirements for the content of lead public notices. In addition to the statutory requirements outlined above, EPA proposed to require that community water systems include specific advice in the notice on how to minimize exposure to water likely to contain high levels of lead. The April 6, 1987 proposal also set out language on the health effects of lead that would be mandatory for all lead notices. The Agency believes that requiring specific language will ensure accurate and consistent toxicological information in every public notice and simplify the preparation of the individual notices. The proposal gave the community water systems the flexibility to draft the remainder of the notice to best reflect

the specific circumstances of the individual systems.

EPA received numerous comments on this portion of the proposal. Many commenters asked for more complete guidelines on what specific advice EPA thought they should provide consumers. Several asked for "boilerplate language" or a publication that would meet the requirements to be inserted with the water bill. Three commenters recommended boilerplate language to be included in EPA guidelines. EPA agrees and is developing a sample public notice to be distributed as part of a public notification handbook. The Agency has recently published *Lead and Your Drinking Water*, which also is available for this purpose. Also, many commenters objected to the specific health effects language included in the April 6, 1987 proposal, viewing the proposed language as too technical, confusing, and (in some parts) unnecessarily alarming. EPA agrees with this comment and has revised the mandatory language to be more educational, simple, and objective.

#### D. Revised State Implementation Requirements

Part 142 contains regulations for implementation and enforcement of the public water programs by States ("primacy requirements"). In the April 6, 1987 notice, EPA proposed to revise § 142.16 State Public Notification Requirements, to require States to adopt regulations at least as stringent as the amended general public notification regulations under 40 CFR 141.32 as a condition of obtaining or retaining primacy. This provision would replace the current State public notice program requirements in § 142.16, which lists the minimum provisions necessary for State assumption of primacy. The regulations currently in § 142.16 are not as stringent as the public notification requirements in § 141.32.

In the April 6, 1987 proposal, EPA also solicited comment on whether State public notification requirements less stringent than the requirements of the proposed § 141.32 would meet the statutory requirements for primacy under section 1413(a)(2), which requires States to have "adequate procedures for the enforcement of State regulations." In the proposal EPA interpreted this requirement to mean that States must adopt provisions "no less stringent" than § 141.32. This proposed change from the current requirements was influenced by two factors: (1) section 1414(c) requires notice for all violations (including monitoring violations) and sets fixed time periods for notice that are much more explicit than the

previous provision (the revised provisions of § 141.32 are essentially the minimum necessary to comply with section 1414(c)); and, (2) if States adopted rules less stringent than the revised EPA regulations, § 141.32 would continue in effect (and be the authority EPA would cite in all enforcement actions). This second factor would mean that, in both legal and practical terms, public water systems would have to comply with two sets of regulations.

Comments received on this section were mixed, with three commenters strongly supporting the requirement that States adopt rules that are "no less stringent" than the federal rules and several other commenters requesting greater State flexibility. The latter commenters requested that no change be made in the current primacy requirement under § 142.16 which, as noted earlier, allows a State to adopt public notification requirements that are less stringent than the federal rules. EPA agrees with these commenters that requiring public notification rules at least as stringent as the federal regulation would require changes in many State programs. In particular, States would have to adopt rules to require public notice for monitoring violations, which currently is not required under § 142.16.

After considering all the comments, EPA has decided to promulgate the basic primacy requirement as proposed. States will be required to adopt regulations no less stringent than the revised § 141.32. To respond to State concerns that adoption of § 141.32 would remove the flexibility the States now have to tailor the notice to the most serious problems (and, in turn, avoid notice for trivial or minor problems), EPA has revised the proposal to build greater flexibility in the public notification rule itself (§ 141.32). Subject to EPA review and approval, the final rule gives States broader discretion to specify the frequency of notice for minor Tier 2 monitoring violations (see Section II.A.1. above).

#### III. Effective Dates

EPA proposed that the general public notice requirements under 40 CFR 141.32 and the public notice requirements pertaining to lead under 40 CFR 141.34 become effective 30 days after promulgation. Commenters on this proposal stated that the effective date of 30 days after promulgation for the general public notice requirement did not consider the time required for States to revise their current primacy programs to adopt the new public notification requirements. Virtually all States have

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circulatory system. Chemicals which cause adverse effects among exposed industrial workers and in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(9) *Fluoride.*

[Note.—EPA is not specifying language that must be included in a public notice for a violation of the fluoride maximum contaminant level in this section because § 143.5 of this part includes the necessary information. See paragraph (f) of this section.]

(f) *Public notices for fluoride.* Notice of violations of the maximum contaminant level for fluoride, notices of variances and exemptions from the maximum contaminant level for fluoride, and notices of failure to comply with variance and exemption schedules for the maximum contaminant level for fluoride shall consist of the public notice prescribed in § 143.5(b), plus a description of any steps which the system is taking to come into compliance.

(g) *Public notification by the State.* The State may give notice to the public required by this section on behalf of the owner or operator of the public water system if the State complies with the requirements of this section. However, the owner or operator of the public water system remains legally responsible for ensuring that the requirements of this section are met.

4. Subpart D is amended by adding a new § 141.34 to read as follows:

~~§ 141.34 Public notice requirements pertaining to lead.~~

(a) *Applicability of public notice requirement.* (1) Except as provided in paragraph (a)(2) of this section, by June 19, 1988, the owner or operator of each community water system and each non-transient, non-community water system shall issue notice to persons served by the system that may be affected by lead contamination of their drinking water. The State may require subsequent notices. The owner or operator shall provide notice under this section even if there is no violation of the national primary drinking water regulation for lead.

(2) Notice under paragraph (a)(1) of this section is not required if the system

demonstrates to the State that the water system, including the residential and non-residential portions connected to the water system, are lead free. For the purposes of this paragraph, the term "lead free" when used with respect to solders and flux refers to solders and flux containing not more than 0.2 percent lead, and when used with respect to pipes and pipe fittings refers to pipes and pipe fittings containing not more than 8.0 percent lead.

(b) *Manner of notice.* Notice shall be given to persons served by the system either by (1) ~~three newspaper notices (one for each of three consecutive months and the first no later than June 19, 1988)~~; or (2) once by mail notice with the water bill or in a separate mailing by June 19, 1988; or (3) once by hand delivery by June 19, 1988. For non-transient non-community water systems, notice may be given by continuous posting. If posting is used, the notice shall be posted in a conspicuous place in the area served by the system and start no later than June 19, 1988, and continue for three months.

(c) *General content of notice.* (1) Notices issued under this section shall provide a clear and readily understandable explanation of the potential sources of lead in drinking water, potential adverse health effects, reasonably available methods of mitigating known or potential lead content in drinking water, any steps the water system is taking to mitigate lead content in drinking water, and the necessity for seeking alternative water supplies, if any. Use of the mandatory language in paragraph (d) of this section in the notice will be sufficient to explain potential adverse health effects.

(2) Each notice shall also include specific advice on how to determine if materials containing lead have been used in homes or the water distribution system and how to minimize exposure to water likely to contain high levels of lead. Each notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems that frustrate the purpose of the notice. Each notice shall contain the telephone number of the owner, operator, or designer of the public water system as a source of additional information regarding the notice. Where appropriate, the notice shall be multilingual.

[Note (Optional Information): Each notice should advise persons served by the system to use only the cold water faucet for drinking and for use in cooking or preparing baby formula, and to run the water until it gets as cold as it is going to get before each use. If there has recently been major water use in the household, such as showering or bathing,

flushing toilets, or doing laundry with cold water, flushing the pipes should take 5 to 30 seconds; if not, flushing the pipes could take as long as several minutes. Each notice should also advise persons served by the system to check to see if lead pipes, solder, or flux have been used in plumbing that provides tap water and to ensure that new plumbing and plumbing repairs use lead-free materials.

The only way to be sure of the amount of lead in the household water is to have the water tested by a competent laboratory. Testing is especially important to apartment dwellers because flushing may not be effective in high-rise buildings that have lead-soldered central piping. As appropriate, the notice should provide information on testing.]

(d) *Mandatory health effects information.* When providing the information in public notices required under paragraph (c) of this section on the potential adverse health effects of lead in drinking water, the owner or operator of the water system shall include the following specific language in the notice:

"The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that lead is a health concern at certain levels of exposure. There is currently a standard of 0.050 parts per million (ppm). Based on new health information, EPA is likely to lower this standard significantly.

"Part of the purpose of this notice is to inform you of the potential adverse health effects of lead. This is being done even though your water may not be in violation of the current standard.

"EPA and others are concerned about lead in drinking water. Too much lead in the human body can cause serious damage to the brain, kidneys, nervous system, and red blood cells. The greatest risk, even with short-term exposure, is to young children and pregnant women.

"Lead levels in your drinking water are likely to be highest:

- if your home or water system has lead pipes, or
- if your home has copper pipes with lead solder, and
  - if the home is less than five years old, or
  - if you have soft or acidic water, or
  - if water sits in the pipes for several hours."

(e) *Notice by the State.* The State may give notice to the public required by this section on behalf of the owner or operator of the water system if the State meets the requirements of paragraph (b) and the notice contains all the information specified in paragraphs (c) and (d) of this section. However, the owner or operator of the water system remains legally responsible for ensuring that the requirements of this section are met.

(f) *Enforcement of the State.* All States shall enforce the requirements of

this section by June 19, 1988, as required by section 1417(b)(2) of the Act. If the Administrator determines that a State is not enforcing these requirements, the Administrator may withhold up to five percent of the State program grant fund under section 1443(a) of the Act.

**PART 142—[AMENDED]**

1. The authority citation for Part 142 is revised to read as follows:

Authority: 42 U.S.C. §§ 330g-2, 300g-3, 300g-4, 300g-5, 300g-8, 300j-4, and 300j-9.

2. Section 142.10 is amended by revising paragraph (b)(6)(v) to read as follows:

§ 142.10 Requirements for a determination of primary enforcement responsibility.

(b) \* \* \*

(6) \* \* \*

(v) Authority to require public water systems to give public notice that are no less stringent than the EPA requirements in §§ 142.32 and 142.16(a).

3. Section 142.16 is revised to read as follows:

§ 142.16 Special primary requirements.

(a) *State public notification requirements.* If a State exercises the option specified in § 142.32(b)(4) to authorize less frequent notice for minor monitoring violations, it must adopt a program revision enforceable under State authorities which promulgates rules specifying either: (1) which monitoring violations are minor and the frequency of public notification for such violations; or (2) by establishing criteria for determining which monitoring violations are minor and the frequency of public notification.

**PART 143—[AMENDED]**

1. The authority citation for Part 143 continues to read as follows:

Authority: 42 U.S.C. 330g-1(c), 300j-4, and 300j-9.

2. In § 143.5, paragraph (a) and the introductory text of paragraph (b) are revised to read as follows:

§ 143.5 Compliance with secondary maximum contaminant level and public notification for fluoride.

(a) Community water systems, as defined in 40 CFR 141.2(e)(1) of this title, that exceed the secondary maximum contaminant level for fluoride as determined by the last single sample taken in accordance with the requirements of § 141.23 of this title or any equivalent State law, but do not exceed the maximum contaminant level for fluoride as specified by § 141.62 of this title or any equivalent State law, shall provide the notice prescribed in paragraph (b) of all billing units annually, all new billing units at the time service begins, and the State public health officer.

(b) The notice required by paragraph (a) shall contain the following language including the language necessary to replace the superscripts:

[FR Doc. 87-24331 Filed 10-27-87; 8:45 am]  
BILLING CODE 4560-00-M

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