



W. Marshall Taylor Jr., Acting Director

Promoting and protecting the health of the public and the environment

BUREAU OF WATER

February 12, 2015

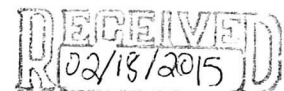
Ms. Janine Morris
Drinking Water Section
U.S. Environmental Protection Agency, Region IV
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

Dear Ms. Morris:

As you are aware, the State of South Carolina has been granted interim primacy for the Lead and Copper Rule Short Term Revisions and the Ground Water Rule pending required corrections to the South Carolina State Primary Drinking Water Regulations (R.61-58) to make them consistent with 40 CFR 141. As agreed, those corrections were made during the regulatory promulgation process for the state's adoption of the Revised Total Coliform Rule. Therefore, we are at this time requesting that South Carolina be granted full primacy for the Lead and Copper Rule Short Term Revisions and the Ground Water Rule and that the corresponding implementation agreement (copy attached) be deemed null and void. If you have any question or comments concerning this matter, please contact me at 803-898-3543 or kinarddb@dhec.sc.gov.

Sincerely,

Doug Kinard, Director
Drinking Water Protection Division

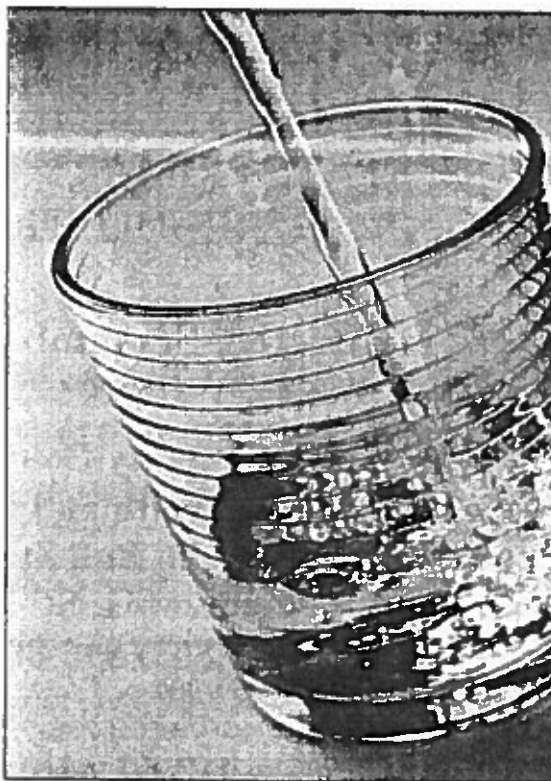


Bureau of Water

South Carolina Department of Health and Environmental Control

State Primary Drinking Water Regulation: R.61-58

Current through September 26, 2014 State Register.



October 2014



<http://www.scdhec.gov/HomeAndEnvironment/>

Regulation History

Promulgated pursuant to South Carolina Code Section 48-2-10 et seq. (Act 122, 1993) and Section 48-39-10 et seq.

Added by Document No. 1822 in S.C. State Register 19-6, June 23, 1995, effective July 1, 1995

Amended by Document No. 2281 in S.C. State Register 22-6 Part 2, effective June 26, 1998

Amended by Document No. 2374 in S.C. State Register 23-6, effective June 25, 1999

Amended by Document No. 2504 in S.C. State Register 25-2, effective February 23, 2001

Amended by Document Nos. 2673 and 2697 in S.C. State Register 26-6, effective June 28, 2002

Amended by Document Nos. 2815, 2816, and 2824 in S.C. State Register 27-3, effective March 26, 2004

Amended by Document No. 2800 in S.C. State Register 29-3, effective March 25, 2005

Amended by Document No. 3001 in S.C. State Register 30-6, effective June 23, 2006

Amended by Document No. 4079 in S.C. State Register 33-8, effective April 25, 2008

Amended by Document No. 4469 in S.C. State Register 38-9, effective September 26, 2014

On September 26, 2014, Regulation 61-58 was amended. This copy is a reprint of the State Register version and reflects R.61-51 in its entirety. If there are inconsistencies between this version and the version printed in the State Register, the State Register versions take priority. The State Register's internet website is: http://www.scstatehouse.gov/state_register.php

Authority for this regulation comes from Sections 44-55-30 et seq. of the 1976 South Carolina Code of Laws. For questions, contact DHEC at:

Bureau of Water
2600 Bull Street
Columbia, SC 29201
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R.61-58.11 CONTROL OF LEAD AND COPPER**A. Applicability.**

This regulation establishes a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers' taps. This regulation shall apply to each community and noncommunity water system, unless the water system meets all of the following conditions:

- (1) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
- (2) Obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply;
- (3) Does not sell water to any person; and
- (4) Is not a carrier which conveys passengers in interstate commerce.

B. General Requirements.

The requirements of this regulation constitute as the drinking water regulation for lead and copper. Unless otherwise indicated, each of the provisions of this regulation applies to community water systems and non-transient, non-community water systems (hereinafter referred to as "water systems" or "systems").

(1) Lead and Copper Action Levels

- (a) The lead action level is exceeded if the concentration of lead in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with Section H below is greater than 0.015 mg/L (i.e., if the "90th percentile" lead level is greater than 0.015 mg/L).
- (b) The copper action level is exceeded if the concentration of copper in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with Section H below is greater than 1.3 mg/L (i.e., if the "90th percentile" copper level is greater than 1.3 mg/L).
- (c) The 90th percentile lead and copper levels shall be computed as follows:
 - (i) The results of all lead or copper samples taken during a monitoring period shall be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result shall be assigned a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken;
 - (ii) The number of samples taken during the monitoring period shall be multiplied by 0.9;
 - (iii) The contaminant concentration in the numbered sample yielded by the

calculation in paragraph (1)(c)(ii) is the 90th percentile contaminant level; and,

(iv) For water systems serving fewer than 100 people that collect 5 samples per monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

(v) For a water system that has been allowed by the Department to collect fewer than five samples in accordance with Section H(3) the sample result with the highest concentration is considered the 90th percentile value.

(2) Corrosion Control Treatment Requirements

(a) All water systems shall install and operate optimal corrosion control treatment as defined in R.61-58.B, Definitions.

(b) Any water system that complies with the applicable corrosion control treatment requirements specified by the Department under Sections C and D below, shall be deemed in compliance with the treatment requirement contained in paragraph (2)(a) of this section.

(3) Source Water Treatment Requirements - Any system exceeding the lead or copper action level shall implement all applicable source water treatment requirements specified by the Department under Section E below.

(4) Lead Service Line Replacement Requirements - Any system exceeding the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service line replacement requirements contained in Section F below.

(5) Public Education Requirements - Pursuant to Section G, all water systems must provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that are tested. Any system exceeding the lead action level shall implement the public education requirements.

(6) Monitoring and Analytical Requirements - Tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results shall be completed in compliance with Section H, I, J, and K below.

(7) Reporting Requirements - Systems shall report to the Department any information required by the treatment provisions of this subpart.

(8) Recordkeeping Requirements - Systems shall maintain records in accordance with Section L below.

(9) Violation of the State Primary Drinking Water Regulations - Failure to comply with the applicable requirements of this regulation shall constitute a violation of the State Primary Drinking Water Regulations.

C. Applicability of Corrosion Control Treatment Steps to Small, Medium-Size and Large Water Systems.

(1) Systems shall complete the applicable corrosion control treatment requirements described in Section D by the deadlines established in this section.

(a) A large system (serving greater than 50,000 persons) shall complete the corrosion

control treatment steps specified in paragraph (4) of this section, unless it is deemed to have optimized corrosion control under paragraph (2)(b) or (2)(c) of this section.

(b) A small system (serving 3300 persons or less) and a medium-size system (serving greater than 3,300 and 50,000 persons or less) shall complete the corrosion control treatment steps specified in paragraph (5) of this section, unless it is deemed to have optimized corrosion control under paragraph (2)(a), (2)(b), or (2)(c) of this section.

(2) A system is deemed to have optimized corrosion control and is not required to complete the applicable corrosion control treatment steps identified in this section if the system satisfies one of the following criteria specified in paragraphs (2)(a) through (2)(c) of this section. Any such system deemed to have optimized corrosion control under this paragraph, and which has treatment in place, shall continue to operate and maintain optimal corrosion control treatment and meet any requirements that the Department determines appropriate to ensure optimal corrosion control treatment is maintained.

(a) A small or medium-size water system is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods conducted in accordance with Section H below.

(b) Any water system may be deemed by the Department to have optimized corrosion control treatment if the system demonstrates to the satisfaction of the Department that it has conducted activities equivalent to the corrosion control steps applicable to such system under this section. If the Department 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 Section D(6) below. Water systems deemed to have optimized corrosion control under this paragraph shall operate in compliance with the Department-designated optimal water quality control parameters in accordance with Section D(7) below and continue to conduct lead and copper tap and water quality parameter sampling in accordance with Sections H(4)(c) and I(4) below, respectively. A system shall provide the Department with the following information in order to support a determination under this paragraph:

(i) The results of all test samples collected for each of the water quality parameters in Section D(3)(c) below;

(ii) a report explaining the test methods used by the water system to evaluate the corrosion control treatments listed in Section D(3)(a), the results of all tests conducted, and the basis for the system's selection of optimal corrosion control treatment;

(iii) a report explaining how corrosion control has been installed and how it is being maintained to insure minimal lead and copper concentrations at consumers' taps; and,

(iv) the results of tap water samples collected in accordance with Section H below, at least once every six (6) months for one (1) year after corrosion control has been installed.

(c) Any water system is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with Section H below, and source water monitoring conducted in accordance with Section J below, that

demonstrates for two (2) consecutive six (6) month monitoring periods that the difference between the 90th percentile tap water lead level computed under Section B(1)(c) and the highest source water lead concentration, is less than the Practical Quantitation Level for lead specified in Section K(1)(a).

(i) Those systems whose highest source water lead level is below the Method Detection Limit may also be deemed to have optimized corrosion control under this paragraph if the 90th percentile tap water lead level is less than or equal to the Practical Quantitation Level for lead for two consecutive 6-month monitoring periods.

(ii) Any water system deemed to have optimized corrosion control in accordance with this paragraph 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 Section H(3) below and collecting the samples at times and locations specified in Section H(4)(d)(iv) below. Any such system that has not conducted a round of monitoring pursuant to Section H(4) below, since September 30, 1997, shall complete a round of monitoring pursuant to this paragraph no later than September 30, 2000.

(iii) Any water system deemed to have optimized corrosion control pursuant to this paragraph shall notify the Department in writing pursuant to Section L(1)(c) below, of any upcoming long term change in treatment or the addition of a new source as described in that section. The Department must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Department may require any such system to conduct additional monitoring or to take other action the Department deems appropriate to ensure that such systems maintain minimal levels of corrosion in the distribution system.

(iv) As of July 12, 2001, a system is not deemed to have optimized corrosion control under this paragraph, and shall implement corrosion control treatment pursuant to paragraph (2)(c)(v) of this section unless it meets the copper action level.

(v) Any system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this paragraph shall implement corrosion control treatment in accordance with the deadlines in paragraph (5) of this section. Any such large system shall adhere to the schedule specified in that paragraph for medium-size systems, with the time periods for completing each step being triggered by the date the system is no longer deemed to have optimized corrosion control under this paragraph.

(3) Any small or medium-size water system that is required to complete the corrosion control steps due to its exceedance of the lead or copper action level may cease completing the treatment steps whenever the system meets both action levels during each of two consecutive monitoring periods conducted pursuant to Section H below, and submits the results to the Department. If any such water system thereafter exceeds the lead or copper action level during any monitoring period, the system (or the Department, as the case may be) shall recommence completion of the applicable treatment steps, beginning with the first treatment step which was not previously completed in its entirety. The Department may require a system to repeat treatment steps previously completed by the system where the Department determines that this is necessary to implement properly the treatment requirements of this

section. The Department shall notify the system in writing of such a determination and explain the basis for its decision. The requirement for any small or medium-size system to implement corrosion control treatment steps in accordance with Paragraph (5) of this section (including systems deemed to have optimized corrosion control under Paragraph (2)(a) of this section) is triggered whenever any small or medium-size system exceeds the lead or copper action level.

(4) Treatment Steps and Deadlines for Large Systems - Except as provided in paragraph (2)(b) and (c) of this section, large systems shall complete the following corrosion control treatment steps (described in the referenced portions of Sections D, H, and I below) by the indicated dates:

(a) Step 1: The system shall conduct initial monitoring (Section H(4)(a) and Section I(2)) during two consecutive six-month monitoring periods by January 1, 1993.

(b) Step 2: The system shall complete corrosion control studies (Section D.(3) below) by July 1, 1994.

(c) Step 3: The Department shall designate optimal corrosion control treatment (Section D(4) below) by January 1, 1995.

(d) Step 4: The system shall install optimal corrosion control treatment (Section D(5) below) by January 1, 1997.

(e) Step 5: The system shall complete follow-up sampling (Section H(4)(b) and Section I(3) below) by January 1, 1998.

(f) Step 6: The Department shall review installation of treatment and designate optimal water quality control parameters (Section D(6) below) by July 1, 1998.

(g) Step 7: The system shall operate in compliance with the Department-specified optimal water quality control parameters (Section D(7) below) and continue to conduct tap sampling (Section H(4)(c) and Section (I)(4) below).

(5) Treatment Steps and Deadlines for Small and Medium-Size Systems - Except as provided in paragraph (2) of this section, small and medium-size systems shall complete the following corrosion control treatment steps (described in the referenced portions of Sections D, H and I below) by the indicated time periods:

(a) Step 1: The system shall conduct initial tap sampling (Section H(4)(a) and Section I(2) below) until the system either exceeds the lead or copper action level or becomes eligible for reduced monitoring under Section (H)(4)(d) below. A system exceeding the lead or copper action level shall recommend optimal corrosion control treatment (Section D(1) below) within six (6) months after the end of the monitoring period during which it exceeds one of the action levels.

(b) Step 2: Within twelve (12) months after the end of the monitoring period during which a system exceeds the lead or copper action level, the Department may require the system to perform corrosion control studies (Section D(2) below). If the Department does not require the system to perform such studies, the Department shall specify optimal corrosion control treatment (Section D(4)) within the following time frames:

(i) For medium-size systems, within eighteen (18) months after the end of the monitoring period during which such system exceeds the lead or copper action level; and,

- (ii) For small systems, within twenty-four (24) months after the end of the monitoring period during which such system exceeds the lead or copper action level.
- (c) Step 3: If the Department requires a system to perform corrosion control studies under Step 2, the system shall complete the studies (Section D(3) below) within eighteen (18) months after the Department requires that such studies be conducted.
- (d) Step 4: If the system has performed corrosion control studies under Step 2, the Department shall designate optimal corrosion control treatment (Section D(4) below) within six (6) months after completion of Step 3.
- (e) Step 5: The system shall install optimal corrosion control treatment (Section D(5) below) within twenty-four (24) months after the Department designates such treatment.
- (f) Step 6: The system shall complete follow-up sampling (Section H(4)(b) and Section I(3) below) within 36 months after the Department designates optimal corrosion control treatment.
- (g) Step 7: The Department shall review the system's installation of treatment and designate optimal water quality control parameters (Section D(6) below) within six (6) months after completion of Step 6.
- (h) Step 8: The system shall operate in compliance with the Department-designated optimal water quality control parameters (Section D(7) below) and continue to conduct tap sampling (Section H(4)(c) and Section I(4) below).

D. Description of Corrosion Control Treatment Requirements.

Each system shall complete the corrosion control treatment requirements described below which are applicable to such system under Section C above.

(1) System Recommendation Regarding Corrosion Control treatment - Based upon the results of lead and copper tap monitoring and water quality parameter monitoring, small and medium-size water systems exceeding the lead or copper action level shall recommend installation of one or more of the corrosion control treatments listed in paragraph (3)(a) of this section which the system believes constitutes optimal corrosion control for that system. The Department may require the system to conduct additional water quality parameter monitoring in accordance with Section I(2) to assist the Department in reviewing the system's recommendation.

(2) Department Decision to Require Studies of Corrosion Control Treatment (applicable to small and medium-size systems) - The Department may require any small or medium-size system that exceeds the lead or copper action level to perform corrosion control studies under paragraph (3) of this section to identify optimal corrosion control treatment for the system.

(3) Performance of Corrosion Control Studies

(a) Any public water system performing corrosion control studies shall evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments to identify the optimal corrosion control treatment for that system:

- (i) Alkalinity and pH adjustment;

- (ii) Calcium hardness adjustment; and,
 - (iii) The addition of a phosphate or silicate based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.
- (b) The water system shall evaluate each of the corrosion control treatments using either pipe rig/loop tests, metal coupon tests, partial-system tests, or analyses based on documented analogous treatments with other systems of similar size, water chemistry and distribution system configuration.
- (c) The water system shall measure the following water quality parameters in any tests conducted under this paragraph before and after evaluating the corrosion control treatments listed above:
 - (i) Lead;
 - (ii) Copper;
 - (iii) pH;
 - (iv) Alkalinity;
 - (v) Calcium;
 - (vi) Conductivity;
 - (vii) Orthophosphate (when an inhibitor containing a phosphate compound is used);
 - (viii) Silicate (when an inhibitor containing a silicate compound is used); and,
 - (ix) Water temperature.
- (d) The water system shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document such constraints with at least one of the following:
 - (i) Data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another water system with comparable water quality characteristics; and/or,
 - (ii) Data and documentation demonstrating that the water system has previously attempted to evaluate a particular corrosion control treatment and has found that the treatment is ineffective or adversely affects other water quality treatment processes.
- (e) The water system shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.
- (f) On the basis of an analysis of the data generated during each evaluation, the water system shall recommend to the Department in writing the treatment option that the

corrosion control studies indicate constitutes optimal corrosion control treatment for that system. The water system shall provide a rationale for its recommendation along with all supporting documentation specified in paragraphs (3)(a) through (e) of this section.

(4) Department Designation of Optimal Corrosion Control Treatment

(a) Based upon consideration of available information including, where applicable, studies performed under paragraph (3) of this section and a system's recommended treatment alternative, the Department shall either approve the corrosion control treatment option recommended by the system, or designate alternative corrosion control treatment(s) from among those listed in paragraph (3)(a) of this section. When designating optimal treatment the Department shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.

(b) The Department shall notify the system of its decision on optimal corrosion control treatment in writing and explain the basis for this determination. If the Department requests additional information to aid its review, the water system shall provide the information.

(5) Installation of Optimal Corrosion Control - Each system shall properly install and operate throughout its distribution system the optimal corrosion control treatment designated by the Department under paragraph (4) of this section.

(6) Department Review of Treatment and Specification of Optimal Water Quality Control Parameters - The Department shall evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the water system and determine whether the system has properly installed and operated the optimal corrosion control treatment designated by the Department in paragraph (4) of this section. Upon reviewing the results of tap water and water quality parameter monitoring by the system, both before and after the system installs optimal corrosion control treatment, the Department shall designate:

(a) A minimum value or a range of values for pH measured at each entry point to the distribution system;

(b) A minimum pH value, measured in all tap samples. Such value shall be equal to or greater than 7.0, unless the Department determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the system to optimize corrosion control;

(c) If a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the Department determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;

(d) If alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples; and,

(e) If calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples.

The values for the applicable water quality control parameters listed above shall be those that the

Department determines to reflect optimal corrosion control treatment for the system. The Department may designate values for additional water quality control parameters determined by the Department to reflect optimal corrosion control for the system. The Department shall notify the system in writing of these determinations and explain the basis for its decisions.

(7) Continued Operation and Monitoring - All systems shall maintain water quality parameter values at or above minimum values or within ranges designated by the Department under paragraph (6) of this section in each sample collected under Section I(4) below. If the water quality parameter value of any sample is below the minimum value or outside the range designated by the Department, then the system is out of compliance with this paragraph. As specified in Section I(4) below, the system may take a confirmation sample for any water quality parameter value no later than 3 days after the first sample. If a confirmation sample is taken, the result must be averaged with the first sampling result and the average must be used for any compliance determinations under this paragraph. All systems optimizing corrosion control shall continue to operate and maintain optimal corrosion control treatment, including maintaining water quality parameters at or above minimum values or within ranges designated by the Department under paragraph (6) of this section, in accordance with this paragraph for all samples collected under Section I(4)-(6) below. Compliance with the requirements of this paragraph shall be determined every six months, as specified under Section I(4) below. A water system is out of compliance with the requirements of this paragraph for a six-month period if it has excursions for any Department-specified parameter on more than nine days during the period. An excursion occurs whenever the daily value for one or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the Department. Daily values are calculated as follows. The Department has discretion to delete results of obvious sampling errors from this calculation.

- (a) On days when more than one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the average of all results collected during the day regardless of whether they are collected through continuous monitoring, grab sampling, or a combination of both.
- (b) On days when only one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the result of that measurement.
- (c) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value shall be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.

(8) Modification of Department Treatment Decisions - Upon its own initiative or in response to a request by a water system or other interested party, a Department may modify its determination of the optimal corrosion control treatment under paragraph (4) of this section or optimal water quality control parameters under paragraph (6) of this section. A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The Department may modify its determination where it concludes that such change is necessary to ensure that the system continues to optimize corrosion control treatment. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the Department's decision, and provide an implementation schedule for completing the treatment modifications.

E. Source Water Treatment Requirements.

Systems shall complete the applicable source water monitoring and treatment requirements (described in the referenced portions of paragraph (2) of this section, and in Sections H and J by the following deadlines.

(1) Deadlines for Completing Source Water Treatment Steps

(a) Step 1: A system exceeding the lead or copper action level shall complete lead and copper source water monitoring (Section J(2) below) and make a treatment recommendation to the Department (paragraph (2)(a) of this section) no later than one hundred eighty (180) days after the end of the monitoring period during which the lead or copper action level was exceeded.

(b) Step 2: The Department shall make a determination regarding source water treatment (paragraph (2)(b) of this section) within six (6) months after submission of monitoring results under Step 1.

(c) Step 3: If the Department requires installation of source water treatment, the system shall install the treatment (paragraph (2)(c) of this section) within twenty-four (24) months after completion of Step 2.

(d) Step 4: The system shall complete follow-up tap water monitoring (Section H(4)(b) below) and source water monitoring (Section J(3) below) within thirty-six (36) months after completion of Step 2.

(e) Step 5: The Department shall review the system's installation and operation of source water treatment and specify maximum permissible source water levels (paragraph (2)(d) of the section) within six (6) months after completion of Step 4.

(f) Step 6: The system shall operate in compliance with the Department-specified maximum permissible lead and copper source water levels (paragraph (2)(d) of this section) and continue source water monitoring (Section J(4) below).

(2) Description of Source Water Treatment Requirements

(a) System Treatment Recommendation - Any system which exceeds the lead or copper action level shall recommend in writing to the Department the installation and operation of one of the source water treatments listed in paragraph (2)(b) of this section. A system may recommend that no treatment be installed based upon a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.

(b) Department Determination Regarding Source Water Treatment - The Department shall complete an evaluation of the results of all source water samples submitted by the water system to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps. If the Department determines that treatment is needed, the Department shall either require installation and operation of the source water treatment recommended by the system (if any) or require the installation and operation of another source water treatment from among the following: ion exchange, reverse osmosis, lime softening or coagulation/filtration. If the Department requests additional information to aid in its review, the water system shall provide the information by the date specified by the Department in its request. The Department shall notify the system in writing of its determination and set forth the basis for its decision.

(c) Installation of Source Water Treatment - Each system shall properly install and operate the source water treatment designated by the Department under paragraph (2)(b) of this section.

(d) Department Review of Source Water Treatment and Specification of Maximum Permissible Source Water Levels - The Department shall review the source water samples taken by the water system both before and after the system installs source water treatment, and determine whether the system has properly installed and operated the source water treatment designated by the Department. Based upon its review, the Department shall designate the maximum permissible lead and copper concentrations for finished water entering the distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained. The Department shall notify the system in writing and explain the basis for its decision.

(e) Continued Operation and Maintenance - Each water system shall maintain lead and copper levels below the maximum permissible concentrations designated by the Department at each sampling point monitored in accordance with Section J. The system is out of compliance with this paragraph if the level of lead or copper at any sampling point is greater than the maximum permissible concentration designated by the Department.

(f) Modification of Department Treatment Decisions - Upon its own initiative or in response to a request by a water system or other interested party, the Department may modify its determination of the source water treatment under paragraph (b) of this section, or maximum permissible lead and copper concentrations for finished water entering the distribution system under paragraph (d) of this section. A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The Department may modify its determination where it concludes that such change is necessary to ensure that the system continues to minimize lead and copper concentrations in source water. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the Department's decision, and provide an implementation schedule for completing the treatment modifications.

F. Lead Service Line Replacement Requirements.

(1) Systems that fail to meet the lead action level in tap samples taken pursuant to Section H(4)(b), after installing corrosion control and/or source water treatment (whichever sampling occurs later), shall replace lead service lines in accordance with the requirements of this section. If a system is in violation of Section C or Section E for failure to install source water or corrosion control treatment, the Department may require the system to commence lead service line replacement under this section after the date by which the system was required to conduct monitoring under Section H(4)(b) below, has passed.

(2) (a) A water system shall replace annually at least seven (7) percent of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The system shall identify the initial number of lead service lines in its distribution system, including an identification of the portions(s) owned by the system, based on a materials evaluation, including the evaluation required under Section H(1) below and relevant legal authorities (e.g. contracts, local ordinances) regarding the portion owned by the system. The first year of lead service line replacement shall begin on the first day following the end of the monitoring period in which the action level was exceeded under paragraph (1) of this section. If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs. If the Department has established an alternate monitoring period, then the end of the monitoring period will be the last day of that period.

(b) Any water system resuming a lead service line replacement program after the cessation of its lead service line replacement program as allowed by paragraph (6) of this section shall update its inventory of lead service lines to include those sites that were previously determined not to require replacement through the sampling provision under paragraph (3) of this section. The system will then divide the updated number of remaining lead service lines by the number of remaining years in the program to determine the number of lines that must be replaced per year (seven (7) percent lead service line replacement is based on a fifteen (15) year replacement program, so, for example, systems resuming lead service line replacement after previously conducting two years of replacement would divide the updated inventory by thirteen (13)). For those systems that have completed a fifteen (15) year lead service line replacement program, the Department will determine a schedule for replacing or retesting lines that were previously tested out under the replacement program when the system re exceeded the action level.

(3) A system is not required to replace an individual lead service line if the lead concentration in all service line samples from that line, taken pursuant to Section H(2)(c), is less than or equal to 0.015 mg/L.

(4) A water system shall replace that portion of the lead service line that it owns. In cases where the system does not own the entire lead service line, the system shall notify the owner of the line, or the owner's authorized agent, that the system will replace the portion of the service line that it owns and shall offer to replace the owner's portion of the line. A system is not required to bear the cost of replacing the privately-owned portion of the line, nor is it required to replace the privately-owned portion where the owner chooses not to pay the cost of replacing the privately-owned portion of the line, or where replacing the privately-owned portion would be precluded by State, local or common law. A water system that does not replace the entire length of the service line also shall complete the following tasks.

(a) At least forty-five (45) days prior to commencing with the partial replacement of a lead service line, the water system shall provide notice to the resident(s) of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead. The Department may allow the water system to provide notice under the previous sentence less than forty-five (45) days prior to commencing partial lead service line replacement where such replacement is in conjunction with emergency repairs. In addition, the water system shall inform the resident(s) served by the line that the system will, at the system's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed under Section H(2)(c) below, within seventy-two (72) hours after the completion of the partial replacement of the service line. The system shall collect the sample and report the results of the analysis to the owner and the resident(s) served by the line within three (3) business days of receiving the results. Mailed notices post-marked within three (3) business days of receiving the results shall be considered "on time."

(b) The water system shall provide the information required by paragraph (4)(a) of this section to the residents of individual dwellings by mail or by other methods approved by the Department. In instances where multi-family dwellings are served by the line, the water system shall have the option to post the information at a conspicuous location.

(5) The Department shall require a system to replace lead service lines on a shorter schedule than that required by this section, taking into account the number of lead service lines in the system, where such a shorter replacement schedule is feasible. The Department shall make this determination in writing and notify the system of its finding within 6 months after the system is triggered into lead service

line replacement based on monitoring referenced in paragraph (1) of this section.

(6) Any system may cease replacing lead service lines whenever first draw samples collected pursuant to Section H(2)(b) below, meet the lead action level during each of two consecutive monitoring periods and the system submits the results to the Department. If the first draw tap samples collected in any such system thereafter exceeds the lead action level, the system shall recommence replacing lead service lines pursuant to paragraph (2) of this section.

(7) To demonstrate compliance with paragraphs (1) through (4) of this section, a system shall report to the Department the information specified in Section L(5) below.

G. Public Education and Supplemental Monitoring Requirements.

All water systems must deliver a consumer notice of lead tap water monitoring results to persons served by the water system at sites that are tested, as specified in paragraph (4) of this section. A water system that exceeds the lead action level based on tap water samples collected in accordance with Section H shall deliver the public education materials contained in paragraph (1) this section in accordance with the requirements in paragraph (2) of this section. Water systems that exceed the lead action level must sample the tap water of any customer who requests it in accordance with paragraph (3) of this section.

(1) Content of written public education materials.

(a) Community water systems and Non-transient non-community water systems. Water systems must include the following elements in printed material (e.g., brochures and pamphlets) in the same order as listed below. In addition, language in paragraphs (1)(a)(i) through (ii) and (1)(a)(vi) of this section must be included in the materials, exactly as written, except for the brackets in these paragraphs for which the water system must include system-specific information. Any additional information presented by a water system must be consistent with the information below and be in plain language that can be understood by the general public. Water systems must submit all written public education materials to the Department prior to delivery. The Department may require the system to obtain approval of the content of written public materials prior to delivery.

(i) **IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER.** [INSERT NAME OF WATER SYSTEM] found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems, especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water.

(ii) **Health effects of lead.** Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

(iii) Sources of Lead.

(A) Explain what lead is.

- (B) Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on homes/building plumbing materials and service lines that may contain lead.
 - (C) Discuss other important sources of lead exposure in addition to drinking water (e.g., paint).
 - (iv) Discuss the steps the consumer can take to reduce their exposure to lead in drinking water.
 - (A) Encourage running the water to flush out the lead.
 - (B) Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.
 - (C) Explain that boiling water does not reduce lead levels.
 - (D) Discuss other options consumers can take to reduce exposure to lead in drinking water, such as alternative sources or treatment of water.
 - (E) Suggest that parents have their child's blood tested for lead.
 - (v) Explain why there are elevated levels of lead in the system's drinking water (if known) and what the water system is doing to reduce the lead levels in homes/buildings in this area..
 - (vi) For more information, call us at [INSERT YOUR NUMBER] [(IF APPLICABLE), or visit our Web site at [INSERT YOUR WEB SITE HERE]]. For more information on reducing lead exposure around your home/building and the health effects of lead, visit EPA's website at <http://www.epa.gov/lead> or contact your health care provider.
- (b) Community water systems. In addition to including the elements specified in paragraph (1)(a) of this section, community water systems must:
- (i) Tell consumers how to get their water tested.
 - (ii) Discuss lead in plumbing components and the difference between low lead and lead free.
- (2) Delivery of public education materials:
- (a) For public water systems serving a large proportion of non-English speaking consumers, as determined by the Department, the public education material must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the public education materials or to request assistance in the appropriate language.
 - (b) A community water system that exceeds the lead action level on the basis of tap water samples collected in accordance with Section H and that is not already conducting public education tasks under this section, must conduct the public education tasks under this section within 60 days after the end of the monitoring period in which the exceedance

occurred:

(i) Deliver printed materials meeting the content requirements of paragraph (1) of this section to all bill paying customers.

(ii) (A) Contact customers who are most at risk by delivering education materials that meet the content requirements of paragraph (1) of this section to local public health agencies even if they are not located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or community water system's users. The water system must contact the local public health agencies directly by phone or in person. The local public health agencies may provide a specific list of additional community based organizations serving target populations, which may include organizations outside the service area of the water system. If such lists are provided, systems must deliver education materials that meet the content requirements of paragraph (1) of this section to all organizations on the provided lists.

(B) Contact customers who are most at risk by delivering materials that meet the content requirements of paragraph (1) of this section to the following organizations listed in (1) through (6) below that are located within the water system's service area, along with an information notice that encourages distribution to all the organization's potentially affected customers or community water system's users:

- (1) Public and private schools or school boards.
- (2) Women, Infants and Children (WIC) and Head Start Programs.
- (3) Public and private hospitals and medical clinics.
- (4) Pediatricians.
- (5) Family planning clinics.
- (6) Local welfare agencies.

(C) Make a good faith effort to locate the following organizations within the service area and deliver materials that meet the content requirements of paragraph (1) of this section to them, along with an informational notice that encourages distribution to all potentially affected customers or users. The good faith effort to contact at risk customers may include requesting a specific contact list of these organizations from the local public health agencies, even if the agencies are not located within the water system's service area:

- (1) Licensed childcare centers.
- (2) Public and private preschools.
- (3) Obstetricians Gynecologist and Midwives.

(iii) No less often than quarterly, provide information on or in each water bill as long as the system exceeds the action level for lead. The message on the water bill must include the following statement exactly as written except for the text in brackets for which the water system must include system-specific information: [INSERT NAME OF WATER SYSTEM] found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call [INSERT NAME OF WATER SYSTEM] [or visit (INSERT YOUR WEB SITE HERE)]. The message or delivery mechanism can be modified in

consultation with the Department; specifically, the Department may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.

(iv) Post materials meeting the content requirements of paragraph (1) of this section on the water system's Web site if the system serves a population of greater than 100,000.

(v) Submit a press release to newspaper, television and radio stations.

(vi) In addition to paragraph 2(b)(i) through (v) of this section, systems must implement at least three activities from one or more categories listed below. The educational content and selection of these activities must be determined in consultation with the Department.

(A) Public Service Announcements.

(B) Paid advertisements.

(C) Public Area Information Displays.

(D) E mails to customers.

(E) Public Meetings.

(F) Household Deliveries.

(G) Targeted Individual Customer Contact.

(H) Direct material distribution to all multi family homes and institutions.

(I) Other methods approved by the Department.

(vii) For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the Department has established an alternate monitoring period, the last day of that period.

(c) As long as a community water system exceeds the action level, it must repeat the activities pursuant to paragraph (2)(b) of this section as described in paragraphs (2)(c)(i) through (iv) of this section.

(i) A community water system shall repeat the tasks contained in paragraphs (2)(b)(i), (ii) and (vi) of this section every 12 months.

(ii) A community water system shall repeat the tasks contained in paragraph (2)(b)(iii) of this section with each billing cycle.

(iii) A community water system serving a population greater than 100,000 shall post and retain material on a publicly accessible Web site pursuant to paragraph (2)(b)(iv) of this section.

(iv) The community water system shall repeat the task in paragraph (2)(b)(v) of this section twice every twelve (12) months on a schedule agreed upon with the Department. The Department can allow activities in paragraph (2)(b) of this section to extend beyond the sixty (60) day requirement if needed for implementation purposes on a case by case basis; however, this extension must be approved in writing by the Department in advance of the sixty (60) day deadline.

(d) Within sixty (60) days after the end of the monitoring period in which the exceedance occurred (unless it already is repeating public education tasks pursuant to

paragraph (2)(e) of this section), a non-transient non-community water system shall deliver the public education materials specified in paragraph (a) of this section as follows:

- (i) 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
 - (ii) Distribute informational pamphlets and/or brochures on lead in drinking water to each person served by the non-transient non-community water system. The Department may allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.
 - (iii) For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the Department has established an alternate monitoring period, the last day of that period.
- (e) A non-transient non-community water system shall repeat the tasks contained in paragraph (2)(d) of this section at least once during each calendar year in which the system exceeds the lead action level. The Department can allow activities in (2)(d) of this section to extend beyond the sixty (60) day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the Department in advance of the sixty (60) day deadline.
- (f) A water system may discontinue delivery of public education materials if the system has met the lead action level during the most recent six-month monitoring period conducted pursuant to Section H. Such a system shall recommence public education in accordance with this section if it subsequently exceeds the lead action level during any monitoring period.
- (g) A community water system may apply to the Department, in writing (unless the Department has waived the requirement for prior Department approval), to use only the text specified in paragraph (1)(a) of this section in lieu of the text in paragraphs (1)(a) and (1)(b) of this section and to perform the tasks listed in paragraphs (2)(d) and (2)(e) of this section in lieu of the tasks in paragraphs (2)(b) and (2)(c) 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.
- (h) A community water system serving 3,300 or fewer people may limit certain aspects of their public education programs as follows:
- (i) With respect to the requirements of paragraph (2)(b)(vi) of this section, a system serving 3,300 or fewer people must implement at least one of the activities listed in that paragraph.
 - (ii) With respect to the requirements of paragraph (2)(b)(ii) of this section, a system serving 3,300 or fewer people may limit the distribution of the public education materials required under that paragraph to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.

(iii) With respect to the requirements of paragraph (2)(b)(v) of this section, the Department may waive this requirement for systems serving 3,300 or fewer persons as long as the system distributes notices to every household served by the system.

(3) Supplemental monitoring and notification of results.

A water system that fails to meet the lead action level on the basis of tap samples collected in accordance with Section H shall offer to sample the tap water of any customer who requests it. The system is not required to pay for collecting or analyzing the sample, nor is the system required to collect and analyze the sample itself.

(4) Notification of results.

(a) Reporting requirements. All water systems must provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of Section H to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested).

(b) Timing of notification. A water system must provide the consumer notice as soon as practical, but no later than thirty (30) days after the system learns of the tap monitoring results.

(c) Content. The consumer notice must include the results of lead tap water monitoring for the tap that was tested, an explanation of the health effects of lead, list steps consumers can take to reduce exposure to lead in drinking water and contact information for the water utility. The notice must also provide the maximum contaminant level goal and the action level for lead and the definitions for these two terms from R.61-58.12.C(3).

(d) Delivery. The consumer notice must be provided to persons served at the tap that was tested, either by mail or by another method approved by the Department. For example, upon approval by the Department, a non-transient non-community water system could post the results on a bulletin board in the facility to allow users to review the information. The system must provide the notice to customers at sample taps tested, including consumers who do not receive water bills.

H. Monitoring Requirements for Lead and Copper in Tap Water.

(1) Sample Site Location

(a) By the applicable date for commencement of monitoring under paragraph (4)(a) of this section, each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section, and which is sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in paragraph (3) of this section. All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.

(b) A water system shall use the information on lead, copper, and galvanized steel that it is required to collect under R.61-58.5.V, Special Corrosivity Characteristics, of this part [special monitoring for corrosivity characteristics] when conducting a materials evaluation. When an evaluation of the information collected pursuant to R.61-58.5.V,

Special Monitoring for Corrosivity Characteristics, is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in paragraph (1) of this section, the water system shall review the sources of information listed below in order to identify a sufficient number of sampling sites. In addition, the system shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities):

- (i) All plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;
 - (ii) All inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and
 - (iii) All existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.
- (c) The sampling sites selected for a community water system's sampling pool ("Tier 1 sampling sites") shall consist of single family structures that:
- (i) Contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or,
 - (ii) Are served by a lead service line. When multiple-family residences comprise at least twenty (20) percent of the structures served by a water system, the system may include these types of structures in its sampling pool.
- (d) Any community water system with insufficient Tier 1 sampling sites shall complete its sampling pool with "Tier 2 sampling sites", consisting of buildings, including multiple-family residences that:
- (i) Contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or,
 - (ii) Are served by a lead service line.
- (e) Any community water system with insufficient Tier 1 and Tier 2 sampling sites shall complete its sampling pool with "tier 3 sampling sites," consisting of single family structures that contain copper pipes with lead solder installed before 1983. 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. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.
- (f) The sampling sites selected for a non-transient non-community water system ("Tier 1 sampling sites") shall consist of buildings that:
- (i) Contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or,

(ii) Are served by a lead service line.

(g) A non-transient non-community water system with insufficient tier 1 sites that meet the targeting criteria in paragraph (1)(f) of this section shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. 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. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

(h) 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.

(2) Sample Collection Methods

(a) All tap samples for lead and copper collected in accordance with this section, with the exception of lead service line samples collected under Section F(3) above, and samples collected under paragraph (2)(e) of this section, shall be first draw samples.

(b) Each first draw tap sample for lead and copper shall be one (1) liter in volume and have stood motionless in the plumbing system of each sampling site for at least six (6) hours. First draw samples from residential housing shall be collected from the cold water kitchen tap or bathroom sink tap. First-draw samples from a nonresidential building shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. Non-first-draw samples collected in lieu of first-draw samples pursuant to paragraph (2)(e) of this section shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. First draw samples may be collected by the system or the system may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in this paragraph. To avoid problems of residents handling nitric acid, acidification of first draw samples may be done up to fourteen (14) days after the sample is collected. After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the approved EPA method before the sample can be analyzed. If a system allows residents to perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

(c) Each service line sample shall be one liter in volume and have stood motionless in the lead service line for at least six (6) hours. Lead service line samples shall be collected in one of the following three ways:

(i) At the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;

(ii) Tapping directly into the lead service line; or,

(iii) If the sampling site is a building constructed as a single-family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.

(d) A water system shall collect each first draw tap sample from the same sampling site from which it collected a previous sample. If, for any reason, the water system cannot gain entry to a sampling site in order to collect a follow-up tap sample, the system may collect the follow-up tap sample from another sampling site in its sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.

(e) A non-transient non-community water system, or a community water system that meets the criteria of Section G(2)(g) above, that does not have enough taps that can supply first-draw samples, as defined in R.61-58(B), may apply to the Department in writing to substitute non-first-draw samples. Such systems must collect as many first-draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites. The Department has the discretion to waive the requirement for prior Department approval of non-first-draw sample sites selected by the system, either through State regulation or written notification to the system.

(3) Number of Samples - Water systems shall collect at least one (1) sample during each monitoring period specified in paragraph (4) 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 (4)(d) of this section shall collect at least one (1) 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 (4)(d) of this section. Such reduced monitoring sites shall be representative of the sites required for standard monitoring. A public water system that has fewer than five drinking water taps, that can be used for human consumption meeting the sample site criteria of paragraph (1) of this section to reach the required number of sample sites listed in paragraph (3) of this section, must collect at least one sample from each tap and then must collect additional samples from those taps on different days during the monitoring period to meet the required number of sites. Alternatively the Department may allow these public water systems to collect a number of samples less than the number of sites specified in paragraph (3) of this section, provided that one hundred (100) percent of all taps that can be used for human consumption are sampled. The Department must approve this reduction of the minimum number of samples in writing based on a request from the system or onsite verification by the Department. The Department may specify sampling locations when a system is conducting reduced monitoring. The table is as follows:

System Size (# People Served)	# of Sites (Standard Monitoring)	# 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

(4) Timing of Monitoring

(a) Initial Tap Sampling - The first six (6)-month monitoring period for small, medium-size and large systems shall begin on the following dates:

System Size (# People Served)	First Six-Month Monitoring Period Begins On
>50,000	January 1, 1992
3,301 to 50,000	July 1, 1992
<=3,300	July 1, 1993

- (i) All large systems shall monitor during two (2) consecutive six (6) month periods.
- (ii) All small and medium-size systems shall monitor during each six (6) month monitoring period until:
 - (A) The system exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under Section C above, in which case the system shall continue monitoring in accordance with paragraph (4)(b) of this section; or,
 - (B) The system meets the lead and copper action levels during two (2) consecutive six (6) month monitoring periods, in which case the system may reduce monitoring in accordance with paragraph (4)(d) of this section
- (b) **Monitoring After Installation of Corrosion Control and Source Water Treatment**
 - (i) Any large system which installs optimal corrosion control treatment pursuant to Section C(4)(d) above, shall monitor during two (2) consecutive six (6) month monitoring periods by the date specified in Section C(4)(e) above.
 - (ii) Any small or medium-size system which installs optimal corrosion control treatment pursuant to Section C(5)(e) above, shall monitor during two (2) consecutive six (6) month monitoring periods by the date specified in Section C(5)(f) above.
 - (iii) Any system which installs source water treatment pursuant to Section E(1)(c) above, shall monitor during two (2) consecutive six (6) month monitoring periods by the date specified in Section E(1)(d) above.
- (c) **Monitoring After the Department Specifies Water Quality Parameter Values for Optimal Corrosion Control** - After the Department specifies the values for water quality control parameters under Section D(6) above, the system shall monitor during each subsequent six-month monitoring period, with the first monitoring period to begin on the date the Department specifies the optimal values under Section D(6) above.
- (d) **Reduced Monitoring**
 - (i) A small or medium-size water system that meets the lead and copper action levels during each of two (2) consecutive six (6) month monitoring periods may reduce the number of samples in accordance with paragraph (3) of this section, and reduce the frequency of sampling to once per year. A small or medium water system collecting fewer than five (5) samples as specified in paragraph (3) of this section, that meets the lead and copper action levels during each of two consecutive six-

month monitoring periods may reduce the frequency of sampling to once per year. In no case can the system reduce the number of samples required below the minimum of one sample per available tap. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.

(ii) Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Department under Section D(6) above, during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and to reduce the number of lead and copper samples in accordance with paragraph (3) of this section if it receives written approval from the Department. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period. The Department shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with Section L below, and shall notify the system in writing when it determines the system is eligible to commence reduced monitoring pursuant to this paragraph. The Department 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 (3) consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three (3) years. Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Department under Section D(6), 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 Department. Samples collected once every three years shall be collected no later than every third calendar year. The Department shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with Section L below, 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 Department 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 representative sites included in the pool of targeted sampling sites identified in paragraph (1) 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.

(A) The Department, at its discretion, may approve a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period shall be no longer than four (4) consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a non-transient non-community water system that does not operate during the months of June through September, and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the Department

shall designate a period that represents a time of normal operation for the system. This sampling shall begin during the period approved or designated by the Department in the calendar year immediately following the end of the second consecutive six-month monitoring period for systems initiating annual monitoring and during the three-year period following the end of the third consecutive calendar year of annual monitoring for systems initiating triennial monitoring.

(B) Systems monitoring annually, that have been collecting samples during the months of June through September and that receive Department approval to alter their sample collection period under paragraph (4)(a)(iv)(A) of this section, must collect their next round of samples during a time period that ends no later than forty-five (45) months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or triennially, as required by this section. Small systems with waivers, granted pursuant to paragraph (7) of this section, that have been collecting samples during the months of June through September and receive Department approval to alter their sample collection period under paragraph (4)(d)(iv)(A) of this section, must collect their next round of samples before the end of the nine (9) year period.

(v) Any water system that demonstrates for two (2) consecutive six (6) month monitoring periods that the tap water lead level computed under Section B(1)(c) above, is less than or equal to 0.005 mg/L and the tap water copper level computed under Section B(1)(c) above, is less than or equal to 0.65 mg/L may reduce the number of samples in accordance with paragraph (3) of this section and reduce the frequency of sampling to once every three (3) calendar years.

(vi) (A) A small or medium-size water system subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance with paragraph (4)(c) of this section and collect the number of samples specified for standard monitoring under paragraph (3) of this section. Such a system shall also conduct water quality parameter monitoring in accordance with Section I(2), (3) or (4) below (as appropriate), during the monitoring period in which it exceeded the action level. Any such system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (3) of this section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of paragraph (4)(d)(i) of this section and/or may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (4)(d)(iii) or (4)(d)(v) of this section.

(B) Any water system subject to the reduced monitoring frequency that fails to meet the lead action level during any four-month monitoring period or that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Department under Section D(6) above, for more than nine (9) days in any six-month period specified in Section I(4) below, shall conduct tap water sampling for lead and copper at the frequency specified in paragraph (4)(c) of this section, collect the number of samples specified for standard monitoring under paragraph (3) of this section, and shall resume monitoring for water quality

parameters within the distribution system in accordance with Section I(4) below. This standard tap water sampling shall begin no later than the six-month period beginning January 1 of the calendar year following the lead action level exceedance or water quality parameter excursion. Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

- (1) The system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (3) of this section after it has completed two subsequent six-month rounds of monitoring that meet the criteria of paragraph (4)(d)(ii) of this section and the system has received written approval from the Department that it is appropriate to resume reduced monitoring on an annual frequency. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.
- (2) The system may resume triennial monitoring for lead and copper at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (4)(d)(iii) or (4)(d)(v) of this section and the system has received written approval from the Department that it is appropriate to resume triennial monitoring.
- (3) The system may reduce the number of water quality parameter tap water samples required in accordance with Section I(5)(a) below, and the frequency with which it collects such samples in accordance with Section I(5)(b) below. Such a system may not resume triennial monitoring for water quality parameters at the tap until it demonstrates, in accordance with the requirements of Section I(5)(b) below, that it has re-qualified for triennial monitoring.
- (vii) Any water system subject to a reduced monitoring frequency under paragraph (4)(d) of this section shall notify the Department in writing in accordance with Section L(1)(c) of any upcoming long-term change in treatment or addition of a new source as described in that section. The Department must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Department may require the system to resume sampling in accordance with paragraph (4)(c) of this section and collect the number of samples specified for standard monitoring under paragraph (3) 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.

(5) **Additional Monitoring by Systems** - The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Department in making any determinations (i.e., calculating the 90th percentile lead or copper level) under this section.

(6) Invalidation of lead or copper tap water samples. A sample invalidated under this paragraph does not count toward determining lead or copper 90th percentile levels under Section B(1)(c) above, or toward meeting the minimum monitoring requirements of paragraph (3) of this section.

(a) The Department may invalidate a lead or copper tap water sample at least if one of the following conditions is met.

(i) The laboratory establishes that improper sample analysis caused erroneous results.

(ii) The Department 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.

(b) The system must report the results of all samples to the Department and all supporting documentation for samples the system believes should be invalidated.

(c) To invalidate a sample under paragraph (6)(a) of this section, the decision and the rationale for the decision must be documented in writing. The Department may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.

(d) The water system must collect replacement samples for any samples invalidated under this section if, after the invalidation of one or more samples, the system has too few samples to meet the minimum requirements of paragraph (3) of this section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Department 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.

(7) Monitoring waivers for small systems. Any small system that meets the criteria of this paragraph may apply to the Department to reduce the frequency of monitoring for lead and copper under this section to once every nine years (i.e., a "full waiver") if it meets all of the materials criteria specified in paragraph (7)(a) of this section and all of the monitoring criteria specified in paragraph (7)(b) of this section. Any small system that meets the criteria in paragraphs (7)(a) and (b) of this section only for lead, or only for copper, may apply to the Department for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a "partial waiver").

(a) Materials criteria. The system must demonstrate that its distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials and/or copper-containing materials, as those terms are defined in this paragraph, as follows:

(i) Lead. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a "lead waiver"), the water system must

provide certification and supporting documentation to the Department that the system is free of all lead-containing materials, as follows:

- (A) It contains no plastic pipes which contain lead plasticizers, or plastic service lines which contain lead plasticizers; and
 - (B) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of any standard established pursuant to 42 U.S.C. 300g-6(e) (SDWA section 1417(e)).
- (ii) Copper. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for copper (i.e., a "copper waiver"), the water system must provide certification and supporting documentation to the Department that the system contains no copper pipes or copper service lines.
- (b) Monitoring criteria for waiver issuance. The system must have completed at least one 6-month round of standard tap water monitoring for lead and copper at sites approved by the Department and from the number of sites required by paragraph (3) of this section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing and/or copper-containing materials, as appropriate, meet the following criteria.
- (i) Lead levels. To qualify for a full waiver, or a lead waiver, the system must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.
 - (ii) Copper levels. To qualify for a full waiver, or a copper waiver, the system must demonstrate that the 90th percentile copper level does not exceed 0.65 mg/L.
- (c) Department approval of waiver application. The Department shall notify the system of its waiver determination, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the Department may require the system to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The small system must continue monitoring for lead and copper at the tap as required by paragraphs (4)(a) through (4)(d) of this section, as appropriate, until it receives written notification from the Department that the waiver has been approved.
- (d) Monitoring frequency for systems with waivers.
- (i) A system with a full waiver must conduct tap water monitoring for lead and copper in accordance with paragraph (4)(d)(iv) of this section at the reduced number of sampling sites identified in paragraph (3) of this section at least once every nine (9) years and provide the materials certification specified in paragraph (7)(a) of this section for both lead and copper to the Department along with the monitoring results. Samples collected every nine (9) years shall be collected no later than every ninth calendar year.
 - (ii) A system with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with paragraph (4)(d)(iv) of this section at the reduced number of sampling sites specified in paragraph (3) of this section at

least once every nine (9) years and provide the materials certification specified in paragraph (7)(a) of this section pertaining to the waived contaminant along with the monitoring results. Such a system also must continue to monitor for the non-waived contaminant in accordance with requirements of paragraph (4)(a) through (4)(d) of this section, as appropriate.

(iii) Any water system with a full or partial waiver shall notify the Department in writing in accordance with Section L(1)(c) of any upcoming long-term change in treatment or addition of a new source, as described in that section. The Department must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Department has the authority to require the system to add or modify waiver conditions (e.g., require recertification that the system is free of lead-containing and/or copper-containing materials, require additional round(s) of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.

(iv) If a system with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate, (e.g., as a result of new construction or repairs), the system shall notify the Department in writing no later than sixty (60) days after becoming aware of such a change.

(e) Continued eligibility. If the system continues to satisfy the requirements of paragraph (7)(d) of this section, the waiver will be renewed automatically, unless any of the conditions listed in paragraph (7)(e)(i) through (7)(e)(iii) of this section occurs. A system whose waiver has been revoked may re-apply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of paragraphs (7)(a) and (7)(b) of this section.

(i) A system with a full waiver or a lead waiver no longer satisfies the materials criteria of paragraph (7)(a)(i) of this section or has a 90th percentile lead level greater than 0.005 mg/L.

(ii) A system with a full waiver or a copper waiver no longer satisfies the materials criteria of paragraph (7)(a)(ii) of this section or has a 90th percentile copper level greater than 0.65 mg/L.

(iii) The Department notifies the system, in writing, that the waiver has been revoked, setting forth the basis of its decision.

(f) Requirements following waiver revocation. A system whose full or partial waiver has been revoked by the Department is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:

(i) If the system exceeds the lead and/or copper action level, the system must implement corrosion control treatment in accordance with the deadlines specified in Section C(5), and any other applicable requirements of this subpart.

(ii) If the system meets both the lead and the copper action level, the system must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of sample sites specified in paragraph (3) of this section.

(g) Pre-existing waivers. Small system waivers approved by the Department in writing prior to April 11, 2000 shall remain in effect under the following conditions:

(i) If the system has demonstrated that it is both free of lead-containing and copper-containing materials, as required by paragraph (7)(a) of this section and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of paragraph (7)(b) of this section, the waiver remains in effect so long as the system continues to meet the waiver eligibility criteria of paragraph (7)(e) of this section. The first round of tap water monitoring conducted pursuant to paragraph (7)(d) of this section shall be completed no later than nine years after the last time the system has monitored for lead and copper at the tap.

(ii) If the system has met the materials criteria of paragraph (7)(a) of this section but has not met the monitoring criteria of paragraph (7)(b) of this section, the system shall conduct a round of monitoring for lead and copper at the tap demonstrating that it meets the criteria of paragraph (7)(b) of this section no later than September 30, 2000. Thereafter, the waiver shall remain in effect as long as the system meets the continued eligibility criteria of paragraph (7)(e) of this section. The first round of tap water monitoring conducted pursuant to paragraph (7)(d) of this section shall be completed no later than nine (9) years after the round of monitoring conducted pursuant to paragraph (7)(b) of this section.

I. Monitoring requirements for Water Quality Parameters.

All large water systems, and all small and medium-size systems that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this section. The requirements of this section are summarized in the table at the end of this section.

(1) General Requirements

(a) Sample Collection Methods

(i) Tap samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the system, and seasonal variability. Tap sampling under this section is not required to be conducted at taps targeted for lead and copper sampling under Section H(1) above. [Note: Systems may find it convenient to conduct tap sampling for water quality parameters at sites used for coliform sampling under R.61-58.5(G), Microbiological Contaminant Sampling and Analytical Requirements.]

(ii) Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment. 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).

(b) Number of Samples

(i) Systems shall collect two tap samples for applicable water quality parameters during each monitoring period specified under paragraphs (2) through (5) of this section from the following number of sites.

System Size (# People Served)	# Of Sites For Water Quality Parameters
>100,000	25
10,001 to 100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
<=100	1

(ii) Except as provided in paragraph (3)(c) of the section, systems shall collect two (2) samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in paragraph (2) of this section. During each monitoring period specified in paragraphs (3) through (5) of this section, systems shall collect one (1) sample for each applicable water quality parameter at each entry point to the distribution system.

(2) **Initial Sampling** - All large water systems shall measure the applicable water quality parameters as specified below at taps and at each entry point to the distribution system during each six (6) month monitoring period specified in Section H(4)(a) above. All small and medium-size systems shall measure the applicable water quality parameters at the locations specified below during each six (6)

month monitoring period specified in Section H(4)(a) during which the system exceeds the lead or copper action level.

(a) At taps:

- (i) pH;
- (ii) Alkalinity;
- (iii) Orthophosphate, when an inhibitor containing a phosphate compound is used;
- (iv) Silica, when an inhibitor containing a silicate compound is used;
- (v) Calcium;
- (vi) Conductivity; and,
- (vii) Water temperature.

(b) At each entry point to the distribution system: all of the applicable parameters listed in paragraph (2)(a) above.

(3) Monitoring After Installation of Corrosion Control - Any large system which installs optimal corrosion control treatment pursuant to Section C(4)(d) above, shall measure the water quality parameters at the locations and frequencies specified below during each six (6) month monitoring period specified in Section H(4)(b)(i) above. Any small or medium-size system which installs optimal corrosion control treatment shall conduct such monitoring during each six (6) month monitoring period specified in Section H(4)(b)(ii) above, in which the system exceeds the lead or copper action level.

(a) At taps, two samples for:

- (i) pH;
- (ii) Alkalinity;
- (iii) Orthophosphate, when an inhibitor containing a phosphate compound is used;
- (iv) Silica, when an inhibitor containing a silicate compound is used; and,
- (v) Calcium, when calcium carbonate stabilization is used as part of corrosion control.

(b) Except as provided in paragraph (3)(c) of the section at each entry point to the distribution system, one (1) sample every two (2) weeks (bi-weekly) for:

- (i) pH;
- (ii) When alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and,

(iii) When a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

(c) Any ground water system can limit entry point sampling described in paragraph (3)(b) of this section to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated ground water sources mixes with water from treated ground water sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this paragraph, the system shall provide to the Department written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(4) **Monitoring After the Department Specifies Water Quality Parameter Values for Optimal Corrosion Control** -- After the Department specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under Section D(6) above, all large systems shall measure the applicable water quality parameters in accordance with paragraph (3) of this section and determine compliance with the requirements of Section D(7) every six (6) months with the first six (6) month period to begin on either January 1 or July 1, whichever comes first, after the Department specifies the optimal values under Section D(6) above. Any small or medium-size system shall conduct such monitoring during each six (6) month period specified in this paragraph in which the system exceeds the lead or copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to Section H(4)(d) at the time of the action level exceedance, the start of the applicable six-month monitoring period under this paragraph shall coincide with the start of the applicable monitoring period under Section H(4)(d) above. Compliance with Department-designated optimal water quality parameter values shall be determined as specified under Section D(7).

(5) **Reduced Monitoring**

(a) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six (6) month monitoring periods under paragraph (4) of this section shall continue monitoring at the entry point(s) to the distribution system as specified in paragraph (3)(b) of this section. Such system may collect two (2) tap samples for applicable water quality parameters from the following reduced number of sites during each six (6) month monitoring period.

System Size (# People Served)	Reduced # Of Sites For Water Quality Parameters
>100,000	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
<= 100	1

(b) (i) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Department under Section D(6) above during three (3) consecutive years of

monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in this paragraph (5)(a) of this section from every six months to annually. This sampling begins during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs. Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Department under D(6) during three (3) consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in paragraph (5)(a) of this section from annually to every three (3) years. This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.

(ii) A water system may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in paragraph (5)(a) of this section to every three (3) years if it demonstrates during two (2) consecutive monitoring periods that its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in Section K(1)(a)(ii) above, that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper in Section B(1)(b) above, and that it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Department under Section D(6) above. Monitoring conducted every three (3) years shall be done no later than every third calendar year.

(c) A water system that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.

(d) Any water system subject to reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Department under Section D(6) above, for more than nine (9) days in any six (6) month period specified in Section D(7) above, shall resume distribution system tap water sampling in accordance with the number and frequency requirements in paragraph (4) of this section. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in paragraph (5)(a) of this section after it has completed two (2) subsequent consecutive six (6) month rounds of monitoring that meet the criteria of that paragraph and/or may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (5)(b)(i) or (5)(b)(ii) of this section.

(6) Additional Monitoring by Systems - The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Department in making any determinations (i.e., determining concentrations of water quality parameters) under this section or Section D above.

SUMMARY OF MONITORING REQUIREMENTS FOR WATER QUALITY PARAMETERS¹

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 system.	Every 6 months.
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 .	No less frequently than every two weeks.
After Department 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),	Entry point(s) to distribution system ⁶ .	No less frequently than every two
Reduced Monitoring.	pH, alkalinity, orthophosphate or silica ³ , calcium ⁴ .	Taps.	Every 6 months, annually ⁷ or every 3 years ⁸ .
	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 .	No less frequently than every two weeks.

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

²Small 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.

³Orthophosphate 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.

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

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

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

⁷Water 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.

⁸Water 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 optimal corrosion control during 3 consecutive years of annual monitoring. Water systems may accelerate to triennial monitoring for water quality parameters at the tap if they have maintained 90th percentile lead levels less than or equal to 0.005 mg/L, 90th percentile copper levels less than or equal to 0.65 mg/L, and the range of water quality parameters designated by the Department under Section D(5) above, as representing optimal corrosion control during two consecutive six-month monitoring periods.

J. Monitoring Requirements for Lead and Copper in Source Water.

(I) Sample Location, Collection Methods, and Number of Samples

(a) A water system that fails to meet the lead or copper action level on the basis of tap samples collected in accordance with Section H above, shall collect lead and copper source water samples in accordance with the requirements regarding sample location, number of samples, and collection methods.

(i) Groundwater systems shall take a minimum of one (1) sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). The system shall take one (1) sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(ii) Surface water systems 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). The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

NOTE: For the purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.

(iii) 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).

(iv) The Department 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 (5) samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/L or the copper concentration is greater than or equal to 0.160 mg/L, then either:

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

(b) Where the results of sampling indicate an exceedance of maximum permissible source water levels established under Section E(2)(d) above, the Department may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a Department-required confirmation sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the Department-specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall either be considered as the measured value or be considered one-half the PQL.

(2) **Monitoring Frequency After System Exceeds Tap Water Action Level --** Any system which exceeds the lead or copper action level at the tap shall collect one source water sample from each entry point to the distribution system no later than six (6) months after the end of the monitoring period during which the lead or copper action level was exceeded. For monitoring periods that are annual or less frequent, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if the Department has established an alternate monitoring period, the last day of that period.

(3) **Monitoring Frequency After Installation of Source Water Treatment -** Any system which installs source water treatment pursuant to Section E(1)(c) above, shall collect an additional source water sample from each entry point to the distribution system during two consecutive six (6) month monitoring periods by the deadline specified in Section E(1)(d) above.

(4) **Monitoring frequency after Department specifies maximum permissible source water levels or determines that source water treatment is not needed**

(a) A system shall monitor at the frequency specified below in cases where the Department specifies maximum permissible source water levels under Section E(2)(d) above, or determines that the system is not required to install source water treatment under Section E(2)(b) above.

(i) A water system using only groundwater shall collect samples once during the three (3) year compliance period (as that term is defined in R.61-58.B, Definitions) in effect when the applicable Department determination under paragraph (4)(a) of this section is made. Such systems shall collect samples once during each subsequent compliance period. Triennial samples shall be collected every third calendar year.

(ii) A water system using surface water (or a combination of surface and groundwater) shall collect samples once during each calendar year, the first annual monitoring period to begin during the year in which the applicable Department determination is made under paragraph (4)(a) of this section.

(b) A system is not required to conduct source water sampling for lead and/or copper if the system meets the action level for the specific contaminant in tap water samples during the entire source water sampling period applicable to the system under paragraph (4)(a)(i) or (ii) of this section.

(5) **Reduced Monitoring Frequency**

(a) A water system using only ground water may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle (as that term is defined in R.61-58.B, Definitions) provided that the samples are collected no later than every ninth calendar year and if the systems 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 Department in Section E(2)(d) above, during at least three consecutive compliance periods under paragraph (4)(a) of this section; or

(ii) The Department 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 (4)(a) of this section, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

(b) A water system using surface water (or a combination of surface and ground waters) may reduce the monitoring frequency in paragraph (4)(a) of this section to once during each nine-year compliance cycle (as that term is defined in R.61-58.B, Definitions) provided that the samples are collected no later than every ninth calendar year and 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 Department in Section E(2)(d) above, for at least three (3) consecutive years; or

(ii) The Department has determined that source water treatment is not needed and the system demonstrates that, during at least three (3) consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

(c) A water system that uses a new source of water is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new source during three consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified by the Department in Section E(1)(e) above.

K. Analytical Methods.

(1) Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted using EPA approved methods and other requirements listed in 40 CFR 141.89.

(a) Analyses under this section shall only be conducted by laboratories that are certified by the Department.

(b) The Department has the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected and analyzed in accordance with the requirements of this section.

(c) All lead and copper levels measured between the PQL and the MDL must be either reported as measured or they can be reported as one half the PQL specified for lead and copper in paragraph (1)(d) below. All levels below the lead and copper MDL must be reported as zero.

(d) The Practical Quantitation Level, or PQL for lead is 0.005 mg/L. The Practical Quantitation Level, or PQL for copper is 0.050 mg/L.

L. Reporting Requirements.

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

(1) *Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring.*

(a) Except as provided in paragraph (1)(a)(viii) of this section a water system shall report the information specified below for all tap water samples specified in Section H and for all water quality parameter samples specified in Section I within the first 10 days following the end of each applicable monitoring period specified in Sections H, and I above (i.e., every six (6) months, annually, every three (3) years, or every nine (9) years). For monitoring periods with a duration less than six (6) months, the end of the monitoring period is the last date samples can be collected during that period as specified in section H and I.

(i) The results of all tap samples for lead and copper including the location of each site and the criteria under Section H(1)(c), (d), (e), (f), and/or (g) above, under which the site was selected for the system's sampling pool;

(ii) Documentation for each tap water lead or copper sample for which the water system requests invalidation pursuant to Section H(5)(b) above;

(iii) The 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period (calculated in accordance with Section B.3(c) above) unless the Department calculates the system's 90th percentile lead and copper levels under paragraph (8) of this section;

(iv) With the exception of initial tap sampling conducted pursuant to Section H(4)(a) above, the system shall designate any site which was not sampled during previous monitoring periods, and include an explanation of why sampling sites have changed;

(v) The results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under Section I(2) through (5) above; and,

(vi) The results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under Section I(2) through (5) above.

(vii) A water system shall report the results of all water quality parameter samples collected under Section I(3) - (6) above, during each six-month monitoring period specified in Section I(4) above, within the first 10 days following the end of the monitoring period unless the Department has specified a more frequent reporting requirement.

(b) For a non-transient non-community water system, or a community water system meeting the criteria of Section G(2)(g) above, that does not have enough taps that can provide first-draw samples, the system must either:

(i) Provide written documentation to the Department identifying standing times and locations for enough non-first-draw samples to make up its sampling pool under Section H(2)(e) above, by the start of the first applicable monitoring period under Section H(4) above, that commences after April 11, 2000, unless the Department has waived prior Department approval of non-first-draw sample sites selected by the system pursuant to Section H(2)(e) above; or

- (ii) If the Department has waived prior approval of non-first-draw sample sites selected by the system, identify, in writing, each site that did not meet the six-hour minimum standing time and the length of standing time for that particular substitute sample collected pursuant to Section H(2)(e) above, and include this information with the lead and copper tap sample results required to be submitted pursuant to paragraph (1)(a)(i) of this section
- (c) At a time specified by the Department, or if no specific time is designated by the Department, then as early as possible prior to the addition of a new source or any long-term change in water treatment, a water system deemed to have optimized corrosion control under Section C(2)(c), a water system subject to reduced monitoring pursuant to Section H(4)(d), or a water system subject to a monitoring waiver pursuant to Section H(7), shall submit written documentation to the Department describing the change or addition. The Department must review and approve the addition of a new source or long-term change in treatment before it is implemented by the water system. Examples of long-term treatment changes include the addition of a new treatment process or modification of an existing treatment process. Examples of modifications include switching secondary disinfectants, switching coagulants (e.g., alum to ferric chloride), and switching corrosion inhibitor products (e.g., orthophosphate to blended phosphate). Long-term changes can include dose changes to existing chemicals if the system is planning long-term changes to its finished water pH or residual inhibitor concentration. Long-term treatment changes would not include chemical dose fluctuations associated with daily raw water quality changes.
- (d) Any small system applying for a monitoring waiver under Section H(7) above, or subject to a waiver granted pursuant to Section H(7)(c) above, shall provide the following information to the Department in writing by the specified deadline:
 - (i) By the start of the first applicable monitoring period in Section H(4) above, any small water system applying for a monitoring waiver shall provide the documentation required to demonstrate that it meets the waiver criteria of Section H(7)(a) and (b) above.
 - (ii) No later than nine years after the monitoring previously conducted pursuant to Section H (7)(b) or (d)(i) above, each small system desiring to maintain its monitoring waiver shall provide the information required by Section H(7)(d)(i) and (ii) above.
 - (iii) No later than 60 days after it becomes aware that it is no longer free of lead-containing and/or copper-containing material, as appropriate, each small system with a monitoring waiver shall provide written notification to the Department, setting forth the circumstances resulting in the lead-containing and/or copper-containing materials being introduced into the system and what corrective action, if any, the system plans to remove these materials.
 - (iv) By October 10, 2000, any small system with a waiver granted prior to April 11, 2000 and that has not previously met the requirements of Section H(7)(b) above, shall provide the information required by that paragraph.
- (e) Each ground water system that limits water quality parameter monitoring to a subset of entry points under Section I(3)(c) above, shall provide, by the commencement of such monitoring, written correspondence to the Department that identifies the selected entry points and includes information sufficient to demonstrate that the sites are

representative of water quality and treatment conditions throughout the system.

(2) Source Water Monitoring Reporting Requirements

(a) A water system shall report the sampling results for all source water samples collected in accordance with Section J above within the first 10 days following the end of each source water monitoring period (i.e., annually, per compliance period, per compliance cycle) specified in Section J above.

(b) With the exception of the first round of source water sampling conducted pursuant to Section J(2) above, the system shall specify any site which was not sampled during previous monitoring periods, and include an explanation of why the sampling point has changed.

(3) Corrosion Control Treatment Reporting Requirements - By the applicable dates under Section C above, systems shall report the following information:

(a) For systems demonstrating that they have already optimized corrosion control, information required in Section C(2)(b) or (c) above.

(b) For systems required to optimize corrosion control, their recommendation regarding optimal corrosion control treatment under Section D(1) above.

(c) For systems required to evaluate the effectiveness of corrosion control treatments under Section D(3) above, the information required by that paragraph.

(d) For systems required to install optimal corrosion control designated by the Department under Section D(4) above, a letter certifying that the system has completed installing that treatment.

(4) Source Water Treatment Reporting Requirements - By the applicable dates in Section E above, systems shall provide the following information to the Department:

(a) If required under Section E(2)(a) above, their recommendation regarding source water treatment;

(b) For systems required to install source water treatment under Section E(2)(b) above, a letter certifying that the system has completed installing the treatment designated by the Department within twenty four (24) months after the Department designated the treatment.

(5) Lead Service Line Replacement Reporting Requirements - Systems shall report the following information to the Department to demonstrate compliance with the requirements of Section F above:

(a) No later than twelve (12) months after the end of a monitoring period in which a system exceeds the lead action level in sampling referred to in Section F(1) above, the system must submit written documentation to the Department of the materials evaluation conducted as required in Section H(1) identify the initial number of lead service lines in its distribution system at the time the system exceeds the lead action level, and provide the system's schedule for annually replacing at least seven (7) percent of the initial number of lead service lines in its distribution system.

(b) No later than twelve (12) months after the end of a monitoring period in which a system exceeds the lead action level in sampling referred to in Section F(1) above, and every twelve (12) months thereafter, the system shall demonstrate to the Department in writing that the system has either:

(i) Replaced in the previous twelve (12) months at least seven (7) percent of the initial lead service lines (or a greater number of lines specified by the Department under Section F(5) above, in its distribution system, or,

(ii) Conducted sampling which demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to Section H(2)(c) above, is less than or equal to 0.015 mg/L. In such cases, the total number of lines replaced and/or which meet the criteria in Section F(3) above, shall equal at least seven (7) percent of the initial number of lead lines identified under paragraph 5(a) of this section (or the percentage specified by the Department under Section F(5) above).

(c) The annual letter submitted to the Department under paragraph 5(b) of this section shall contain the following information:

(i) The number of lead service lines scheduled to be replaced during the previous year of the system's replacement schedule;

(ii) The number and location of each lead service line replaced during the previous year of the system's replacement schedule; and,

(iii) If measured, the water lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling.

(d) Any system which collects lead service line samples following partial lead service line replacement required by Section F shall report the results to the Department within the first ten days of the month following the month in which the system receives the laboratory results, or as specified by the Department. The Department, at its discretion may eliminate this requirement to report these monitoring results. Systems shall also report any additional information as specified by the Department, and in a time and manner prescribed by the Department, to verify that all partial lead service line replacement activities have taken place.

(6) Public Education Program Reporting Requirements:

(a) Any water system that is subject to the public education requirements in Section G shall, within ten days after the end of each period in which the system is required to perform public education in accordance with Section G(2) above, send written documentation to the Department that contains:

(i) A demonstration that the system has delivered the public education materials that meet the content requirements in Section G(1) and the delivery requirements in Section G(2); and

(ii) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the system delivered public education materials during the period in which the system was required to perform public education tasks.

(b) Unless required by the Department, a system that previously has submitted the information required by paragraph (6)(a)(ii) of this section need not resubmit the information required by paragraph (6)(a)(ii) of this section, as long as there have been no changes in the distribution list and the system certifies that the public education materials were distributed to the same list submitted previously.

(c) No later than three (3) months following the end of the monitoring period, each system must mail a sample copy of the consumer notification of tap results to the Department along with a certification that the notification has been distributed in a manner consistent with the requirements of Section G(4).

(7) Reporting of Additional Monitoring Data - Any system which collects sampling data in addition to that required by this section shall report the results to the Department within the first ten (10) days following the end of the applicable monitoring period under Sections H, I and J above, during which the samples are collected.

(8) Reporting of 90th percentile lead and copper concentrations where the Department calculates a system's 90th percentile concentrations. A water system is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period, as required by paragraph (1)(a)(iv) of this section if:

(a) The Department has previously notified the water system that it will calculate the water system's 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to paragraph (8)(b)(i) of this section, and has specified a date before the end of the applicable monitoring period by which the system must provide the results of lead and copper tap water samples;

(b) The system has provided the following information to the Department by the date specified in paragraph (8)(a) of this section:

(i) The results of all tap samples for lead and copper including the location of each site and the criteria under Section H(1)(c), (d), (e), (f), and/or (g) above, under which the site was selected for the system's sampling pool, pursuant to paragraph (1)(a)(i) of this section; and (ii) An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed; and

(c) The Department has provided the results of the 90th percentile lead and copper calculations, in writing, to the water system before the end of the monitoring period.

M. Recordkeeping Requirements.

Any system subject to the requirements of this regulation shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, Department determinations, and any other information required by Sections C through J above. Each water system shall retain the records required by this section for no fewer than twelve (12) years.

R.61-58.12 CONSUMER CONFIDENCE REPORTS

A. Applicability.

(1) This regulation establishes the minimum requirements for the content of annual reports that community water systems shall deliver to their customers. These reports shall contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner. This regulation shall apply only to community water systems.

(2) For the purpose of this regulation, customers are defined as billing units or service connections to which water is delivered by a community water system.

(3) For the purpose of this regulation, detected means: at or above the levels prescribed in R.61-58.5, Maximum Contaminant Levels in Drinking Water.

B. Effective Dates.

(1) Each existing community water system shall deliver its first report by October 19, 1999, its second report by July 1, 2000, and subsequent reports by July 1 annually thereafter. The first report shall contain data collected during, or prior to, calendar year 1998 as prescribed in Section C. below. Each report thereafter shall contain data collected during, or prior to, the previous calendar year.

(2) A new community water system shall deliver its first report by July 1 of the year after its first full calendar year in operation and annually thereafter.

(3) A community water system that sells water to another community water system shall deliver the applicable information required in Section C below, to the buyer system:

(a) No later than April 19, 1999, by April 1, 2000, and by April 1 annually thereafter or

(b) On a date mutually agreed upon by the seller and the purchaser, and specifically included in a contract between the parties.

C. Content of the Reports.

(1) Each community water system shall provide to its customers an annual report that contains the information specified in this section and Section D below.

(2) Information on the source of the water delivered:

(a) Each report shall identify the source(s) of the water delivered by the community water system by providing information on:

(i) The type of the water: e.g., surface water, ground water; and

(ii) The commonly used name (if any) and location of the body (or bodies) of water.

(b) If a source water assessment has been completed, the report shall notify consumers of the availability of this information and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in

the source water area if they have readily available information. Where a system has received a source water assessment from the Department, the report shall include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by the Department or written by the operator.

(3) Definitions.

(a) Each report shall include the following definitions:

(i) **Maximum Contaminant Level Goal or MCLG:** The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

(ii) **Maximum Contaminant Level or MCL:** The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

(b) A report for a community water system operating under a variance or an exemption issued under R. 61-58.9, Variances and Exemptions, shall include the following definition: **Variances and Exemptions:** the Department or EPA permission not to meet an MCL or a treatment technique under certain conditions.

(c) A report which contains data on a contaminants that the Department regulates using any of the following terms must include the applicable definitions:

(i) **Treatment Technique:** A required process intended to reduce the level of a contaminant in drinking water.

(ii) **Action Level:** The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system shall follow.

(iii) **Maximum residual disinfectant level goal or MRDLG:** The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of the disinfectants to control microbial contaminants.

(iv) **Maximum residual disinfectant level or MRDL:** The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

(d) A report that contains information regarding a Level 1 or Level 2 Assessment required under R.61-58.17 must include the applicable definitions:

(i) **Level 1 Assessment:** A Level 1 Assessment is a study of the water system to identify potential problems and determine (if possible) why total coliform bacteria have been found in our water system.

(ii) **Level 2 Assessment:** A Level 2 Assessment is a very detailed study of the water system to identify potential problems and determine (if possible) why an E. coli MCL violation has occurred and/or why total coliform bacteria have been found in our water system on multiple occasions.

(4) Information on Detected Contaminants.

(a) This sub-section specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except *Cryptosporidium*). It applies to:

- (i) Contaminants subject to an MCL, action level, maximum residual disinfectant level or treatment technique (regulated contaminants);
- (ii) Contaminants for which monitoring is required by R.61-58.5.T, Special Monitoring for Inorganic and Organic Contaminants (unregulated contaminants); and
- (iii) Disinfection by-products or microbial contaminants for which monitoring is required by Secs. 141.142 and 141.143 (Information Collection Rule for disinfection by-products (DBP) and Microbials (ICR)), of the National Primary Drinking Water Regulations (NPDWR), and which are detected in the finished water.

(b) The data relating to these contaminants shall be displayed in one table or in several adjacent tables. Any additional monitoring results which a community water system chooses to include in its report shall be displayed separately.

(c) The data shall be derived from data collected to comply with EPA and Department monitoring and analytical requirements during calendar year 1998 for the first report and subsequent calendar years thereafter except that:

- (i) Where a system is allowed to monitor for regulated contaminants less often than once a year, the table(s) shall include the date and results of the most recent sampling and the report shall include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. No data older than 5 years need be included.
- (ii) Results of monitoring in compliance with the ICR (Secs. 141.142 and 141.143 of the NPDWR), need only be included for 5 years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.

(d) For detected regulated contaminants (listed in Appendix D to this regulation), the table(s) shall contain:

- (i) The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in Appendix D to this regulation);
- (ii) The MCLG for that contaminant expressed in the same units as the MCL;
- (iii) If there is no MCL for a detected contaminant, the table shall indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report shall include the definitions for treatment technique and/or action level, as appropriate, specified in paragraph(3)(c) of this section;

(iv) For contaminants subject to an MCL, except turbidity, total coliforms, fecal coliform and E.coli, the highest contaminant level used to determine

compliance with R.61-58.5, Maximum Contaminant Levels in Drinking Water, and the range of detected levels, as follows:

- (A) When compliance with the MCL is determined annually or less frequently: The highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.
- (B) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a monitoring location: the highest average of any of the monitoring locations and the range of all monitoring locations expressed in the same units as the MCL. For the MCLs for TTHM and HAA5 in R.61-58.5.P(2)(b), systems must include the highest locational running annual average for TTHM and HAA5 and the range of individual sample results for all monitoring locations expressed in the same units as the MCL. If more than one location exceeds the TTHM or HAA5 MCL, the system must include the locational running annual averages for all locations that exceed the MCL.
- (C) When compliance with the MCL is determined on a system wide basis by calculating a running annual average of all samples at all monitoring locations: the average and range of detection expressed in the same units as the MCL. The system is required to include individual sample results for the IDSE conducted under R.61-58.14 when determining the range of TTHM and HAA5 results to be reported in the annual consumer confidence report for the calendar year that the IDSE samples were taken.

Note to paragraph (4)(d)(iv): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix D of this regulation;

(v) For turbidity.

- (A) When it is reported pursuant to the requirements of R.61-58.10.C, Filtration and Disinfection [criteria for avoiding filtration]: the highest monthly value. The report should include an explanation of the reasons for measuring turbidity.
- (B) When it is reported pursuant to R.61-58.10.E, Filtration and Disinfection [filtration], or R.61-58.10.H(4): The highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in R.61-58.10.E, Filtration, or R.61-58.10.H(4): for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity;
- (C) When it is reported pursuant to R.61-58.10.E or R.61-58.10.H(4) or R.61-58.10.I(6): the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in R.61-58.10.E or R.61-58.10.H(4) or R.61-58.10.I(6) for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity.

(vi) For lead and copper: the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;

- (vii) For total coliform analytical results until March 31, 2016:
 - (A) The highest monthly number of positive samples for systems collecting fewer than forty (40) samples per month; or
 - (B) The highest monthly percentage of positive samples for systems collecting at least forty (40) samples per month.
 - (viii) For fecal coliform and E.coli. until March 31, 2016: The total number of positive samples;
 - (ix) The likely source(s) of detected contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the operator. If the operator lacks specific information on the likely source, the report shall include one or more of the typical sources for that contaminant listed in Appendix D to this regulation which are most applicable to the system.
 - (x) For E.coli analytical results under R.61-58.17: The total number of positive samples.
- (5) If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table should contain a separate column for each service area and the report should identify each separate distribution system. Alternatively, systems could produce separate reports tailored to include data for each service area.
- (6) The table(s) shall clearly identify any data indicating violations of MCLs or treatment techniques and the report shall contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system shall use the relevant language of Appendix D to this regulation.
- (7) For detected unregulated contaminants for which monitoring is required (except *Cryptosporidium*), the table(s) shall contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.
- (8) Information on *Cryptosporidium*, radon, and other contaminants:
- (a) If the system has performed any monitoring for *Cryptosporidium*, including monitoring performed to satisfy the requirements of Sec. 141.143 (NPDWR Microbial Monitoring), which indicates that *Cryptosporidium* may be present in the source water or the finished water, the report shall include:
 - (i) A summary of the results of the monitoring; and
 - (ii) An explanation of the significance of the results.
 - (b) If the system has performed any monitoring for radon which indicates that radon may be present in the finished water, the report shall include:
 - (i) The results of the monitoring; and

(ii) An explanation of the significance of the results.

(c) If the system has performed additional monitoring which indicates the presence of other contaminants in the finished water, the Department strongly encourages systems to report any results which may indicate a health concern. To determine if results may indicate a health concern, the Department recommends that systems find out if EPA has proposed an NPDWR or issued a health advisory for that contaminant by calling the Safe Drinking Water Hotline (800-426-4791). EPA and the Department considers detects above a proposed MCL or health advisory level to indicate possible health concerns. For such contaminants, EPA and the Department recommends that the report include:

(i) The results of the monitoring; and

(ii) An explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.

(9) Compliance with the State Primary Drinking Water Regulations (SPDWR). In addition to the requirements of this regulation, the report shall note any violation that occurred during the year covered by the report of a requirement listed below, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation:

(a) Monitoring and reporting of compliance data;

(b) Filtration and disinfection prescribed by R.61-58.10, Filtration and Disinfection. For systems which have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or process which constitutes a violation, the report shall include the following language as part of the explanation of potential adverse health effects: "Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches;"

(c) Lead and copper control requirements prescribed by R.61-58.11, Lead and Copper. For systems which fail to take one or more actions prescribed by R.61-58.11.B(2) [Corrosion Control Treatment Requirements], R.61-58.11.C [Applicability of Corrosion Control Treatment Steps to Small, Medium-Size and Large Water Systems], R.61-58.11(D) [Description of Corrosion Control Treatment Requirements], R.61-58.11.E [Source Water Treatment Requirements], R.61-58.11.F [Lead Service Line Replacement Requirements], the report shall include the applicable language of Appendix D to this regulation for lead, copper, or both;

(d) Treatment techniques for Acrylamide and Epichlorohydrin prescribed by R.61-58.5.AA, Treatment Techniques. For systems which violate the requirements of R.61-58.5.AA, the report shall include the relevant language from Appendix D to this regulation;

(e) Recordkeeping of compliance data;

(f) Special monitoring requirements prescribed by R.61-58.5.T, Special Monitoring for Inorganic and Organic Contaminants, and R.61-58.5.U, Special Monitoring for Sodium; and

(g) Violation of the terms of a variance, an exemption, or an administrative or judicial order.

(10) Variances and Exemptions. If a system is operating under the terms of a variance or an exemption issued under R.61-58.9, Variances and Exemptions, the report shall contain:

- (a) An explanation of the reasons for the variance or exemption;
- (b) The date on which the variance or exemption was issued;
- (c) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
- (d) A notice of any opportunity for public input in the review, or renewal, of the variance or exemption.

(11) Additional information:

(a) The report shall contain a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water including bottled water. This explanation may include the language of paragraphs (i) through (iii) below or systems may use their own comparable language. The report also shall include the language of paragraph (iv) below:

(i) "The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity."

(ii) "Contaminants that may be present in source water include:

(A) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

(B) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

(C) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.

(D) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.

(E) Radioactive contaminants, which can be naturally-occurring or

be the result of oil and gas production and mining activities.”

(iii) “In order to ensure that tap water is safe to drink, EPA and the Department prescribe regulations which limit the amount of certain contaminants in water provided by public water systems. FDA regulations establish limits for contaminants in bottled water which shall provide the same protection for public health.”

(iv) “Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency’s Safe Drinking Water Hotline (800-426-4791).”

(b) The report shall include the telephone number of the owner, operator, or designee of the community water system as a source of additional information concerning the report.

(c) In communities with a large proportion of non-English speaking residents, as determined by the Department, the report shall contain information in the appropriate language(s) regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

(d) The report shall include information (e.g., time and place of regularly scheduled board meetings) about opportunities for public participation in decisions that may affect the quality of the water.

(e) The systems may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report.

(f) Systems required to comply with R.61-58.16.

(i) Any ground water system that receives notice from the Department of a significant deficiency or notice from a laboratory of a fecal indicator positive ground water source sample that is not invalidated by the Department must inform its customers of any significant deficiency that is uncorrected at the time of the next report or of any fecal indicator positive ground water source sample in the next report. The system must continue to inform the public annually until the Department determines that particular significant deficiency is corrected or the fecal contamination in the ground water source is addressed under R.61 58.16.F(1). Each report must include the following elements.

(A) The nature of the particular significant deficiency or the source of the fecal contamination (if the source is known) and the date the significant deficiency was identified by the Department or the dates of the fecal indicator positive ground water source samples.

(B) If the fecal contamination in the ground water source has been addressed under R.61 58.16.F(1) and the date of such action.

(C) For each significant deficiency or fecal contamination in the

ground water source that has not been addressed under R.61 58.16.F(1), the Department approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed; and

(D) If the system receives notice of a fecal indicator positive ground water source sample that is not invalidated by the Department, the potential health effects using the health effects language of Appendix D of R.61 58.12.

(ii) If directed by the Department, a system with significant deficiencies that have been corrected before the next report is issued must inform its customers of the significant deficiency, how the deficiency was corrected, and the date of correction.

(g) Systems required to comply with R.61-58.17:

(i) Any system required to comply with the Level 1 assessment requirement or a Level 2 assessment requirement that is not due to an E. coli MCL violation must include in the report the text found in paragraph R.61-58.12.C(11)(g)(i)(A) and paragraphs R.61-58.12.C(11)(g)(i)(B) and R.61-58.12.C(11)(g)(i)(C) as appropriate, filling in the blanks accordingly and the text found in paragraphs R.61-58.12.C(11)(g)(i)(D)(1) and R.61-58.12.C(11)(g)(i)(D)(2) if appropriate.

(A) Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments.

(B) During the past year we were required to conduct [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] Level 1 assessment(s). [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] Level 1 assessment(s) were completed. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.

(C) During the past year [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] Level 2 assessments were required to be completed for our water system. [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] Level 2 assessments were completed. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.

(D) Any system that has failed to complete all the required assessments or correct all identified sanitary defects, is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate:

- (1) During the past year we failed to conduct all of the required assessment(s).
 - (2) During the past year we failed to correct all identified defects that were found during the assessment.
- (ii) Any system required to conduct a Level 2 assessment due to an E. coli MCL violation must include in the report the text found in paragraphs R.61-58.12.C(11)(g)(ii)(A) and R.61-58.12.C(11)(g)(ii)(B), filling in the blanks accordingly and the text found in paragraphs R.61-58.12.C(11)(g)(ii)(C)(1) and R.61-58.12.C(11)(g)(ii)(C)(2), if appropriate.
 - (A) E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We found E. coli bacteria, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments.
 - (B) We were required to complete a Level 2 assessment because we found E. coli in our water system. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.
 - (C) Any system that has failed to complete the required assessment or correct all identified sanitary defects is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate:
 - (1) We failed to conduct the required assessment.
 - (2) We failed to correct all sanitary defects that were identified during the assessment that we conducted.
- (iii) If a system detects E. coli and has violated the E. coli MCL, in addition to completing the table as required in R.61-58.12.C(4)(d), the system must include one or more of the following statements to describe any noncompliance, as applicable:
 - (A) We had an E. coli-positive repeat sample following a total coliform-positive routine sample.
 - (B) We had a total coliform-positive repeat sample following an E. coli-positive routine sample.
 - (C) We failed to take all required repeat samples following an E. coli-positive routine sample.

(D) We failed to test for E. coli when any repeat sample tests positive for total coliform.

(iv) If a system detects E. coli and has not violated the E. coli MCL, in addition to completing the table as required in paragraph R.61-58.12.C(4)(d), the system may include a statement that explains that although they have detected E. coli, they are not in violation of the E. coli MCL.

D. Required Additional Health Information.

(1) All reports shall prominently display the following language: "Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791)."

(2) Ending in the report due by July 1, 2001, a system which detects arsenic at levels above 0.025 mg/L, but below the 0.05 mg/L, and beginning in the report due by July 1, 2002, a system that detects arsenic above 0.005 mg/L and up to and including 0.01 mg/L:

(a) Shall include in its report a short informational statement about arsenic, using language such as: While your drinking water meets State and Federal standards for arsenic, it does contain low levels of arsenic. The Federal standard balances the current understanding of arsenic's possible health effects against the cost of removing arsenic from drinking water. EPA continues to research health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.

(b) May write its own educational statement, but only in consultation with the Department.

(3) A system which detects nitrate at levels above 5 mg/L, but below the MCL:

(a) Shall include a short informational statement about the impacts of nitrate on children using language such as: Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider.

(b) May write its own educational statement, but only in consultation with the Department.

(4) Every report must include the following lead-specific information:

(a) A short informational statement about lead in drinking water and its effect on children. The statement must include the following information: If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. [NAME OF UTILITY] is responsible for providing high quality

drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or <http://www.epa.gov/safewater/lead>.

(b) A system may write its own educational statement, but only in consultation with the Department.

(5) Community water systems that detect TTHM above 0.080 mg/L, but below the MCL in R.61-58.5.L, as an annual average, monitored and calculated under the provisions of R.61-58.5.M, must include health effects language prescribed by of Appendix D to of this regulation.

(6) Beginning in the report due by July 1, 2002 and ending January 22, 2006, a community water system that detects arsenic above 0.01 mg/L and up to and including 0.05 mg/L must include the arsenic health effects language prescribed by Appendix D to this regulation.

E. Report Delivery and Recordkeeping.

(1) Except as provided in paragraph (7) below, each community water system shall mail or otherwise directly deliver one copy of the report to each customer.

(2) The system shall make a good faith effort to reach consumers who do not get water bills, using means recommended by the Department. The Department expects that an adequate good faith effort will be tailored to the consumers who are served by the system but are not bill-paying customers, such as renters or workers. A good faith effort to reach consumers would include a mix of methods appropriate to the particular system such as: Posting the reports on the Internet; mailing to postal patrons in metropolitan areas; advertising the availability of the report in the news media; publication in a local newspaper; posting in public places such as cafeterias or lunch rooms of public buildings; delivery of multiple copies for distribution by single-billed customers such as apartment buildings or large private employers; delivery to community organizations.

(3) No later than the date the system is required to distribute the report to its customers, each community water system shall mail a copy of the report to the Department, followed within 3 months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data either provided by or submitted to the Department.

(4) No later than the date the system is required to distribute the report to its customers, each community water system shall deliver the report to any other agency or clearinghouse identified by the Department.

(5) Each community water system shall make its reports available to the public upon request.

(6) Each community water system serving 100,000 or more persons shall post its current year's report to a publicly-accessible site on the Internet.

(7) The Department can waive the requirement of paragraph (1) of this section for community water systems serving fewer than 10,000 persons.

(a) Such systems shall:

- (i) Publish the reports in one or more local newspapers serving the area in which the system is located;
 - (ii) Inform the customers that the reports will not be mailed, either in the newspapers in which the reports are published or by other means approved by the Department; and
 - (iii) Make the reports available to the public upon request.
- (b) Systems serving 500 or fewer persons may forego the requirements of paragraphs (7)(a)(i) above, if they provide notice at least once per year to their customers by mail, door-to-door delivery or by posting in an appropriate location that the report is available upon request.
- (8) Any system subject to this regulation shall retain copies of its Consumer Confidence Report for no less than three (3) years.