**Section 611.355 Public Education and Supplemental Monitoring** **and Mitigation**

A supplier exceeding the lead action level based on tap water samples under Section 611.356 must deliver the public education materials subsection (a) requires under subsection (b). A supplier exceeding the lead action level must sample the tap water of any customer requesting sampling under subsection (c). A small CWS or NTNCWS supplier electing to implement POU devices as a small supplier compliance flexibility option under Section 611.363 must provide public education materials as subsection (j) requires to inform users how to properly use POU devices. A supplier must deliver a consumer notice of lead tap water monitoring results to persons the supplier serves at each site that the supplier samples, as subsection (d)specifies. A supplier with lead, galvanized requiring replacement, or lead status unknown service lines, as defined in Section 611.354(a)(4), must deliver public education materials to persons served through these service lines as subsections (e) through (g) specify. A CWS supplier must conduct annual outreach to the Illinois Department of Public Health and local health agencies as subsection (i) provides. A CWS supplier serving more than 10,000 persons failing to meet its annual lead service line replacement goal under Section 611.354(f) must conduct outreach activities as subsection (h) specifies.

a) Content of Written Public Education Materials

1) Community Water Systems and Non-Transient Non-Community Water Systems. A CWS or NTNCWS supplier must include the following elements in printed materials (e.g., brochures and pamphlets) in the same order as listed in subsections (a)(1)(A) through (a)(1)(G). In addition, the supplier must use the verbatim language in subsections (a)(1)(A), (a)(1)(B), and (a)(1)(F), except for replacing the text in brackets with the system-specific information. Any additional information a supplier presents must be consistent with the information in subsections (a)(1)(A), through (a)(1)(G), and the supplier must present the additional information in plain language that the general public can understand. The supplier must submit all written public education materials to the Agency prior to delivery. A supplier may change the mandatory language in subsections (a)(1)(A) and (a)(1)(B) only as the Agency approves in a SEP.

A) IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER. [INSERT NAME OF SUPPLIER] 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.

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

C) Sources of Lead

i) Explain what lead is.

ii) Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on home and building plumbing materials and service lines that may contain lead.

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

BOARD NOTE: The supplier must use text providing the information this subsection (a)(1)(C) describes.

D) Discuss the steps the consumer can take to reduce exposure to lead in drinking water.

i) Encourage running the water to flush out the lead.

ii) Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.

iii) Explain that boiling water does not reduce lead levels.

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

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

BOARD NOTE: The supplier must use text providing the information this (a)(1)(D) describes.

E) Explain why there are elevated levels of lead in the supplier's drinking water (if known) and what the supplier is doing to reduce the lead levels in homes and buildings in this area.

BOARD NOTE: The supplier must use text providing the information this (a)(1)(E) describes.

F) For more information, call us at [INSERT THE SUPPLIER'S NUMBER] [(IF APPLICABLE), or visit our Web site at [INSERT THE SUPPLIER'S WEB SITE HERE]]. For more information on reducing lead exposure around your home/building and the health effects of lead, visit USEPA's Web site at www.epa.gov/lead or contact your health care provider.

G) Information on Lead Service Lines. A supplier having lead service lines must discuss opportunities to replace lead service lines and explain how a consumer may access the supplier’s lead service line inventory to determine whether the consumer has a lead service line. The supplier must include information on programs providing financing solutions to assist property owners in replacing their portion of a lead service line, with a statement that the water system must replace the supplier-owned portion of a lead service line when the property owner notifies the supplier that the consumer will replace the property owners portion of the lead service line.

2) Community Water Systems. In addition to including the elements subsection (a)(1) specifies, a CWS supplier must include two information items:

A) The supplier must tell consumers how to get their water tested; and

B) The supplier must discuss lead in plumbing components and the difference between low-lead and lead-free components.

BOARD NOTE: At corresponding 40 CFR 141.85(a)(1), USEPA allowed the State to require prior approval of written public information materials. Rather than require prior Agency approval, the Board chooses to allow the Agency to raise any deficiencies that it may perceive using its existing procedure for review of public education materials. The Agency outlines its standard practice for review of public information materials: The Agency provides a comprehensive public education packet to the supplier together with the notice that the supplier exceeds the lead action level. That packet includes guidance and templates for the supplier to use in preparing and distributing its public education materials. The supplier must send a copy of the public education materials that it distributes to the Agency, and the Agency reviews the copy of the materials after their distribution to the public. The Agency directly communicates to the supplier any perceived defects in the materials. When the Agency perceives minor defects, it will request correction in future distributions of the public education materials. When the Agency perceives major defects in the materials, it will request a redistribution of corrected public education materials the supplier already distributed.

b) Delivering Public Education Materials

1) The public education materials of a supplier serving a large proportion of non-English-speaking consumers must contain information in the appropriate languages regarding the importance of the notice, or the materials must contain a telephone number or address where a water consumer may contact the supplier to obtain a translated copy of the public education materials or to request assistance in the appropriate language.

2) A CWS supplier exceeding the lead action level on the basis of tap water samples under Section 611.356 not already conducting public education tasks under this Section must complete public education tasks within 60 days after the end of the tap sampling period in which the exceedance occurred:

A) The CWS supplier must deliver printed materials complying with subsection (a) to all of its bill-paying customers.

B) Methods of Delivery for a CWS Supplier

i) The CWS supplier must contact customers who are most at risk by delivering education materials complying with subsection (a) to local public health agencies, even if those agencies are not located within the supplier's service area, along with an informational notice encouraging distribution to all of the agencies' potentially affected customers or the supplier's consumers. The supplier 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 the target populations, which may include organizations outside the service area of the supplier. If local health agencies provide lists, the supplier must deliver education materials that comply with subsection (a) to each of the organizations on the provided lists.

ii) The CWS supplier must contact customers who are most at risk by delivering materials complying with subsection (a) to the organizations in subsections (b)(2)(H)(i) through (b)(2)(H)(vi) that are located within the supplier's service area, along with an informational notice encouraging distribution to all the organization's potentially affected customers or supplier's users.

BOARD NOTE: The Board moved the text of 40 CFR 141.85(b)(2)(ii)(B)(*1*) through (b)(2)(ii)(B)(*6*) to appear as subsections (b)(2)(H)(i) through (b)(2)(H)(vi) to comport with allowed indent levels.

C) No less often than quarterly, the CWS supplier must 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 verbatim text of the paragraph below, except replacing the text in brackets with system-specific information:

[INSERT NAME OF SUPPLIER] 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 SUPPLIER] [or visit (INSERT SUPPLIER'S WEB SITE HERE)]. The message or delivery mechanism can be modified in consultation with the Illinois Environmental Protection Agency, Division of Public Water Supply; specifically, the Agency may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.

D) The CWS supplier must post material complying with subsection (a) on the supplier's Web site if the CWS supplier serves a population greater than 100,000.

E) The CWS supplier must submit a press release to newspaper, television, and radio stations.

F) In addition to subsections (b)(2)(A) through (b)(2)(E), the CWS supplier must implement at least three activities from one or more of the categories listed below. The supplier must consult with the Agency to determine the educational content and selection of these activities.

i) Public service announcements.

ii) Paid advertisements.

iii) Public area information displays.

iv) E-mails to customers.

v) Public meetings.

vi) Household deliveries.

vii) Targeted individual customer contact.

viii) Direct material distribution to all multi-family homes and institutions.

ix) Other Agency-approved methods.

G) For a CWS supplier that must monitor annually or less frequently, the end of the tap sampling period is September 30 of the calendar year in which the sampling occurs, or on the last day of an alternative tap sampling period the Agency sets in a SEP.

H) Organizations That the CWS Supplier Must Contact When Required to Do So under Subsection (b)(2)(B)(ii)

i) Schools, child care facilities, and school boards.

ii) Women, Infants and Children (WIC) and Head Start programs.

iii) Public and private hospitals and medical clinics.

vi) Pediatricians.

v) Family planning clinics.

vi) Local welfare agencies.

vii) Obstetricians-gynecologists and midwives.

BOARD NOTE: This subsection (b)(2)(H) derives from 40 CFR 141.85(b)(2)(ii)(B)(1) through (b)(2)(ii)(B)(7), moved here to comport with allowed indent levels.

3) As long as a CWS supplier exceeds the action level, it must repeat the activities in subsection (b)(2), as subsections (b)(3)(A) through (b)(3)(D) require.

A) The CWS supplier must repeat the tasks in subsections (b)(2)(A), (b)(2)(B), and (b)(2)(F) every 12 months.

B) The CWS supplier must repeat tasks in subsection (b)(2)(C) with each billing cycle.

C) The CWS supplier serving a population greater than 100,000 must post and retain material on a publicly accessible website under subsection (b)(2)(D).

D) The CWS supplier must repeat the task in subsection (b)(2)(E) twice every 12 months on a schedule agreed by the Agency in a SEP. The Agency must, on a case-by-case basis, issue a SEP extending the time for the supplier to complete the public education tasks in subsection (b)(2) beyond the 60-day limit if the Agency determines that the supplier needs the extended time to implement the tasks; however, the Agency must issue the SEP granting any extension before the 60-day deadline expires.

4) Within 60 days after the end of the tap sampling period in which a NTNCWS supplier exceeds the lead action level (unless it already is repeating public education tasks under subsection (b)(5)), the supplier must deliver the public education materials subsection (a) specifies.

A) The supplier must deliver the public education materials by certain means:

i) The NTNCWS supplier must post informational posters on lead in drinking water in a public place or common area in each of the buildings the supplier serves; and

ii) The NTNCWS supplier must distribute informational pamphlets or brochures on lead in drinking water to each person the NTNCWS supplier serves. The Agency may issue a SEP allowing the system to use electronic transmission in lieu of or combined with printed materials as long as the electronic transmission achieves the same or better coverage.

B) For a NTNCWS supplier that must monitor annually or less frequently, the end of the tap sampling period is September 30 of the calendar year in which the sampling occurs, or on the last day of an alternative tap sampling period the Agency sets in a SEP.

5) A NTNCWS supplier must repeat the tasks in subsection (b)(4) at least once during each calendar year in which the supplier exceeds the lead action level. The Agency must, on a case-by-case basis, issue a SEP extending the time for the supplier to complete the public education tasks in subsection (b)(2) beyond the 60-day limit if the Agency determines that the extended time is needed for implementation purposes; however, the Agency must issue any SEP granting any extension before the 60-day deadline expires.

6) A supplier may stop delivering public education materials after the supplier does not exceed the lead action level during the most recent six-month tap monitoring cycle under Section 611.356. The supplier must begin public education anew under this Section if the supplier subsequently exceeds the lead action level during any tap sampling period.

7) A CWS supplier may apply to the Agency, in writing, to use only the text in subsection (a)(1) in lieu of the text in subsections (a)(1) and (a)(2) and to perform the tasks in subsections (b)(4) and (b)(5) in lieu of the tasks in subsections (b)(2) and (b)(3) under specific circumstances:

A) The supplier 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

B) The supplier provides water as part of the cost of services provided, not separately charging for water consumption.

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

A) For notice under subsection (b)(2)(F), a supplier serving 3,300 or fewer people must implement at least one of the activities in that subsection.

B) For notice under subsection (b)(2)(B), a supplier serving 3,300 or fewer people may limit the distribution of the public education materials to facilities and organizations that pregnant women and children are most likely to visit.

C) For notice under subsection (b)(2)(E), the Agency may issue a SEP waiving this requirement for a supplier serving 3,300 or fewer persons, as long as the supplier distributes notices to every household the supplier serves.

c) Supplemental Monitoring and Notification of Results. A supplier failing to meet the lead action level in tap samples under Section 611.356 must offer to sample the tap water of any customer requesting it. The supplier needs not pay for collecting or analyzing the sample, nor must the supplier itself collect and analyze the sample.

d) Requirement for Consumer Notice of Tap Water Monitoring Results

1) Consumer Notice Requirement. A supplier must provide a notice of the individual tap results from lead tap water monitoring under Section 611.356 to the persons the water system serves at the specific sampling site from which the supplier took the sample (e.g., the occupants of the building where the supplier sampled the tap).

2) Timing of Consumer Notice. The supplier must provide the consumer notice as soon as practicable but no later than the specified timeframe:

A) For individual samples not exceeding 15 µg/L of lead, no later than 30 days after the supplier learns of the tap monitoring results.

B) For individual samples exceeding 15 µg/L of lead, as soon as practicable but no later than three calendar days after the supplier learns of the tap monitoring results. A supplier choosing to mail the notification must post those letters so they receive postmarks within the three days.

3) Content of Consumer Notice. The consumer notice must include the results of lead tap water monitoring for the tap the supplier tested, an explanation of the health effects of lead, a list of 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 Section 611.883(c).

4) Delivery of Consumer Notice

A) For tap sampling lead results not exceeding 15 µg/L, the supplier must provide the consumer notice to persons it serves at the tap the supplier sampled, by mail or by another method the Agency approves in a SEP. For example, upon Agency approval, a NTNCWS supplier could post the results on a bulletin board in the facility enabling users to review the information.

B) For tap sampling lead results exceeding 15 µg/L, the supplier must provide consumer notice to persons it serves at the tap the supplier sampled; the supplier must provide this notice electronically or by phone, hand delivery, mail, or another method the Agency approves in a SEP.

e) Notice of Known or Potential Service Line Containing Lead

1) Notice requirements. A supplier having lead, galvanized requiring replacement, or lead status unknown service lines in their inventory under Section 611.354(a) must inform all persons the supplier serves through a lead, galvanized requiring replacement, or lead status unknown service line.

2) Timing of notice. A supplier must provide the initial notice within 30 days after completing the lead service line inventory Section 611.354 requires and annually repeat the notice to each person the supplier serves until the supplier's entire service connection is no longer a lead, galvanized requiring replacement, or lead status unknown service line. For each new customer, the supplier must also provide the notice when the supplier initiates service.

3) Notice Content

A) Persons the Supplier Serves Through a Confirmed Lead Service Line. The notice must state that the supplier serves the person through a lead service line; explain the health effects of lead in a way complying with subsection (a)(1)(B); give steps persons at the service connection can take to reduce exposure to lead in drinking water; inform about opportunities to replace lead service lines, including programs providing financing solutions to assist property owners to replace the customer-owned portion of a lead service line; and explain that the supplier must replace the supplier-owned portion of a lead service line when the property owner notifies the supplier that the owner will replace the customer-owned portion of the lead service line.

B) Persons the Supplier Serves Through a Galvanized Requiring Replacement Service Line. The notice must state that the supplier serves the person through a galvanized requiring replacement service line, explain the health effects of lead in a way complying with subsection (a)(1)(B), give steps persons at the service connection can take to reduce exposure to lead in drinking water, and inform about opportunities to replace the service line.

C) Persons the Supplier Serves Through a Lead Status Unknown Service Line. The notice must state that the supplier serves the person through a lead status unknown service line (a service line whose material is unknown but may be lead), explain the health effects of lead in a way complying with subsection (a)(1)(B), give steps persons at the service connection can take to reduce exposure to lead in drinking water, and inform about opportunities to verify the material of the service line.

4) Delivery. The supplier must provide notice to persons the supplier serves at the service connection with a lead, galvanized requiring replacement, or lead status unknown service line, by mail or using another method the Agency approves in a SEP.

f) Notice Due to Disturbing a Service Line Known to or Potentially Containing Lead

1) A supplier disturbing a lead, galvanized requiring replacement, or lead status unknown service line by a water shutoff or bypass to the service line, such as operating a valve on the service line or meter setter, without partially or fully replacing the lead service line must inform the persons the supplier serves through the service connection about the potential for an elevated lead concentration in their drinking water due to the supplier disturbing the service line, including instructions for flushing to remove particulate lead. The supplier must comply with this subsection (f)(1) before returning the affected service line to service.

2) If a supplier disturbs a lead, galvanized requiring replacement, or lead status unknown service line while replacing an inline water meter, a water meter setter, or gooseneck, pigtail, or connector, the supplier must inform the persons the supplier serves through the service connection about the potential for an elevated lead concentration in their drinking water due to the supplier disturbing the service line, provide public education materials complying with subsection (a), a pitcher filter or point-of-use treatment device to reduce lead, use instructions, and six months of replacement filter cartridges. The supplier must comply with this subsection (f)(2) before returning the affected service line to service.

3) A supplier partially or fully replacing a lead service line must follow applicable procedures in Section 611.354(d)(1)(A) through (d)(1)(D) or (e)(1)(A) through (e)(1)(D).

g) Information for Persons the Supplier Serves Through a Service Line Known to or Potentially Containing Lead When the Supplier Exceeds the Lead Trigger Level

1) Content. A supplier having lead service lines and exceeding the lead trigger level of 10 µg/L must inform persons the supplier serves through a lead, galvanized requiring replacement, or lead status unknown service line about the supplier's lead service line replacement program and opportunities for replacing the customer’s lead service line.

2) Timing. The supplier must inform persons it serves within 30 days after the end of the tap sampling period during which the supplier exceeded the lead trigger level. The supplier must continue to annually inform the persons it serves until the results of sampling under Section 611.356 do not exceed the lead trigger level.

3) Delivery. The supplier must inform the persons it serves through a lead, galvanized requiring replacement, or lead status unknown service line by mail or another method the Agency approves in a SEP.

h) Outreach Activities for Failing to Fulfill the Lead Service Line Replacement Goal

1) In the first year after a CWS supplier serving more than 10,000 persons does not fulfill its required annual lead service line replacement goal under Section 611.354(f), the supplier must conduct one outreach activity from among those in subsections (h)(1)(A) through (h)(1)(B).  The supplier must annually conduct an outreach activity under this subsection (h)(1) until the supplier fulfills its replacement goal or until tap sampling shows that its 90th percentile lead concentration does not exceed the trigger level of 10 µg/L for two consecutive tap monitoring cycles:

A) Send certified mail to customers the supplier serves through a lead or galvanized requiring replacement service line to inform them about the supplier's goal-based program for replacing lead service lines and opportunities for replacing the customer’s service line.

B) Conduct a townhall meeting.

C) Participate in a community event providing information about the supplier’s program for replacing lead service lines and distribute public education materials whose content complies with subsection (a).

D) Contact customers by phone, text message, email, or door hanger.

E) Use another method the Agency approves in a SEP to discuss the supplier’s program for replacing lead service lines and opportunities for replacing the customer’s lead service line.

2) Following the first year after the supplier exceeds the lead trigger level, a supplier still failing to fulfill its goal for replacing lead service lines must conduct one activity from subsection (h)(1) and two additional outreach activities each year from among those in subsections (h)(2)(A) through (h)(2)(D):

A) Conduct social media campaign.

B) Conduct outreach via newspaper, television, or radio.

C) Contact organizations representing plumbers and contractors by mail providing information about lead in drinking water, including health effects, sources of lead, and the importance of using lead-free plumbing materials.

D) Visit targeted customers to discuss the supplier’s program for replacing lead service lines and opportunities for replacing the customers’ lead service lines.

3) The supplier may stop outreach activities when tap sampling shows that its 90th percentile lead concentration no longer exceeds the trigger level of 10 µg/L for two consecutive tap monitoring cycles or when all customers the supplier serves through lead or galvanized requiring replacement service lines refuse to participate in replacing the customer-owned portion under the supplier's program for replacing lead service lines. Under this subsection (h)(3), a refusal includes a customer-signed statement refusing to participate in replacing the customer-owned portion of the lead service line or supplier-generated documents memorializing the customer's verbal refusal or non-response after two good faith attempts by the supplier to reach the customer.

i) Public Education to Local and State Health Agencies

1) Find-and-Fix Results. A CWS supplier must inform the Department of Public Health and local health agencies about its find-and-fix activities under Section 611.352(j), including the location of the tap sample sites exceeding 15 µg/L, the results from initial tap samples, the results from follow-up tap samples, the results from water quality parameter monitoring, and any distribution system management actions or corrosion control treatment adjustments the supplier made.

2) Timing and Content. A CWS supplier must annually send copies of the public education materials the supplier provided under subsections (a) and (h)(1) during a calendar year no later than July 1 of the following year.

3) Delivery. The CWS supplier must send the public education materials and find-and-fix information to the Department of Public Health and local health agencies by mail or by another method the Agency approves in a SEP.

j) Public Education for Small Supplier Compliance Flexibility POU Devices

1) Content. A small CWS or NTNCWS supplier implementing the POU device option under Section 611.363 must provide public education materials to inform users how to properly use POU devices to maximize the units' effectiveness in reducing the lead concentration in drinking water.

2) Timing. The supplier must provide its public education materials when the supplier delivers the POU device.

3) Delivery. The supplier must provide its public education materials in person, by mail, or another method the Agency approves in a SEP, to persons at the locations where the supplier delivers the POU devices.

BOARD NOTE: This Section derives from 40 CFR 141.85.

(Source: Amended at 47 Ill. Reg. 16486, effective November 2, 2023)