**Section 611.363** **S****mall Supplier Compliance Flexibility**

This section gives compliance flexibility options applying to a small CWS supplier serving 10,000 or fewer persons or an NTNCWS supplier. A CWS or NTNCWS supplier having corrosion control treatment in place must continue operating and maintaining OCCT until the Agency issues a SEP determining this no longer necessary, and the supplier must comply with any conditions the Agency are appropriate before implementing an Agency-approved compliance flexibility option under this Section.

a) A small CWS or NTNCWS supplier exceeding the lead trigger level but neither the lead nor copper action level must collect samples for water quality parameters under Section 611.357(b), evaluate compliance flexibility options under subsections (a)(1) through (a)(4), and recommend a compliance flexibility option to the Agency within six months of the end of the tap sampling period in which the exceedance occurred. When recommending to the Agency, the supplier must comply with Section 611.382(a)(1). The Agency must either approve the supplier’s recommended compliance flexibility option or designate an alternative under subsections (a)(1) through (a)(4) within six months after the supplier recommends an option. If the supplier subsequently exceeds the lead action level, the supplier must implement the Agency-approved compliance flexibility option under subsection (b). A supplier must select one from among specific compliance flexibility options:

1) Replacing Lead Service Lines. A supplier must implement a program for full lead service line replacement on an Agency-approved schedule not exceeding 15 years. The supplier must begin replacing lead service lines within one year after the Agency approves or designates this compliance flexibility option.

A) The supplier must replace lead service lines complying with Section 611.354(e) and (g)(4), (g)(8), and (g)(9).

B) The supplier must continue replacing lead service lines even if the supplier’s 90th percentile lead concentration is at or below the lead action level in future tap monitoring cycles.

C) The supplier must have no lead, galvanized requiring replacement, or lead status unknown service lines in its inventory before ending its lead service line replacement program.

2) Corrosion Control Treatment. A supplier must install and maintain OCCT under Sections 611.351 and 611.352, even if its 90th percentile concentration is at or below the lead action level in future tap monitoring cycles. A supplier having installed corrosion control treatment must re-optimize its corrosion control treatment under Section 611.351(d). A supplier the Agency requires to optimize or re-optimize corrosion control treatment must follow the appropriate schedule in Section 611.351(d) or (e), beginning with Step 3 in Section 611.351(d)(3) or (e)(3), unless the Agency specifies OCCT under the applicable of Section 611.351(d)(2)(B) or (e)(2).

3) Point-of-Use Devices. A supplier must continue installing, maintaining, and monitoring POU devices in each household or building it serves even if its 90th percentile lead concentration is at or below the action level in future tap monitoring cycles.

A) Schedule for Installing POU Devices

i) A CWS supplier must install a minimum of one POU device (at one tap) in every household and at every tap persons use for cooking or drinking in every non-residential building the supplier serves on a schedule not exceeding one year the Agency specifies in a SEP.

ii) An NTNCWS supplier must provide a POU device to every tap persons use for cooking or drinking on a schedule not exceeding three months the Agency specifies in a SEP.

B) A third party must independently certify the POU device to meet the American National Standards Institute standard applying to the specific type of POU unit for reducing lead in drinking water.

C) The supplier must maintain each POU device according to its manufacturer’s recommendations to ensure the POU device continues effectively filtering, including changing filter cartridges and resolving any operational issues. The POU devices must have mechanical warnings ensuring automatic notice to customers of operational problems. The supplier must certify to the Agency under Section 611.360(j)(1) that it maintains the POU devices, unless the Agency issues a SEP waiving this requirement.

D) The supplier must monitor one-third of the POU devices each year and all POU devices within a three-year cycle. The supplier must collect first draw tap samples under this Section after water passes through the POU device to assess its performance. Samples must be one-liter in volume and have had a minimum six-hour stagnation time. Results from all samples must not exceed the lead trigger level. The supplier must report its tap sampling results no later than 10 days after the end of the tap monitoring cycle under Section 611.360(j)(1). The supplier must document the problem and take corrective action at any site exceeding the lead trigger level. If a site exceeds the lead trigger level, the supplier must reach out to the homeowner or building manager or, if applicable, both no later than 24 hours after receiving the tap sample results. The supplier must complete the corrective action within 30 days. If the supplier does not complete the corrective action within 30 days, the supplier must document to the Agency within 30 days explaining why the supplier was unable to correct the issue.

E) The supplier must provide public education to consumers under Section 611.355(j) informing them how to properly use POU devices to maximize their effectiveness in reducing lead concentrations.

F) The supplier must operate and maintain the POU devices until the Agency approves another compliance flexibility option, and supplier implements it.

4) Replacing Lead-Bearing Plumbing. A supplier controlling all plumbing in buildings the supplier serves and having no lead status unknown, galvanized requiring replacement, or lead service lines must replace all plumbing that is not lead free as Section 611.126(c) defines the term when the supplier replaces it. Replacing all lead-bearing plumbing must occur on a schedule not exceeding one year as established by the Agency in a SEP. The supplier must certify to the Agency that it has replaced all lead-bearing material under Section 611.360(j)(2).

b) Implementing a Compliance Option after Exceeding an Action Level

1) A supplier exceeding the lead action level after exceeding the lead trigger level but not exceeding the copper action level must implement the compliance option the Agency approved under subsection (a).

2) A supplier exceeding the lead action level but not the copper action level and not previously exceeding the lead trigger level must comply with subsection (a) and implement the compliance option the Agency approved under subsection (a).

3) A supplier exceeding the lead trigger level after implementing a compliance option the Agency approved under subsection (a) must complete the steps in subsection (a). If the supplier later exceeds the lead action level, the supplier must implement the compliance option the Agency approved under subsection (a).

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