



MassDEP DWP Tier 1 Public Notice (PN) for Lead Action Level Exceedance (ALE) Public Water System (PWS) Questions and Answers (Q&A)

There is no safe level of lead exposure. If a public water system (PWS) has a lead action level exceedance (ALE), the PWS must take actions to address it. This includes issuing a Tier 1 Public Notice (required as of October 16, 2024, under the Lead and Copper Rule Revisions (LCRR)) when your PWS exceeds the lead 90th percentile action level and providing Public Education (required under the Lead and Copper Rule (LCR)).

Below are the answers to frequently asked questions regarding the Tier 1 24 Hour Public Notice for Lead ALEs, to assist PWS with maintaining compliance with the LCR and LCRR during a Lead 90th Percentile Exceedance.

1. Who is required to issue a Tier 1 24 Hour Public Notice (PN) for a lead Action Level Exceedance (ALE)?

Community (COM) PWS and Non-Transient Non-Community (NTNC) PWS are required to issue a Tier 1 24 Hour PN if they exceed the lead 90th percentile action level of 15 parts per billion (ppb) (or 0.015 milligrams per liter (mg/L)).

2. Do PWS issue a Tier 1 (24-hour) Public Notice for a Copper ALE?

No, PWS are not required to distribute a 24-hour Public Notice if they exceed the Copper Action Level.

3. How does a PWS determine whether there is a lead ALE?

A PWS has a lead ALE if the 90th percentile calculation of lead, based on the total number of water samples collected during a monitoring period, is greater than 15 parts per billion (ppb) or 0.015 milligrams per liter (mg/L). The monitoring periods include:

- January 1 to June 30
- July 1 to December 31
- June 1 to September 30 (unless MassDEP/DWP has approved a different reduced four-month period).

4. How do PWS calculate the 90th percentile?

See the [Results of Lead Sampling For Public Water Systems](#) webpage for more information on the 90th percentile calculation.

5. When were PWS first required to start distributing this Public Notice?

COM and NTNC PWS are required to distribute Tier 1 24-Hour PNs starting October 16, 2024, if they exceed the lead 90th percentile action level.

6. When do PWS need to issue the Tier 1 Public Notice (PN)?

Within 24 hours after the PWS learns of the lead ALE, but not later than the end of the monitoring reporting period (as per 310 CMR 22.15(2)) noted below:

- **July 10th** - for the January to June monitoring period,
- **January 10th** - for the July to December monitoring period, and
- **October 10th** - for the June to September four-month reduced monitoring period (unless MassDEP/DWP has approved a different four-month period).

7. What does it mean “when the PWS learns of the exceedance”?

A PWS learns of the exceedance when the system receives all lead sample results and calculates the 90th percentile. Systems have the ability to calculate their 90th percentile as soon as they receive the last sample result from their certified laboratory and are strongly encouraged to do so, in the interest of protecting public health and alerting consumers as soon as possible if there is an exceedance.

8. What steps do PWS need to take after they learn their system has a lead ALE?

Within 24 hours after the PWS learns of the lead ALE, the PWS must:

- Consult with MassDEP/DWP as soon as practical to notify MassDEP/DWP of the ALE and to determine if there are any additional PN requirements (e.g., content, repeat notices, and/or posting).
- Issue the PN to customers within 24 hours after PWS learns of the lead ALE even if the PWS is unable to contact MassDEP/DWP. Please note: It is highly unlikely a PWS will be unable to contact MassDEP/DWP. During holidays and after normal work hours, contact MassDEP's emergency number that is staffed 24/7: 888-304-1133.
 - Send a copy of the Final Tier 1 PN to Drinking Water Program at program.director-dwp@mass.gov. Subject LCR Tier I PN. Be sure to copy the MassDEP regional Office Drinking Water contact.
- Send a copy of the Final Tier 1 PN to USEPA:
 - Send USEPA via email at: LeadALE@epa.gov within 24 hours of issuing your PN.
 - Making sure to cc MassDEP/DWP at program.director-dwp@mass.gov when contacting EPA.

Within 14 days after the PWS learns of the lead ALE, a Community PWS must:

- Publish the notice in their local newspaper as a one-day advertisement within 14 days of the exceedance.

Within 10 days of finalizing all Tier 1 PN required activities:

- PWS must submit a certification to MassDEP/DWP and local board of health that the PN meets all requirements. Certification must also be submitted for repeat notices if required.

9. How does a PWS notify EPA that the Public Notice was distributed?

PWS must notify EPA that their lead 90th Percentile ALE PN has been distributed by emailing a copy of the PN to the LeadALE@epa.gov email address within 24 hours of distributing the PN. Making sure to cc MassDEP/DWP at program.director-dwp@mass.gov when contacting EPA.

10. When does my PWS need to certify to MassDEP/DWP that the Tier 1 Public Notice met all requirements of the Lead and Copper Rule Revisions (LCRR)?

See Question 8. Within 10 days of finalizing all Tier 1 PN required activities a PWS must submit a certification to MassDEP/DWP and local board of health that the PN meets all requirements. Certification must also be submitted for repeat notices if required.

11. What must be included in the Tier 1 Public Notice?

- What happened – the water system exceeded the lead action level.
- When the lead ALE occurred.
- The mandatory LCRR health effects language: *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.*
 - While PWS are required to use the LCRR health effects language, MassDEP/DWP strongly encourages PWS to begin using the LCRI health effects language instead, as this is more stringent language which protects public health:

There is no safe level of lead in drinking water. Exposure to lead in drinking water can cause serious health effects in all age groups, especially pregnant people, infants (both formula-fed and breastfed), and young children. Some of the health effects to infants and children include decreases in IQ and attention span. Lead exposure can also result in new or worsened learning and behavior problems. The children of persons who are exposed to lead before or during pregnancy may be at increased risk of these harmful health effects. Adults have increased risks of heart disease, high blood pressure, kidney or nervous system problems. Contact your health care provider for more information about your risks.

- Whether alternative water supplies should be used.
- What actions consumers should take.
- What you are doing to address the lead ALE.
- When you expect to resolve the lead ALE.
- Contact information for the water system owner, operator, or designee.
- The following mandatory statement to share the notice: *Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

12. Is there a Tier 1 Public Notice template available for PWS use following a lead ALE?

Yes. A MassDEP/DWP Template for the lead ALE Tier 1 Public Notice template is available for PWS use on the MassDEP Public Notification Forms and Templates webpage:

<https://www.mass.gov/lists/public-notification-forms-and-templates>

Note: Look for MassDEP/DWP releasing additional Tier 1 PN templates that will be specific to NTNC and small COM PWS serving one or a few buildings.

13. What are the forms of delivery a PWS can use to distribute the Tier 1 Public Notice?

The Tier 1 PN must reasonably reach all people served by the system, including residential, transient, and non-transient customers. If the PN is printed or posted, it must be displayed in a prominent way. PWS must use one or more of the following forms of delivery:

- Radio
- Television
- Reverse 911
- Hand or direct delivery
- Posting in conspicuous locations
- Another delivery method approved in writing by MassDEP/DWP.

If a large proportion of the population the community served does not speak English, the PWS must provide a PN that either:

- Include information in the appropriate language(s) regarding the importance of the notice, or
- Provide a phone number or address where people may contact the PWS to obtain a translated copy of the PN or to request assistance in the appropriate language.

In addition to one (or more) of the above methods, Community systems must publish the Tier 1 public notice within their local newspaper as a one-day advertisement no later than 14 days after the exceedance. A copy must be submitted to MassDEP/DWP no later than the time published.

14. Can a PWS use local cable access as its main method of sharing our Public Notice?

No, PWS must use additional methods with local cable access, as a notice on the local cable access channel alone would not be expected to reach all consumers or do so in a timely manner. PWS should be using the same broadcast media outlets that would be used for public health orders (e.g. boil water notices). Other methods that would reach all customers may be proposed by the PWS for MassDEP/DWP's approval.

15. If a PWS is a small community system, such as a condominium building/apartment building, does it need to post the notice in the town/local newspaper?

Yes, the notice must be published in the local newspaper, but it does not need to be the city newspaper. Instead, if the building/PWS has a local newsletter, such as a mailing/emailing that goes out to all consumers, that may be used instead with MassDEP/DWP's approval.

16. Are there additional notification requirements when the lead Action Level is exceeded (ALE)?

Yes. In addition to the 24-hour Tier 1 Public Notice for a lead 90th percentile ALE, PWS must also fulfil the following notification requirements:

- Distribute consumer notices with their lead sample results to individuals whose homes are sampled for lead and copper, within 30 days of receipt of laboratory results.

- PWS must complete public education requirements within 60 days of the end of the monitoring period when the lead action level is exceeded, and

17. What should PWS take into consideration when preparing for this Public Notice?

24-hour PN requires a lot of coordination between MassDEP/DWP and the PWS. We recommend PWS discuss this process and review their drafted public notice with town officials (if applicable) and prepare in advance. If there is a possibility that your PWS may have a lead ALE, PWS should consult with MassDEP/DWP as soon as they suspect an ALE may occur, to ensure they meet the PN requirements and remain compliant.

PWS are encouraged to work with MassDEP/DWP to have a pre-approved 24-hour PN, should they expect to have a lead ALE, to lessen the workload during this 24-hour period.

18. Does a PWS have to have a drafted Public Notice Template ready?

Yes, drafted (but not pre-approved) 24-Hour Tier 1 Public Notification (PN) Templates are now required by MassDEP to be included in the PWS Emergency and Response Plans (ERP). This is to ensure that all PWSs are ready to comply immediately when/if a 24-Hour Tier 1 PN is required. PWS must also create a plan for distribution and include it in their Emergency Response Plan (ERP) to use should the PWS have a lead action level exceedance.

Systems are also encouraged to share their templates with MassDEP/DWP staff ahead of time for pre-approval, if they have a history of action level exceedance or historical 90th percentile results that are close to the action level (e.g. 10.0 parts per billion (ppb) or above). This is to ensure that these notices are issued within the required 24-Hour period and to reduce stress on your PWS. Tier 1 PNs are triggered once PWS learns of the lead action level exceedance, which could happen after normal business hours, or on the weekends, depending on the PWS and when sampling results are received.

MassDEP/DWP Sanitary Surveyors will begin asking to review PWS 24-Hour Tier 1 PN Templates and distribution plans during surveys, inspections and other opportunities, to confirm if PWS has met this requirement.

19. Are there other MassDEP Resources to help PWS understand the Tier 1 24 Hour Public Notice requirement for lead 90th percentile ALEs?

Yes, MassDEP has created a video which covers all of these questions, and walks systems through the process of determining when the PN is required, and how to distribute it while remaining compliant with the Federal Lead and Copper Rule LCRR and MassDEP Drinking Water Regulations. The video is available here: https://youtu.be/h_j0g5oRxNw.

20. Are there MassDEP Resources my PWS can share with consumers to help them understand this Tier 1 24 Hour Public Notice?

Yes, consumers are encouraged to review the resources below.

- a. Check out the **MassDEP Lead in Drinking Water homepages** for all lead resources:
<https://www.mass.gov/lead-in-drinking-water>
- b. For questions about the **Tier 1 24 Hour Public Notice**:
 - MassDEP DWP Tier 1 Public Notice (PN) for Lead Action Level Exceedance (ALE) Consumers Questions and Answers (Q&A): <https://www.mass.gov/doc/massdep-dwp-tier-1-public-notice-pn-for-lead-action-level-exceedance-ale-consumers-questions-and-answers/download>
- c. For questions specifically about **LCRR requirements**:
 - MassDEP Consumer's Frequently Asked Questions about the LCRR Service Line Inventory Webpage: <https://www.mass.gov/info-details/consumers-frequently-asked-questions-about-the-lcrr-service-line-inventory>
- d. To see more information about **Service Line Inventories**:
 - **Massachusetts Service Line Inventories Hub Site**: <https://lead-service-line-inventory-mass-eoeea.hub.arcgis.com/>
 - Service Line Inventory Summary Sheet: <https://www.mass.gov/doc/service-line-inventory-summary-data-march-2025/download>
- e. For more information about **lead and reducing lead exposure**:
 - **What you Should Know about Lead in Drinking Water and Consumer Notices**: <https://www.mass.gov/doc/what-you-should-know-about-lead-in-drinking-water-and-consumer-notices/download>
 - **Is there lead in my tap water?**: <https://www.mass.gov/guides/is-there-lead-in-my-tap-water>
 - If your home or facility service line is made of an **unknown material**, use this guide to understand how to inspect it:
 - i. EPA's Protect Your Tap Quick Check For Lead: <https://www.epa.gov/ground-water-and-drinking-water/protect-your-tap-quick-check-lead-0#>