LCR Failure to Remove the

Required Number of LSLs

Template 2-27

**Instructions:** (Template follows instructions)

National Primary Drinking Water Regulations are enforceable drinking water standards expressed as maximum contaminant levels (MCLs) or treatment technique (TT) requirements. A TT requires the use of a process, practice or device and is established in lieu of an MCL.

The Lead and Copper Rule (LCR)’s TTs includes: 1) corrosion control treatment, 2) source water treatment, 3) lead service line (LSL) replacement, and 4) public education. Failure to remove the specified number of lead service lines in the specified period when required to do so in accordance with the 310 CMR 22.06B(5) is a TT violation requiring Tier 2 public notification (PN).

**When must notice be provided?**

You must provide PN to persons served as soon as practical, but **within 30 days after you learn of the violation** (310 CMR 22.16 (3)(b)).

**When must repeat notice be provided?**

You must issue a repeat notice every three months for as long as the violation persists.

* Remember, to check with your regional MassDEP office to make sure you meet all requirements. Your MassDEP Regional Office must approve the final language and method of delivery prior to dissemination. MassDEP strongly encourages PWSs to have a pre-approved plan to expedite the PN.

**Delivery Methods**

Community systems must use both of the following methods (310 CMR 22.16 (3)(c)):

* Mail or other direct delivery
* Any other method reasonably calculated to reach other persons regularly served by the system (e.g., newspaper publication, delivery to apartments or large businesses, public posting, web posting, delivery to community organizations)

Noncommunity systems must use both of the following methods (310 CMR 22.16 (3)(c)):

* Posting in conspicuous locations, mailing or direct delivery
* Any other method reasonably calculated to reach other persons served by the system (e.g., newspaper/newsletter publication, email, delivery of copies to central locations)

If you mail, post, or hand deliver, print your notice on your system’s letterhead, if available.

The following template is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements (310 CMR 22.16(5)) and leave the mandatory language unchanged.

**Mandatory Language**

Mandatory language on health effects (310 CMR 22.16(5)(d)) for your PN, which must be included exactly as written, and as presented in *italics* below and on the template.

*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.*

Please note the Final EPA Lead and Copper Rule Revisions has provided updated health effects language that MassDEP now includes in the above statement.

You must also include the following italicized language in all notices, where applicable. Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

*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.*

And

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable.This language is also presented in this notice in *italics*.

*This notice contains important information about your drinking water. Have someone translate it for you or speak with someone who understands it.*

**Remember, your MassDEP Regional Office must approve the final language and method of delivery prior to dissemination.**

**Description of the Violation**

In accordance with 310 CMR 22.06B(5), no later than 12 months after the end of a monitoring period in which a system exceeds the lead action level in sampling required by 310 CMR 22.06B(7)(d)2., the system shall remove at least 7% 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. Systems that resume a lead service line replacement program after having met the criteria in 310 CMR 22.06B(5)(f) shall divide the updated number of lead lines by the remaining years in the program to determine the number of lines that must be replaced per year.

**Corrective Action**

In your notice, describe corrective actions you are taking. You can use the following language, if appropriate, or develop your own text:

* Our system has a program to remove lead service lines. We are taking the following corrective actions: *The system must include the actions taken and planned to address the violation*.

**Highlighted text in Template**

Please note on the template that anything highlighted in green are instructions to you and should be deleted before dissemination. Text highlighted in yellow should be tailored to suit your specific circumstance. Remove all highlights on the template before dissemination.

**After Issuing the Notice**

Within 10 days of completing the PN send your MassDEP Regional Office and your local board of health a copy of each type of notice and MassDEP’s Certification form showing that you have met all the PN requirements (310 CMR 22.15(3)(b)).

You should notify health professionals in the area of the exceedance. People may call their doctors with questions, and these doctors should have the information they need to respond appropriately.

**Note** - The EPA/ASDWA Public Notification Handbook provides additional aids to help water systems develop notices for violations and other situations. An electronic copy of the Public Notification Handbook is available at EPA's web site (<https://www.epa.gov/dwreginfo/public-notification-rule-compliance-help-water-system-owners-and-operators>). Please note that the EPA/ASDWA Handbook templates are non-state specific, so Massachusetts’s water suppliers are required to use the Massachusetts’ version of the templates for compliance purposes. Electronic copies of the Massachusetts’ public notification templates are available on the MassDEP websiteat: <https://www.mass.gov/lists/public-notification-forms-and-templates>.

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

*This notice contains important information about your drinking water.*

*Have someone translate it for you or speak with someone who understands it.*

**[System] Failed to Remove Required Number of Lead Service Lines**

Even though this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we [did or are doing] to correct this situation.

During [state date] to [end date] our water system failed to remove the required number of lead service lines in our distribution system after exceeding the lead action level on mm/dd/yyyy. A service line is the pipe that connects your house to the water main in the street. Some older service lines (built before 1986) may be made of lead.

**What happened?**

Select one of the applicable highlighted sentences and delete the other one:

[1. We routinely monitor for lead in water in homes likely to have elevated lead levels, including homes with lead service lines or lead solder] or

[2. We routinely monitor for lead in water in homes with lead service lines as they are more likely to have elevated lead levels (Only use this sentence if all the samples are from homes with LSL)].

We are required to collect [XX] samples between [insert date beginning of monitoring period] and [insert date end of monitoring period]. [XX] of these higher risk homes had elevated lead levels. The results of these routine samples for lead indicated a 90th percentile level of [XX] mg/L[or XX parts per billion]. This level exceeded the lead action level of 0.015 mg/L [or 15 parts per billion]. This means that more than 10 percent of the lead samples collected were above the lead action level. As a result, MassDEP required our system to remove [Select one of the following and delete the other one.][at least seven percent (7%) of all lead service lines in our distribution system]or[XX lead service lines] in the following twelve months. Our system was unable to replace the required amount of lead service lines. This is a violation of the Massachusetts Drinking Water requirements, and we are required to provide you with this notice.

*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.*

**What should I do?**

Listed below are some steps you can take to reduce your exposure to lead:

* **Always use only cold, fresh water for drinking, cooking, and food preparation.** Run the cold water tap for at least one minute or until after it turns cold to flush out stale water as it may contain higher levels of lead.
* **Use only cold, fresh water for preparing baby formula.** Do not use water from the hot water tap to make baby formula. Lead dissolves more easily into hot water.
* **Do not boil the water to remove lead.** Boiling water will not reduce lead. Excessive boiling can increase lead levels as lead remains behind when the water boils away.
* **Check whether your home has a lead service line. IF YOU DO, HAVE IT REMOVED.**
* [[](http://www.epa.gov/pyt.%5bInsert)if available, check for your home address on our list of homes with LSLs at [XXXXXX].
* Please contact us at [insert PWS contact information] for more information about your home's service line, how to have it removed, or for information about plumbing materials in your home that may contain lead.
* Use EPA’s Protect Your Tap tool to help identify if your service line is lead – see [www.epa.gov/pyt.](http://www.epa.gov/pyt)
* Test your water for lead**. You cannot see, taste or smell lead in drinking water.** The only way to determine the level of lead in drinking water at your home is to have the water tested by a state certified laboratory. For information on how to get your water tested call or email the contact listed below or see [www.mass.gov/certified-laboratories](http://www.mass.gov/certified-laboratories) for a list of certified laboratories.
* **Contact your health care provider if you have any health-related questions or contact your local health department to find out if your child needs to be tested for lead.** A blood lead level test is the only way to know if your child is being exposed to lead. For more information on Massachusetts’ childhood lead testing program, contact the Department of Public Health at 800-532-9571 or see [www.mass.gov/orgs/childhood-lead-poisoning-prevention-program](http://www.mass.gov/orgs/childhood-lead-poisoning-prevention-program).

**What is being done by our system?**

[Describe corrective action.]

**Where can I get additional information?**

If you have questions about your water system’s operation, water quality monitoring, or response to this issue, please contact the system operator directly. If you have questions about the drinking water regulations or health risks posed by this contaminant you can contact the MassDEP Drinking Water Program at: [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov) or (617) 292-5770. If you have questions about specific symptoms, you can contact your doctor or other health care provider.  If you have general questions about public health, you can contact the Massachusetts Department of Public Health at 617-624-5757.

For more information, please contact [name of contact] at [phone number], [mailing address], or [email].

*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.*

This notice is being sent to you by [system name]. System ID#: [XXXXXXX].

Date distributed: [mm/dd/yyyy]