**Section 611.1355 Public Education and Supplemental Monitoring**

A supplier exceeding the lead action level based on tap water samples under Section 611.1356 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 supplier must deliver a consumer notice of lead tap water monitoring results to persons the supplier serves at each site that the supplier tests, as subsection (d) 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)(F). 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)(F), 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.

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. 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.

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.

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) (2020), 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. The Agency will request correction when it perceives minor defects in future distributions of the public education materials, or the Agency will request a redistribution of corrected public education materials when it perceives major defects in the 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 611.1356 not already conducting public education tasks under this Section must complete public education tasks within 60 days after the end of the monitoring 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 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*) (2020) to appear as subsections (b)(2)(H)(i) through (b)(2)(H)(vi) to comport with allowed indent levels.

iii) The CWS supplier must make a good faith effort to locate the organizations in subsections (b)(2)(I)(i) through (b)(2)(I)(iii) that are located within the service area and deliver materials complying with subsection (a) to those organizations, along with an informational notice encouraging 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 those organizations are not located within the supplier’s service area.

BOARD NOTE: The Board moved the text of 40 CFR 141.85(b)(2)(ii)(C)(*1*) through (b)(2)(ii)(C)(*3*) (2020) to appear as subsections (b)(2)(I)(i) through (b)(2)(I)(iii) 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 website 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 determine the educational content and selection of these activities consulting with the Agency.

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 monitoring period is September 30 of the calendar year in which the sampling occurs, or on the last day of an alternative monitoring 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)(iii)

i) Public and private schools or school boards.

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

iii) Public and private hospitals and medical clinics.

iv) Pediatricians.

v) Family planning clinics.

vi) Local welfare agencies.

BOARD NOTE: This subsection (b)(2)(H) derives from 40 CFR 141.85(b)(2)(ii)(B)(*1*) through (b)(2)(ii)(B)(*6*) (2020), moved here to comport with allowed indent levels.

I) Organizations That the CWS Supplier Must Contact When Required to Do So Under Subsection (b)(2)(B)(iii)

i) Licensed childcare centers.

ii) Public and private preschools.

iii) Obstetricians-gynecologists and midwives.

BOARD NOTE: This subsection (b)(2)(H) derives from 40 CFR 141.85(b)(2)(ii)(C)(*1*) through (b)(2)(ii)(C)(*3*) (2020), 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)(D) 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; 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 monitoring 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 monitoring period is September 30 of the calendar year in which the sampling occurs, or on the last day of an alternative monitoring 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 prior to when the 60-day deadline expires.

6) A supplier may stop delivering public education materials after the supplier meets the lead action level during the most recent six-month monitoring period under Section 611.1356. The supplier must begin public education anew under this Section if the supplier subsequently exceeds the lead action level during any six-month monitoring 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.

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 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 611.1356 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 611.1356 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 residence where the supplier tested the tap).

2) Timing of Consumer Notice. The supplier must provide the consumer notice as soon as practical, but no later than 30 days after the supplier learns of the tap monitoring results.

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. The supplier must provide the consumer notice to persons it serves at the tap the supplier tested, either 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. The supplier must provide the notice to customers at sample taps the supplier tested, including consumers who do not receive water bills.

BOARD NOTE: This Section corresponds with Section 611.1355 and derives from 40 CFR 141.85 (2020).

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