

A background image of a water splash with many bubbles, rendered in shades of blue and white. The splash is horizontal and spans the width of the page, with bubbles of various sizes scattered throughout the lower half.

Strategic Plan for Targeted Outreach to Populations
Affected by Lead
Water Infrastructure Improvements for the Nation
(WIIN) Act
Safe Drinking Water Act 1414 (c)(5)

Summary of Stakeholder Engagement

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Background

As directed in the WIIN Act, SDWA 1414(c)(5)(A), EPA collaborated with diverse range of stakeholders to develop this Strategic Plan. During the annual Association of State Drinking Water Administrators' annual conference held in March 13-17 2017, members of EPA's Office of Ground Water and Drinking Water/Drinking Water Protection Division introduced the WIIN Act Strategic Plan effort. EPA staff provided a presentation outlining the WIIN Act amendments and answered questions from conference attendees.

EPA's Drinking Water Protection Division hosted two public webinars and two comment periods to receive input on the Strategic Plan. The first webinar was held on March 23, 2017. EPA explained the WIIN Act amendments to SDWA 1414(c)(5), provide an overview of the draft Strategic Plan, answer questions from stakeholders, and discuss next steps. In the first draft of the Strategic Plan, EPA noted specific aspects they wanted input from stakeholders, including timeframes, information to collect in the *Data Submission Form* (Appendix B of the Strategic Plan), methods of providing the notification to the affected households, and additional resources (templates). This webinar was attended by 575 persons representing public water systems, states, national associations and EPA.

Immediately following this webinar, EPA opened the first comment period for two weeks (from March 23, 2017 to April 5, 2017). EPA received valuable feedback from 15 stakeholders, representing two cities, two counties/state regional jurisdictions, seven state-level agencies, three associations, and two EPA regional offices. EPA received the most comments related to method of notification, data collection template, timeframes, and data validity/methods.

EPA hosted a second webinar on May 3, 2017 that was attended by 154 persons. This webinar discussed changes made to the Strategic Plan based on this input received during the first comment period. Immediately following this webinar, EPA opened the second comment period (from May 3, 2017 to May 12, 2017). EPA received comments from eight stakeholders representing four state-level agencies, three associations, and one EPA regional office. Similar to the first comment period, EPA received the most comments related to notification, and data collection, timeframes. EPA considered these comments and used them to revise and finalize the Strategic Plan.

This document contains comments received from the first draft and final draft comment period, as well as responses to those comments. It also contains questions and answers regarding the WIIN Strategic Plan from the two webinars.

[View the Final Strategic Plan for Targeted Outreach to Populations Affected by Lead.](#)

A high-speed photograph of a water splash, showing a wave of water moving across the frame from left to right. The water is clear and blue, with numerous small bubbles and larger droplets suspended in the air above and below the surface. The background is a light, bright blue gradient.

First Draft Comment

EPA opened up a 2-week comment period, from March 23, 2017 to April 5, 2017, following the release of the first draft of the Strategic Plan

Comment Category – General

EPA received comments regarding new approaches, considerations, sections or work products to be included in the Final Strategic Plan.

- 1. A commenter recommended that the Final Strategic Plan serve to define and clarify some of the vagueness with the language of the WIIN Act regarding timeframes, roles, and expectations for how EPA, the primacy agencies, and owners and operators of public water systems will provide targeted outreach, education, technical assistance and risk communication to populations affected by elevated lead.**

The Strategic Plan includes an overview of the requirements and a helpful flow diagram illustrating the steps for EPA, primacy agencies, and owners and operators of public water systems to provide public education to households with elevated levels of lead in drinking water. The plan also includes templates and suggested language that cover what information should be collected about samples, the required information that needs to be included when notifying households affected by lead, and the confirmation process.

- 2. A commenter suggested additional considerations for direct implementation programs, including who will be consulted in D.C. where there is no Governor, specific needs to address conditions for tribal lands, and other specific needs in areas where EPA is responsible for direct implementation of the drinking water program.**

The statute does not speak to these kinds of situations. However, EPA expects to handle areas where there is no “Governor” in a manner similar to where there is one. As a result, in these areas, such as tribal lands, EPA HQ will contact the public water system, the EPA regional office, and the appropriate government contact. If the public water system does not disseminate the data, the next step would be consultation with the appropriate local head of government.

- 3. A commenter indicated that while EPA’s Draft Strategic Plan adequately responds to the new mandate, they think there is an opportunity to also constructively deal with related communication challenges.**

EPA will continue to work with our partners on improvement of communications even after the issuance of the Strategic Plan. EPA will continue to provide tools (e.g. data templates, PN notices, etc.) and training on implementation of the current Lead and Copper Rule (LCR). EPA will also be considering communication challenges in regards to lead in the development of the Long Term Revisions to the LCR.

EPA received comments regarding the role and inclusion of other organizations not currently listed in the plan.

- 4. Multiple commenters requested the role of local or state health departments be included and defined with regards to elevated lead.**

EPA acknowledges that local and state health departments play a vital role in public education and outreach. How the local and state health departments are connected with each other and with drinking water agencies differs and is highly variable. Section 1414(c)(5)(B)(i) specifically directs EPA to contact the public water system and the state. EPA interprets this provision to mean the primacy agency approved by EPA to implement the drinking water program; that agency may or may not be part of the health department.

Summary of Stakeholder Engagement: First Draft Comments

If the primacy agency is not part of the health department it would be up to the state drinking water administrator and public water system to inform additional agencies, such as state and local health departments. We have added language to Step 3: “the public water system should consider contacting other local agencies, including health departments, that may provide assistance or resources to help further educate the affected household(s).”

EPA received comments suggesting the public water system may not have adequate information about the analysis to act in their prescribed role.

- 5. A commenter inquired whether the information available to a public water system is adequate for disseminating information to affected households about the samples, indicating the public water system may not have information about the analysis used to retrieve data.**

EPA has developed a *Data Submission Form* (located in Appendix B). The goal of the form is to gather as much information as possible, on the analytical methods and other sampling procedures, to best inform the public water system when EPA forwards results.

Comment Category – Required Information

EPA received comments suggesting clarification in the Strategic Plan language and Figure 1 in the Draft Strategic Plan.

- 6. A commenter suggested EPA clarify the language in the "required elements of the Strategic Plan" and in the Flow Diagram provided as Figure 1 to explain that the Governor will only be consulted if the public water system and primacy agency do not provide notice to homeowners.**

EPA has updated the text to clarify that a public water system, or state agency on behalf of the public water system, may disseminate the information prior to consulting the Governor.

EPA received suggestions regarding the required information listed in Appendix B.

- 7. Some of the comments received were:**

- **Collect information about lead sample results and include actual results with additional health-based benchmark information to households.**
- **Include confirmation sampling guidance and resources for the household in the required information when notifying households impacted by elevated lead.**
- **Include language specifying what is meant by “alternative water supplies” and how to determine when the lead concentration has been mitigated.**
- **Include information about the “Applicability of POU filters for lead removal at the tap” in necessity of alternative sources.**
- **Add steps that the homeowner can take to mitigate the problem to the required information provided to households affected by lead.**
- **Define the message that should be sent to households whose valid samples exceed the action level while the public water system does not. In the instance of an isolated household with elevated lead, and alternative water supplies are the responsibility of the homeowner.**

- **Use existing LCR public education templates and data information to determine what information is required and to help consumers understand the differences between LCR data and WIIN data.**

EPA has taken into consideration the above comments and added templates to Appendix B for public water systems to provide information to the affected homes. There are two versions of *Notice to Affected Household* templates, one for households where the public water system's 90th percentile level is below the action level and the public water system becomes aware of a household's lead sample result that is greater than 15 ppb; and one for households where the public water system becomes aware of a household's lead sample results greater than 15 ppb and the 90th percentile value for the public water system is above the lead action level. The templates provide information on lead in drinking water, health effects, how to reduce exposure, alternative sources of water, and what steps the public water system is taking.

8. **One commenter recommended that EPA's standard health effect language be revised based on new science and risk communication methods.**

The standard health effects language is part of EPA's regulations. EPA is undertaking a review of this language based on the new science and will be considering revisions in the ongoing revision to the LCR.

Comment Category – Education

EPA received comments regarding new approaches, considerations, sections or work products.

9. **Commenter suggested developing an educational pamphlet for public water systems, the primacy agencies, and EPA to use to effectively communicate risk to households impacted by lead.**

The plan includes *Notice to Affected Household* templates and suggested language that cover what information should be collected about samples, the required information that needs to be included when notifying households affected by lead, and the confirmation process. This Strategic Plan is meant to be a resource for EPA, primacy agencies, public water systems, and consumers to implement effective targeted outreach to homes affected by lead in drinking water.

EPA received comments regarding the role and inclusion of other organizations not currently listed in the plan.

10. **A commenter recommended that commercial laboratories be educated on the new protocol so they can advise their clients about where to send results.**

EPA intends to host a roll-out webinar following the release of the final Strategic Plan. The webinar will be open to the public, and laboratories will be encouraged to participate.

Comment Category – Tracking/Recordkeeping

EPA received several comments regarding tracking of notifications.

- 11. Multiple commenters inquired how EPA will know if the public water system has provided the notification to the affected household and how the public water system can prove it has met notification requirements.**

Once the public water system has disseminated the required information, they should notify EPA and the primacy agency with a confirmation. Appendix B has an example *Information Delivery Confirmation* template. Confirmation may be submitted by email, fax, or mail, along with a copy of the information sent to the affected household. By public water systems (or states) submitting the *Information Delivery Confirmation* form in a timely manner following disseminating the information, it would complete the Strategic Plan sequence of steps.

EPA received comments regarding the timeline and process for the primacy agency to step in when the public water system does not disseminate information.

- 12. A commenter inquired if it would make more sense, in the case that the public water system does not send notices within the required timeframe, for the primacy agency to notify the households rather than notifying EPA that the information was not disseminated.**

The Strategic Plan includes this suggestion. As explained in Step 3: “The state primacy agency may disseminate the required information on behalf of the water system”. If the information is not disseminated at Step 3 within the determined timeframe, the next step is for EPA to notify the Governor.

Comment Category – Timeframe

EPA received general comments on the timeframes suggested throughout the Draft Strategic Plan.

- 13. Several commenters provided timeline recommendations for when developed or received data shows exceedance of the lead action level. The recommendations ranged from the public water system should be able to deliver results to the households impacted by elevated lead by close of the next business day, to within five business days of receiving the results. Another commenter recommended that notification timeframe longer than a week be the exception rather than the rule and that the whole process should not take longer than 15 business days.**

One commenter suggested that timeframes be developed to account for system size and type and suggested systems serving more than 10,000 people notify homeowners within 72 hours and systems with 10,000 or fewer people notify homeowners within 7-10 days. However, multiple commenters recommended public water system size and capacity not be included as factors in determining the timeframe within which the public water systems must disseminate information and that the timeframe in the Final Strategic Plan be the same for all public water systems.

EPA will work with the state and public water system to determine an appropriate timeline at the time of the event, based on such factors as the level of lead and the number of households that must be notified. As a general rule of thumb, the likely timeframes would be 2 business days for one to ten

Summary of Stakeholder Engagement: First Draft Comments

households and five business days for 11 or more households. Other factors may suggest a longer or shorter period of time. For example, if there is a significant health based risk, notifications should be provided more quickly.

- 14. One commenter suggested that the timeline should be based on what qualifies as dissemination of the information and should account for the method of delivery if dissemination is not complete until the household receives the information.**

One commenter indicated that a letter mailed within the required timeframe should be considered “on-time.” While another commenter inquired if the timeline accounts for mailing time for information to reach the homeowner and if mailing should be standardized.

EPA will base the timeline for dissemination of the required information on the date of delivery by the public water system (or states on their behalf), not on the date of receipt by the affected household.

EPA received comments with suggestions about a timeframe for data validation by EPA.

- 15. Multiple commenters recommended EPA verify the data as soon as reasonably possible with a suggested timeframe of 2 weeks. Another commenter suggested 48 hours.**

A commenter suggested that EPA forward the data to the public water system and the primacy agency within 48 hours of verifying the information. Others suggested within 72 hours of verifying.

Upon receiving the sampling information, EPA intends to complete the Data Submission Form template by close-of-business the following business day. This template will then be sent to the primacy agency and the public water system.

EPA received comments suggesting the primacy agency sends the required information.

- 16. A commenter suggested the lead mitigation and health effect information should be disseminated by the primacy agency to the affected customers and for the primacy agency to notify the public water system of the test results in that same process.**

The WIIN Act requires that EPA provide the sampling information to both the public water system and the primacy agency. EPA understands that in some situations state agencies may do public education/notification on behalf of a water system. The state may, on behalf of the water system, conduct the dissemination. We have built that flexibility into the Strategic Plan.

EPA received comments suggesting information is provided to public water systems in a way that facilitates their ability to act quickly.

- 17. A commenter suggested that the information EPA collect in Step 1 should be provided to the public water system and primacy agency.**

The strategic plan includes a *Data Submission Form* template that covers information about sample collection so EPA can provide ample information to the state and public water system.

Comment Category – Data Validity/Methods

EPA received several comments regarding approved methods for sampling and how data will be validated.

- 18. Multiple commenters provided suggestions on the use of approved methods. Their suggestions included only allowing public water system or primacy agency data be used, presence absence test kits such as those purchased at a hardware store should not be allowed, and that the Lead and Copper Rule requirements in terms of analytical methods, sampling procedures, and usage of certified labs be used. However, one commenter recommended that residents are notified of results even when details of the sampling method are not available or when the sample does not meet the requirements for compliance sampling and that any EPA approved method to analyze lead in drinking water should qualify as accepted or best available method.**

As noted above EPA received conflicting input on what constitutes “accepted method or best available method” as required under the statute, some saying only EPA approved methods and sampling protocols; others suggesting a broader range of methods are acceptable. Approved methods include those identified in the LCR, found in the Table in 40 CFR 141.23(k)(1) plus Appendix A to Subpart C of Part 141. The use of best available methods will be determined on a case by case basis. Presence absence test kits are excluded because they do not indicate if the sample is above the lead action level. EPA has developed a *Data Submission Form* template to gather information on the analytical methods and provided the result is above the lead action level and comes from an accepted or best available method, then EPA will follow the WIIN Act (SDWA 1414(c)(5)) process.

EPA received comments suggesting how to handle invalidated samples.

- 19. Multiple commenters recommended that the WIIN Act strategic plan document those situations where submitted data does not trigger the requirements of the Act. Information about how to handle those samples should also be included.**

If the data does not meet the requirements of Section 1414(c)(5)(B) because the result is below the action level or the analytical method used was not an accepted or best available method (e.g., only a presence/absence test), then EPA will work with the state primacy agency to follow up with the individual who submitted the data, answering any questions the individual might have regarding lead exposure, sampling/testing, and ways to minimize lead exposure.

Comment Category – Authority

EPA received a comment about how they will know a sample was collected in an area served by a public water system.

- 20. A commenter inquired as to how EPA would know if a sample is collected in an area served by a public water system.**

The *Data Submission Form* template that EPA developed (Appendix B), requests information intended to document which public water system services the house. After EPA sends the data and supporting information to the public water system (Step 2), the public water system may also verify the house is within the distribution system by checking their records.

EPA received several comments that the information in the Draft Strategic Plan under Step 2 were inconsistent

21. Multiple commenters indicated a conflict between Section (5)(B)(i) of WIIN which states that the Administrator shall require an appropriate employee of the Agency to forward data and information to the public water system and Step 2 of the plan which indicates that EPA will forward data to the primacy agency, then the State Drinking Water Administrator which will disseminate the information to the public water system. Commenters recommended clarification of this difference in the plan. One commenter suggested that Figure 1 match the narrative steps regarding how the public water system developed or received data in Step 2.

A commenter recommended that all data and information be provided to the public water system and primacy agency at the same time when the appropriate EPA employee sends data after verification.

EPA has revised the Strategic Plan text in Step 2 to better align with the WIIN Act. The Strategic Plan indicates that the data and information will be sent to the state primacy agency and public water system.

Comment Category – Data Collection

EPA received comments regarding the need for a template or data sheet for sample collection and analysis.

22. Multiple commenters recommended using a data template to collect sampling information.

EPA has developed a *Data Submission Form* template which is located in Appendix B.

EPA received comments suggesting information be collected by EPA.

23. Multiple commenters suggested that EPA should collect additional information as part of Step 1 data collection process to verify results.

EPA has incorporated these suggestions into a *Data Submission Form* provided in Appendix B.

Their suggestions included:

- **The names and contact information (email, phone) of the homeowner and individuals who resides at the residence.**
- **The age of the residence.**
- **Contact information for the sampler and person who facilitated sampling.**
- **Whether the sampler is certified for sampling drinking water.**
- **Contact information for the sampling location including phone number and email address.**
- **A copy of the laboratory report.**
- **The method of analysis used to determine lead exceedance.**
- **The lab and individual who conducted testing.**
- **Whether the lab and individual that conducted testing are certified for the method they used.**
- **Description of the type of building and whether the building was occupied at the time of sampling.**

- A description of the location (kitchen, bathroom, drinking fountain) of the sample.
- The purpose or circumstance of the initial sampling.
- The type of sample, sample volume, and sample results.
- Time of sample collection.
- The last time the water was used prior to the sample being collected.
- If hot or warm water was last used before the fixture was stagnant.
- How long the water sat stagnant before the sample was collected.
- If the tap sampled is regularly used for drinking or cooking.
- When the building was built.
- If the house is connected to a public water system.
- Plumbing material at the site and if lead plumbing is present.
- If there have been any recent plumbing changes or remodeling within the residence and the dates and types of plumbing work.
- If there is PEX plumbing within the residence.
- If there is any type of treatment currently in use, such as a water softener or other type of POU/POE and if they are present, and whether it was bypassed or turned off before the sample was collected.

Comment Category – Method of Notification

EPA received comments suggesting information is provided to public water systems in a way that facilitates their ability to act quickly.

24. The commenter recommends simplifying this protocol, so that once EPA verifies the data that has been submitted, appropriate educational materials are distributed to the affected households with a “cc” notation to the public water system that serves the household and to the primacy agency that oversees the public water system. Commenters stated that this would be a much faster method to ensure that affected households receive appropriate information in the most efficient manner, and that such direct action by EPA also better supports the public health protection goal of the SDWA.

The intent of Section 1414(c)(5) is that notification by EPA to households is a fall back measure and should only occur after first notifying the Governor. EPA recognizes that public water systems have a relationship with their customers. Also, section 1414(c)(5)(b)(ii) indicates that the public water systems may already have received the information and notified customers, in which case, there would be no need to contact the Governor or for EPA to notify households.

EPA received comments suggesting they identify the EPA point of contact to be copied on primacy agency correspondences.

25. Multiple commenters recommended, if EPA needs to be included on correspondences between the primacy agency and the public water system, that EPA delineate which office and point of contact should be included in correspondences.

Public water systems and primacy agencies should include the EPA employee that sent them the data, which may be either a regional or headquarters employee, as the designated point of contact. If the

point of contact is an EPA regional employee, that employee should notify the division director for PWSS implementation at EPA headquarters.

EPA received comments suggesting who should be contacted by the public water system in the event of elevated lead.

- 26. One commenter suggested that EPA may consider providing guidance on who should be notified if testing was done at an unoccupied building, if the owner differs from the resident, or if a condominium was tested. Another commenter suggested that the Final Strategic Plan include notification to all residents, not just property owners, and in the case a sample is not from a household, all consumers.**

One commenter indicated that notifying the homeowner may be difficult if that person is not the point of contact for the sample when it is submitted to EPA. They recommend that the notice contain instructions for the person receiving the results to inform others consuming water at that location.

Step 3 in the Strategic Plan has been revised to better address these situations. The information must be disseminated to the affected households, and therefore it should be directed to occupants of the households. If the occupants are not the property owners, the public water system may also send a copy of the information to the owner or property manager. If the billing address does not appear to be the service location (i.e. if the bill goes to an address other than the service address or to a PO Box) the public water system should consider hand-delivered notifications or other methods to meet the requirement to notify the affected household. If the household is an apartment, the information must be disseminated to the unit(s) tested, and should also be provided to the property owner or property manager. If the household is unoccupied, the information must be provided to the owner. EPA recommends that it also be provided to the person that submitted the applicable data.

EPA received comments regarding the suggested method of notification.

- 27. Commenters recommended EPA consider allowing notification to be made through e-mail with a confirmation request and follow-up by mail or phone calls, regular mail delivery, and hand delivery. They suggested sending notices to the sampling location address to reach current tenants and users of the water.**

Multiple commenters recommended that the methods of communication, notification timeline, and language mimic the lead consumer notice protocol and form.

EPA has updated the *Notice to Affected Household* templates in Appendix B. Step 3 in the Strategic Plan has been revised based on feedback of suggested methods of notification. Information should be directly delivered to the affected household(s) by mail, preferably certified mail, hand delivered, or may be provided via electronic delivery if the public water system has a robust online billing system and a means to ensure that they will be able to reach the affected household directly via email. Public water systems or states that decide to utilize electronic notifications, are strongly encouraged to follow the [Safe Drinking Water Act – Consumer Confidence Report Delivery Options Memorandum](#) for best practices.

EPA received comments noting that Step 3 and the narrative language of Step 4 should be clarified.

28. A commenter indicated that Step 4 does not suggest that a primacy agency may intervene in the event a public water system fails to disseminate information but Step 3 states that they may.

For Step 3, EPA understands that in some situations state primacy agency may do public education/notification on behalf of a public water system. EPA has attempted to build that flexibility into Step 3. For Step 4, Section 1414(c)(5)(B)(iii) notes that if the owner or operator does not disseminate the information in the giving timeframe, then EPA Administrator will consult with the Governor. It will then be up to the Governor and the Administrator to develop a plan to disseminate the information, which may include the state primacy agency. EPA has added additional text to Step 5 to offer that a state agency is an option for disseminating information, if the Administrator and Governor agree to it during consultation.

EPA received a question about whether the sample results from WIIN samples (non-compliance related samples) needs to be included in the public water system's Consumer Confidence Report (CCR).

29. One commenter stated that public water systems must include the results from all LCR compliance samples, plus the results from any “system-collected” samples that are in response to customer requests in their CCR, as long as the sample site meet the LCR Tiering requirement. They expressed concerns about whether the public water system would have enough information to make that determination.

Section 1414(c)(5) states that the samples are from a source other than a state or public water system; therefore, this information is not required to be part of the CCR. Under the CCR (40 CFR 141.153(d)(3)), the data included in the report must be derived from data collected to comply with EPA and state monitoring and analytical requirements. However, EPA noted in the first webinar EPA hosted, the public water system may wish to collect a confirmation sample after EPA forwards the data. Under the CCR (Section 141.153(h)(5)), the system may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report.

Comment Category – Confirmation Template

EPA received several comments regarding an appropriate method to confirm that the public water system notified the consumers.

30. Commenters recommended that standardized template be used for confirmation of the actions taken by the public water system. They suggested that it includes date of receipt of information regarding household lead exceedance data, date information was distributed, and identification of the delivery method used. While another commenter suggested the confirmation follow the certification form requirements for consumer notice of lead results and the public water system should submit the lead consumer notice(s) along with the certification form to the primacy agency via email, fax, or mail.

EPA has incorporated these suggestions to develop an *Information Delivery Confirmation* template in Appendix B.

- 31. Multiple commenters recommended methods for the public water system to submit the confirmation along with a copy of the notice to the affected households to the primacy agency and EPA. Methods included email, fax, mail, or by phone (for small systems). A commenter noted that the method of confirmation may also impact the timeframe.**

EPA has revised the text in Step 3 to reflect the methods of submitting the notification: "Confirmation may be submitted by email, fax, or mail, along with a copy of the information sent to the affected household. EPA suggests that confirmation sent by email and include a receipt request." EPA did not include confirmation over phone because that method would not provide documentation for record keeping purposes.

Comment Category – Consultation with Governor

EPA received several comments regarding the State Governor's involvement in the notification process.

- 32. One commenter recommended several times that EPA include the primacy agency in outreach to the State Governor and in any consultation.**

EPA agrees with the commenter and this is now reflected in the strategic plan under step 4.

EPA received several comments regarding the best way for EPA to consult with the State Governor.

- 33. One commenter inquired why there would not be a plan in place prior to EPA's consultation with the State Governor to disseminate information in accordance with the Strategic Plan. While another commenter stated that they believed the requirement to have EPA consult with the State Governor will hinder a prompt response to a report of high lead in a consumer's drinking water.**

EPA and the governor will need to consider why the primacy agency/public water system did not disseminate the information and make a case-by-case decision on the best way to effectively and quickly disseminate the information to the homeowner.

EPA received comments regarding the timing of dissemination of information by EPA after consultation.

- 34. A commenter recommended that at Step 6 EPA meet the same response timeframe for information dissemination as required of the public water system.**

Section 1414(c)(5)(B)(iv) notes that the EPA administrator will disseminate the information "as soon as practicable." EPA will utilize the same timeline used in Step 3 based on the number of affected households requiring notification. After EPA disseminates the required information, the WIIN notification process is complete.

Comment Category – Action Level

EPA received multiple comments regarding the appropriate trigger for when notice should be provided. Commenters expressed concerns regarding the use of 15 ppb from a single sample as a trigger that requires notification.

35. One commenter questioned the use of 15 ppb as a trigger, when EPA's LCR 3 Ts for Schools and Daycares uses a trigger of 20 ppb for individual samples and asked for clarification.

The WIIN Act (SDWA 1414(c)(5)(B)(i)) states: "lead action level under section 141.80(c) of title 40, Code of Federal Regulations (or a prescribed level of lead that the Administrator establishes for public education or notification in a successor regulation promulgated pursuant to section 1412)." Currently the lead action level prescribed in this regulation is set at 15 ppb. This value cannot be altered in this strategic plan.

36. Another commenter asked, "Why is the Action Level coming into consideration or will the regulation embrace the proposed health effect action level proposed under a revised LCR?"

As noted above the action level is referenced in the WIIN Act (SDWA 1414(c)(5)) and is a value that cannot be changed in this Strategic Plan. The lead action level is codified in 40 CFR 141.80(c) and exceedance of the action level triggers public education, among other actions. If EPA establishes a revised action level in 141.80(c) the revised value would be used for purposes of "triggering" implementation of the strategic plan. SDWA 1414(c)(5) also states that the trigger could be a "prescribed level of lead that the Administrator establishes for public education or notification in a successor regulation promulgated pursuant to section 1412." If in revising the LCR, EPA establishes a health-based benchmark for lead and it meets the requirements noted above, it could be used for triggering the SDWA 1414(c)(5) requirements.

A high-speed photograph of water splashing, with a large, clear bubble at the top center and many smaller bubbles scattered throughout the frame. The water is a deep blue color, and the background is a light, hazy blue.

Final Draft Comments

EPA opened up another comment period, from May 3, 2017 to May 12, 2017, following the release of the final draft of the Strategic Plan

Comment Category – General

EPA received comments regarding tracking and dissemination of the information included in the Final Strategic Plan.

1. A commenter asked if there is a tracking mechanism for this program.

Yes, EPA will have an internal database to track information disseminated under this process. The database will be used by EPA staff at the regional offices and HQ to coordinate efforts.

2. Several commenters have suggested that EPA should disseminate the information. By doing so, the affected households would receive the information quicker.

The intent of Section 1414(c)(5) is that notification by EPA to households would be a last resort and should only occur after first notifying the Governor. EPA recognizes that public water systems have a relationship with their customers. Also, section 1414(c)(5)(b)(ii) indicates that the public water systems may already have received the information and notified customers, in which case, there would be no need to contact the Governor or for EPA to notify households.

Comment Category – Data Validity/Methods

EPA received several comments regarding approved methods for sampling and how data will be validated.

3. One commenter noted that the WIIN Act (SDWA 1414(c)(5)(B)) is triggered according to the lead action level shown in the LCR 40 CFR 141.80(c)(1), which is greater than 0.015 mg/L for lead. They suggested that sample volume be consistent with LCR 40 CFR 141.86(b)(2), which is one liter. Smaller or larger sample size than one liter can affect the results when extrapolating to mg/L.

The WIIN Act (SDWA 1414(c)(5)(B)) does list 40 CFR 141.80(c)(1) as the triggering threshold for lead. However, for methods it does not list 141.86(b)(2); rather it cites SDWA 1412(b)(3)(A)(ii) which specifies data collected by “accepted methods or best available methods”. Not all acceptable or best available methods may require a 1-liter sample volume. However, EPA will request information on the sample volume in the *Data Submission Form* which will be sent to the public water system and the state.

4. Another commenter noted that the message to the homeowner may depend on sampling methods. They noted that variables such as sample volume, stagnation time, POU/POE treatment, analytical method or laboratory, etc. can impact results. Without some guidance, customers may overreact causing great expense but little increased health protection. They expressed concern that there will be burden on the states/public water systems to interpret sampling variables, and suggested EPA develop guidance for states to help communicate with water systems and customers about the quality of the sample results and appropriate response.

The WIIN Act amendments to SDWA 1414(c)(5) require sample data to be collected by accepted methods or best available methods as specified in section 1412(b)(3)(A)(ii). EPA believes that the level of examination of the data and methods the commenter suggests is beyond what the statute requires. EPA has provided templates to notify the affected households in Appendix B; the public water system and state may customize these before providing to the households.

- 5. A commenter expressed disappointment that EPA does not appear to be providing any validation of the data or providing any assistance to the customers to help them determine the significance of the results.**

EPA will use the *Data Submission Form* to collect as much information about the sample and analysis methods as possible. Sampling and analysis methods must meet the requirements of section 1412(b)(3)(A)(ii), which states “data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies use of the data).” EPA has also developed a *Notice to Affected Household* template which may be used by the public water system to provide the required information to the customer on the potential adverse health effects of lead, the steps the owner or operator of the public water system is taking to mitigate the concentration of lead, and the necessity of seeking alternative water supplies.

Comment Category – Data Collection

EPA received comments regarding the information included in the Data Submission Form.

- 6. A commenter noted that it may be difficult to determine if data received from a household is served by a public water system. They pointed out that there is no database of addresses that you can use to determine what water system an address is served by. They caution that EPA will receive well samples that are not applicable to the WIIN Act (SDWA Section 1414(c)(5)) because they are not a public water system.**

EPA has added a question in the *Data Submission Form* to ask the person that providing the data "Does this residence received a water bill?" By asking this, EPA hopes to isolate households served by a public water system.

- 7. A commenter suggested that EPA adopt all available authorities and policies that would allow for the owner/operator of a public water system access to the source of the initial data and information indicating that the drinking water of a household exceeds the action level for lead for purposes of reliability in the initial data and information.**

SDWA Section 1414 (c)(5)(B)(i), states that “the Administrator shall require an appropriate employee of the Agency to forward the data, and information on the sampling techniques used to obtain the data, to the owner or operator of the public water system and the State in which the affected household is located...” It is EPA’s intention to collect as much information about the sample as possible in the *Data Submission Form* and to provide this to the public water system and state.

Comment Category – Notification

EPA received comments about ensuring proper notification to affected households is achieved.

- 8. One commenter noted that on the flowchart in box 3, it mentions that the state can disseminate the information on behalf of a public water system, but it is not included in the narrative.**

This is included as the last sentence in Step 3. The SDWA 1414(c)(5) focuses on the public water system disseminating information; however, EPA understands that in some cases (e.g. small systems) the state may disseminate required notices on behalf of a water system.

- 9. Multiple commenters expressed concern about sending a copy of the information to the owner of a rental property in addition to the affected household. A public water system will only know who gets the water bill, not necessarily if it is a landlord or tenant.**

EPA has modified the text in Step 3 as follows:

“If the occupants are not the property owners, the public water system should also send a copy of the information to the owner or property manager. If the billing address does not appear to be the service location (i.e. if the bill goes to an address other than the service address or to a PO Box) the public water system should consider hand-delivered notifications or other methods to meet the requirement to notify the affected household. If the household is an apartment, the information must be disseminated to the unit(s) tested, and should also be provided to the property owner or property manager.”

Comment Category – Timeframes

EPA received comments on the appropriate timeframe for a public water system to disseminate information to the affected households.

- 10. One commenter suggested that the owner/operator of a public water system should be provided up to 30 days to disseminate information. Another commenter suggested that the timeframes listed should be in business days and not hours. They also expressed that EPA should also consider circumstances in addition to the number of households to be notified including size of the public water system and its staffing level, state water program staffing level, weekends, holidays, vacations, or sick leave.**

As part of this strategic plan, EPA has developed resources that a public water system can use to provide the necessary information to help facilitate a prompt response. EPA will work with the state and public water system to determine an appropriate timeline at the time of the event, based on such factors as the level of lead and the number of households that must be notified. As a general rule of thumb, the likely timeframes would be 2 business days for one to ten households and 5 business days for 11 or more households. Other factors may suggest a longer or shorter period of time. For example, if the public water system lack capacity to easily disseminate additional time may be allowed whereas if factors indicate a significant health based risk less time may be required. Timelines are for public water systems (or states on their behalf) to dissemination information.

- 11. Another commenter asked how long would a public water system have to submit the certification form to EPA and the state before EPA moves to Step 4 in the strategic plan and contacts the Governor.**

Once the public water system has disseminated the required information, the public water system should notify EPA and the primacy agency with a confirmation of delivery to the affected household. Confirmation may be submitted by email, fax, or mail, along with a copy of the information sent to the affected household. EPA suggests that confirmation sent by email and include a receipt request. These

methods will help ensure prompt notification within the dissemination timeframe so that EPA does not unnecessarily initiate consultation with the Governor as described in Step 4 of the strategic plan.

- 12. Another commenter noted that at Step 4 the Governor will only have 24-hours to provide the required information to the affected households, whereas if they allow EPA to disseminate the data at step 6 it could be significantly longer, as the strategic plan allows for the same timeframe the public water system was provided at Step 3.**

EPA acknowledges this situation and this may be a consideration at Step 4 during the consultation period with the Governor. No changes were made to the document.

Comment Category – Lead and Cooper Rule

EPA received comments about the relationship of this effort to the Lead and Copper Rule.

- 13. A commenter suggested EPA adopt a policy to modify the Lead and Copper Rule by delinking the in-home tap samples from public water system compliance. The current system of in-home monitoring is problematic (unworkable, unreliable, error-prone, and not an indicator of contamination) and needs to be replaced with a new scheme as suggested in the recommendation by the National Drinking Water Advisory Council.**

EPA appreciates the input from the commenter, however this comment is beyond the scope of the development of this Strategic Plan as required under SDWA 1414(c)(5). The revision to the LCR is under development.

- 14. Another commenter expressed concern about follow up samples collected by the public water system being used for compliance with the Lead and Copper Rule.**

EPA notes that a sample collected by a public water system could, in certain situations, be used for compliance with the LCR. This issue is not specifically discussed in the Strategic Plan and no changes have been made to the text.

Comment Category – Templates

EPA received comments to improve the Data Submission Form.

- 15. A commenter noted that not all homeowners may know what a POU/POE treatment device means.**

A Point of Use (POU) and Point of Entry (POE) water filters are two types of filter systems that maybe found within a household. POU filters are found at the location of use such as in the kitchen sink where are a POE system connects directly to your water line and acts as a central filtration system for your whole house. These terms are now spelled out in the *Data Submission Form*.

- 16. A commenter noted the importance of a chain of custody and suggested EPA require the chain of custody for samples. Sample documentation should include the conditions under which the evidence**

is gathered, the identity of all evidence handlers, duration of evidence custody, and the manner in which the data and information is transferred to the EPA.

EPA added a line item to the *Data Submission Form* regarding chain of custody. If provided this will be included in the information forwarded to the state and public water system.

- 17. A commenter suggested adding stagnation time and the name of sample collector to the *Data Submission Form*. Another commenter suggested a field for laboratory name and certification number.**

Stagnation time is included in the section on sampling protocol. Fields were added to *Data Submission Form* to capture the name of the sample collector and the laboratory certification number.

EPA received comments to improve the Notice to Affected Households

- 18. A commenter suggested language to distinguish sample result provided in this notice from those generated by the water system for compliance with the 90th percentile value.**

EPA revised the *Notice to Affected Household* templates according to the commenter's suggestions.

- 19. A commenter suggested adding a qualification statement about data accuracy as a footnote to the table as follows:**

Note: Due to limited information received on sampling and sample handling procedures and/or due to the types of laboratory methods employed, there could be uncertainty in the accuracy of this data. Please contact us for additional information.

The amount of information EPA will collect related to the sample will vary. Adding a statement in the *Notice to Affected Household* template may not apply to all samples.

- 20. A commenter expressed confusion in the *What Steps is My Water System Taking* section. They questioned how the public water system will know if the statement regarding corrosivity is required. This would only be required for systems serving more than 50,000 people or smaller systems that have had an exceedance in the past and have installed treatment.**

EPA noted in the *Notice to Affected Household* templates that information in brackets can be included/edited to meet the specific needs of the system. If the statement does not apply to the system, then they can remove the statement.

- 21. A commenter suggested revising the section *What Steps is My Water System Taking*, to account for water systems that have already done or in the process of taking the suggested actions.**

EPA revised the notification to reflect this option.

- 22. Another commenter noted that the statement in the *Notice to Affected Household* templates regarding the lead service line replacement may not apply to all systems. They mentioned that according to the Lead and Copper Rule, a system is allowed to use corrosion control before undergoing lead service line replacement.**

EPA noted in the *Notice to Affected Household* templates that the information highlighted in in brackets can be included/edited to meet the specific needs of the system. The lead service line replacement statement may not apply to the specific water system, and therefore can be removed from the template before notifying the affected household.

EPA received comments to improve the Information Delivery Confirmation Template.

23. A commenter noted that the Strategic Plan allows the flexibility for the state to disseminate the required information on behalf of the public water system. However, the template is written exclusively for the public water system. They suggest adding a separate form for the state to use, or modifying the template to allow the state to use it.

EPA revised the *Information Delivery Confirmation* template to allow the flexibility for the state to use it in those situations where they provide notice.

24. A commenter asked who should send the confirmation to EPA, the public water system or the state. They also questioned if the confirmation should be sent to the state.

EPA added directions to the *Information Delivery Confirmation* to direct the public water system or state, whichever disseminated the information, to send to the EPA point of contact they received the data from. If the public water system disseminated the information, they may choose to send a copy of the confirmation to the state, in addition to sending it to EPA.

25. A commenter suggested including any follow up sampling results conducted by or on behalf of the public water system.

This is not required by the WIIN Act amendments to SDWA 1414(c)(5).

A high-speed photograph of a water splash, showing a horizontal line of water with numerous bubbles of various sizes rising from it. The background is a light, clear blue.

Webinar Questions and Answers

Webinars were held on March 23, 2017 and May 3, 2017

EPA Receives Data

1. What does it mean by “EPA receives data”? Does this include receipt of information from news articles?

EPA interprets “receives data” to mean the testing result from a tap sample for lead was provided directly to an EPA employee. Information obtained from a news article by itself would not trigger implementation of the Strategic Plan.

2. Who would be providing EPA with this data if it is not the public water system or the state?

Results could be generated by EPA while conducting an investigation. In the past, EPA has received sampling data from universities, students conducting research, real estate agents, concerned homeowners as well as other local organizations.

3. Are there any requirements in Section 1414(c)(5)(B) of the WIIN Act that are triggered by testing conducted by public water systems or states that have free residential lead testing programs?

No. The requirements in Section 1414(c)(5)(B) are not triggered if the data is generated by the state or public water system.

4. What happens if the data EPA receives is from a household that is not associated with a public water system? Does this requirement apply to samples collected by a homeowner not served by a public water system?

SDWA Section 1414(c)(5) only applies when the data is from a household served by a public water system (serves more than 25 persons). If EPA develops or receives data associated with a household not served by a public water system, EPA intends to contact the relevant state agency so appropriate next steps are taken; such as providing important information about lead in drinking water and how the homeowner can reduce their exposure.

5. How do you handle a multi-family residence, such as apartment buildings?

The information must be disseminated to affected households, and therefore it should be directed to occupants of the households. If the household is an apartment, the information must be disseminated to the unit(s) tested, and should also be provided to the property owner or property manager.

6. How do notifications work if the sample was collected at a public facility or school?

The requirements triggered by this section of the WIIN Act (SDWA Section 1414(c)(5)(B)) only discuss “affected households” and therefore does not apply to data EPA develops or receives regarding lead levels at a non-residential public facility or school. If EPA receives information about a sample result from a non-residential public facility or a school that exceeds the lead action level, EPA will follow up with the appropriate parties, even though it will not trigger the process outlined in the Strategic Plan (SDWA Section 1414(c)(5)).

7. How would a residence in a transient public water system be handled? Would results from a transient water system also require notification?

A Transient Non-Community Water System (TNCWS) is a public water system that provides water in a place such as a gas station, rest area, hotel, motel, or campground where people generally do not remain for long periods of time, and therefore the TNCWS is typically not serving “a household”. In some cases, however, a TNCWS may serve persons residing at the site – i.e. a “household”. In that

case, the requirements in Section 1414(c)(5)(B) would apply if EPA received data from a source other than a state or public water system that indicates the water at such a household exceeds the action level.

8. If the EPA lead action level changes will the WIIN level also change? What if EPA sets a Household Action Level, will this change the WIIN limit?

The current action level in 40 CFR 141.80(c) is referenced in SDWA section 1414(c)(5)(B) that was added by the WIIN Act. If EPA establishes a revised action level in 141.80(c) the revised value would be used for purposes of “triggering” implementation of the Strategic Plan. In addition, SDWA 1414(c)(5)(B) can also be triggered if EPA receives data that is above a “prescribed level of lead that the Administrator establishes for public education or notification in a successor regulation promulgated pursuant to section 1412”. For example, if in revising the Lead and Copper Rule, EPA establishes a health-based benchmark for lead and it meets the requirements noted above, it could be used for triggering the SDWA 1414(c)(5)(B) requirements.

EPA Evaluates Data

9. Does EPA plan to perform data validation on the submitted sample results?

EPA will share any information they receive on how the sample was collected and analyzed with the state and public water system. EPA developed the *Data Submission Form* template, found in Appendix B, in collaboration with water sector stakeholders. EPA, however, does not plan to collect a repeat or confirmation sample.

10. Do these samples need to be analyzed with an EPA approved method?

The requirements in SDWA Section 1414(c)(5)(B) are only triggered if the data “meets the requirements of section 1412(b)(3)(A)(ii)” which speaks to data collected by acceptable methods or best available methods. EPA will consider acceptable methods as those that have been approved for drinking water compliance such as the methods identified in the Lead and Copper Rule. Other methods may also be considered best available methods on a case by case basis.

11. Who will verify that proper sampling techniques were followed? How do we know the sample was analyzed by a certified laboratory and meets chain of custody requirements?

EPA has included a *Data Submission Form* template (found in Appendix B of the Strategic Plan) that will attempt to collect information about the sample including the sampling technique, if the analysis was conducted by a certified laboratory, and if chain of custody information is available. EPA developed the *Data Submission Form* template in collaboration with the water sector stakeholders in order to provide relevant information about the data for the primacy agencies and public water systems.

12. Would an exceedance from a home test kit bought at a hardware store or online retailer require a notice?

Following receipt of lead data from a source other than the state or public water system, EPA will first determine if the data is above the lead action level and was collected from an accepted or best available method, as discussed above.

13. If EPA determined that an acceptable method was not used, what happens?

EPA will share with the state and the public water system the data received. EPA will work with the state to follow up with the individual who submitted the data and provide information regarding lead in drinking water and potential health risks and ways to minimize lead exposure. However, the notification requirements of the WIIN Act (SDWA Section 1414(c)(5)) are not triggered.

14. Could the public water system be allowed to analyze an additional sample with an EPA approved method to confirm the results before notice?

When the notice requirements in Section 1414(b)(5)(B) are triggered by EPA's development or receipt of data that meets the requirements of SDWA 1412(b)(3)(A)(ii), the public water system must provide notice to the affected households. While a confirmation sample may be a standard operating procedure for public water systems when trying to evaluate lead levels, the WIIN Act (SDWA Section 1414(c)(5)(B)) does not require a confirmation sample prior to implementation of the notification requirements to the household. However, nothing in WIIN precludes a public water system from taking a sample and analyzing it with an EPA-approved method subsequent to providing the required notice.

15. How long will it take to evaluate and validate data?

Upon receiving the information, EPA intends to complete the *Data Submission Form* by close-of-business the following business day. EPA intends to use the *Data Submission Form* template to collect, share and create a record of the data EPA received, including the sampling protocols and analytical methods used to collect the data.

16. What size sample bottle is required? A 1 liter bottle used for LCR sampling or the 250 mL size similar to those in the 3Ts method?

The WIIN Act (SDWA Section 1414(c)(5)) is triggered by EPA developing or receiving data indicating drinking water of a household served by a public water system exceeds the lead action level that meets the requirements of section 1412(b)(3)(A)(ii). Section 1412(b)(3)(A)(ii) states "data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies use of the data)," but does not require any particular sample bottle size or otherwise specify sample volume. EPA will collect information on the sample volume in the *Data Submission Form*.

17. Can tap sampling be conducted at any time during the year?

The WIIN act requirements in 1414(c)(5)(B) can be triggered by samples taken at any time of year.

18. How will notification to the state be made, and to whom?

EPA will contact the state's drinking water administrator via phone and email. EPA will confirm that this notification has been received.

Data Provided to Affected Households by Public Water System

19. *Wouldn't it be more efficient for EPA to just send the results and required information and advise the state and public water system?*

Such an approach would not be consistent with plain language or intent of the WIIN Act (SDWA Section 1414(c)(5)(B)), or the federal - state partnership established when a state has primacy for implementation of SDWA. The requirements in Section 1414(c)(5)(B) trigger the federal oversight process to make sure all the relevant parties are involved and participating. The Act clearly outlines the steps EPA, the state, and the public water system must do to disseminate the required information.

20. *Why does EPA forward the information to both the state and the public water system? Could EPA forward the results to the state and then the state primacy agency could notify the affected household and not involve the public water system?*

The WIIN Act amendments (SDWA Section 1414(c)(5)) specifically require that EPA forward the information to both the state and the owner or operator of the public water system. The WIIN Act amendments also require dissemination to households by the owner or operator of the public water system. EPA understands and respects that the states have a relationship with their public water systems. States may choose to distribute the required notification on behalf of the public water system if both parties agree to this approach.

21. *How do the WIIN Act requirements apply where EPA directly implements the program for states or tribes?*

The statute does not speak to these kinds of situations. However, EPA expects to handle areas where there is no “Governor” in a manner similar to where there is one. Where EPA directly implements the Public Water System Supervision program (e.g. for many tribes and some states), EPA headquarters will contact the public water system, the EPA regional office, and an appropriate government contact. If the public water system does not disseminate the required notice, the steps outlined in the Strategic Plan would be followed just as they would for a state with primacy, except that the next step would be consultation with the appropriate head of government.

22. *What if the affected household has already received the data from the person who conducted the testing, would the public water system still be required to notify the household?*

Yes. While the person who conducted the testing may have provided the data to the affected household, the WIIN Act amendments require notification to be made by the public water system.

23. *What can the state primacy agency do to assist the public water systems?*

The state can assist a public water system that needs to provide notice under the WIIN Act (SDWA Section 1414(c)(5)) by helping answer key questions on what information must be distributed and to whom. The Strategic Plan has templates for notifying the household and confirmation of delivery that the state and public water system can use to meet the WIIN Act requirements (SDWA Section 1414(c)(5)). EPA will also assist in this effort to ensure that the required deadlines are met.

24. *What if the public water system does not disseminate the information and the state chooses to do it for them?*

EPA is aware of many situations, especially for smaller systems, where the state steps in to assist public water systems by disseminating consumer notifications or assisting with public education. EPA expects

that water systems and states will continue to work together and when the goal is to get the homeowner the information, states may choose to disseminate information on behalf of the public water system

25. Do you need to notify the affected households even if the public water system does not exceed the lead action level at the 90th percentile of collected samples?

Yes. The WIIN Act (SDWA Section 1414(c)(5)) amendments are triggered if the lead action level is exceeded by an individual sample result. We have provided two separate notification templates for a public water system that exceed the action level and those that do not.

26. Is there a timeframe within which the public water system must communicate with the customer?

EPA will work with the state and public water system to determine an appropriate timeline at the time of the event, based on such factors as the level of lead and the number of households that must be notified. As a general rule of thumb, the likely timeframes would be 2 business days for one to ten households and 5 business days for 11 or more households. Other factors may suggest a longer or shorter period of time.

27. If the occupant is not the owner of the household, does the owner also have to be notified? Who would you notify in the event a sample is taken from an unoccupied home?

If the occupants are not the property owners, the public water system should also send a copy of the information to the owner or property manager. If the billing address does not appear to be the service location (i.e. if the bill goes to an address other than the service address or to a PO Box) the public water system should consider hand-delivered notifications or other methods to meet the requirement to notify the affected household. If the household is unoccupied, the information must be provided to the owner. EPA recommends that it also be provided to the person that submitted the applicable data.

28. Under WIIN, will the public water system receive a violation, and potentially be subject to enforcement for such noncompliance, if it does not disseminate information to the affected households on time?

The WIIN Act (SDWA Section 1414(c)(5)) calls for an increasing level of notification from the public water system to the Governor and the EPA Administrator if notification is not provided. The notification required under Section 1414(c)(5) is an applicable requirement that is enforceable by EPA under SDWA.

29. Will EPA verify that the notification has been distributed by the public water system or the state?

Once the public water system has disseminated the required information, EPA recommends that they notify EPA and the state with a confirmation. If EPA does not receive such a notification, EPA may take additional steps to verify that the notification has been distributed. Appendix B has an example template of a confirmation of delivery that the public water system may choose to use. Confirmation may be submitted by email, fax, or mail, along with a copy of the information sent to the affected household.

30. Is the time of "notification" to the household the date that information was delivered to the household? What if the homeowner cannot be reached?

The time of notification is the date the information was distributed by the public water system not the date it was received by the household. Information should be directly delivered to the affected

household(s) by mail, preferably certified mail, hand delivered, or may be provided via electronic delivery if the public water system has a robust online billing system and a means to ensure that they will be able to reach the affected household directly via email. Public water systems or states that decide to utilize electronic notifications, are strongly encouraged to follow the [Safe Drinking Water Act – Consumer Confidence Report Delivery Options Memorandum](#) for best practices.

31. How will communication be handled with non-English speakers?

EPA has provided a brief translation for non-English speakers that can be provided to the affected households. The translation states “This report contains important information about your drinking water. Have someone translate it for you, or speak with someone who understands it.” It is translated into 27 languages.

32. The law also has a privacy provision. How does EPA plan to protect a customer’s privacy?

Section 1414(c)(5) provides that “any notice to the public or an affected household under this subsection shall protect the privacy of the individual customer information.” Information will only be sent to the affected households by email (with confirmation request), mail, certified mail, or hand-delivered. In addition, as the data was not collected by the public water system or the state, it will not be included in the Consumer Confidence Report (CCR) or other public notification.

33. What are alternative water sources when there is lead in the public water system?

Alternative water sources would include bottled water. Other options to reduce your exposure to lead could include a point of use water filter that is capable of removing lead. This water is only necessary for cooking, drinking and other consumptive uses, it does not impact the use of water for bathing, toilets or other non-consumptive uses. This information can be found in *Notice to Affected Household – Sample Templates* found in Appendix B.

Engagement with the Governor

34. Is there a process for the governor to offer an appropriate designee?

The WIIN Act does not establish a process for the governor to offer an appropriate designee. EPA intends to contact and consult with the Governor when required by the Section 1414(c)(5)(B). When EPA contacts the Governor, s/he could inform EPA that they are delegating responsibility for further consultation to someone else, however, the consultation period cannot exceed 24 hours, per 1414(c)(5)(B).

35. Business hours or clock hours for the WIIN Act deadlines? What about weekends?

The WIIN Act (SDWA Section 1414(c)(5)) provides several places where a process must be completed within 24 hours. This is clock hours not business hours. The WIIN Act does not provide for any consideration if this process were to occur over the weekend. In other part of the WIIN Act the requirements stated “within a time period determined by the Administrator”, in the Strategic Plan we have provided specific recommendations for these requirements in business days.

Recordkeeping

36. Are the states going to be obligated to store/maintain that data?

The WIIN Act (SDWA Section 1414(c)(5)) does not include a recordkeeping requirement.

Relationship to CFR and Other Requirements

37. What is the CFR citation that requires this notification? We do not adopt SDWA, we adopt regulations codified in the CFR.

Congress, through the WIIN Act, amended the SDWA to include this notification requirement (SDWA Section 1414(c)(5)). This amendment to SDWA calls for the development of a strategic plan with requirements for the public water system, states, and EPA to take certain actions. Implementation and enforcement of the new WIIN provisions in Section 1414 are not conditions of primacy and does not require a change in the CFR. But as explained in a previous question, the new notification is an applicable requirement that is enforceable by EPA under SDWA Section 1414.

38. How does WIIN differ from the already federally-mandated consumer tap notices and public education?

Requirements under WIIN are similar to the consumer notification provisions in the current Lead and Copper Rule. The Lead and Copper Rule requires systems taking lead samples to provide consumers with: the sample result, information about health effects, contact information for the public water system, and steps consumers can take to protect themselves.

However, notification under the WIIN Act (SDWA Section 1414(c)(5)) amendments is triggered by an individual lead sample result that is above the action level, that comes from a source other than the public water system or the state. The information being shared with the consumer includes health effects, steps the public water system is taking to reduce risk and alternative sources of water.

39. Will this data need to be included in CCRs?

The WIIN Act (SDWA Section 1414(c)(5)) amendments applies when the samples are from a source other than a state or public water system, therefore they would not be included in the CCR.

40. Is adopting the requirements of this Strategic Plan a primacy requirement?

No, this is not a primacy requirement.

41. Isn't there a requirement in the federal Lead and Copper Rule that all samples have to count towards compliance? So wouldn't these WIIN Act samples have to count towards federal Lead and Copper Rule compliance?

Data disseminated under the WIIN Act (SDWA Section 1414(c)(5)) would only be triggered if the source does not come from the public water system or the state. As a result, all data disseminated under this Strategic Plan cannot be used for compliance with the Lead and Copper Rule. If the public water system wishes to collect a follow up sample at the affected household, then this data would be considered additional data collected by the system (40 CFR 141.86(e)) and would count towards any determinations made under the Lead and Copper Rule.