

§ 141.90

40 CFR Ch. I (7–1–22 Edition)

specified for lead and copper in paragraph (a)(1)(ii) of this section. All levels below the lead and copper MDLs must be reported as zero.

(4) All copper levels measured between the PQL and the MDL must be either reported as measured or they can be reported as one-half the PQL (0.025 mg/L). All levels below the copper MDL must be reported as zero.

(b) [Reserved]

[56 FR 26548, June 7, 1991, as amended at 57 FR 28789, June 29, 1992; 57 FR 31847, July 17, 1992; 59 FR 33863, June 30, 1994; 59 FR 62470, Dec. 5, 1994; 64 FR 67466, Dec. 1, 1999; 65 FR 2012, Jan. 12, 2000; 72 FR 57819, Oct. 10, 2007; 86 FR 4303, Jan. 15, 2021]

§ 141.90 Reporting requirements.

All water systems shall report all of the following information to the State in accordance with this section.

(a) *Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring.*

(1) Notwithstanding the requirements of §141.31(a), except as provided in paragraph (a)(1)(viii) of this section, a water system must report the information specified in paragraphs (a)(1)(i) through (ix) of this section, for all tap water samples specified in § 141.86 and for all water quality parameter samples specified in § 141.87 within the first 10 days following the end of each applicable tap sampling monitoring period specified in §§141.86 and 141.87 (*i.e.*, every six months, annually, every three years, or every nine years). For tap sampling periods with a duration less than six months, the end of the tap sampling monitoring period is the last date samples can be collected during that tap sampling period as specified in §§ 141.86 and 141.87.

(i) The results of all tap samples for lead and copper including the location of each site and the site selection criteria under § 141.86(a)(3) through (10), used as the basis for which the site was selected for the water system's sampling pool, accounting for §141.86(a)(11);

(ii) Documentation for each tap water lead or copper sample for which the water system requests invalidation pursuant to §141.86(f)(2);

(iii) Water systems with lead service lines, galvanized service lines requiring replacement, or lead status unknown

service lines in the lead service line inventory conducted under § 141.84(a) must re-evaluate the tap sampling locations used in their sampling pool prior to the compliance date specified in §141.80(a) and thereafter prior to the next round of tap sampling conducted by the system, or annually, whichever is more frequent.

(A) By the start of the first applicable tap sampling monitoring period in § 141.86(d), the water system must submit a site sample plan to the State in accordance with § 141.86, including a list of tap sample site locations identified from the inventory in § 141.84(a), and a list a tap sampling WQP sites selected under 141.87(a)(1). The site sample plan must be updated and submitted to the State prior to any changes to sample site locations. The State may require modifications to the site sample plan as necessary.

(B) For lead service line systems with insufficient lead service line sites to meet the minimum number required in §141.86, documentation in support of the conclusion that there are an insufficient number of lead service line sites meeting the criteria under §141.86(a)(3) or (4) for community water systems or §141.86(a)(8) for non-transient, non-community water systems, as applicable;

(iv) The 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each tap sampling period (calculated in accordance with § 141.80(c)(4)), unless the State calculates the water system's 90th percentile lead and copper levels under paragraph (h) of this section;

(v) With the exception of initial tap sampling conducted pursuant to §141.86(d)(1)(i), the water system must identify any site which was not sampled during previous tap sampling periods, and include an explanation of why sampling sites have changed;

(vi) The results of all water quality parameter tap samples that are required to be collected under § 141.87(b) through (g);

(vii) The results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under §141.87 (b)–(e);

Environmental Protection Agency

§ 141.90

(viii) A water system shall report the results of all water quality parameter samples collected under §141.87(c) through (f) during each six-month monitoring period specified in §141.87(d) within the first 10 days following the end of the monitoring period unless the State has specified a more frequent reporting requirement;

(ix) By the start of the first applicable tap sampling period in § 141.86(d), the water system must submit to the State, a copy of the tap sampling protocol that is provided to individuals who are sampling. The State shall verify that wide-mouth collection bottles are used and recommendations for pre-stagnation flushing and aerator cleaning or removal prior to sample collection are not included pursuant to §141.86(b). The tap sampling protocol shall contain instructions for correctly collecting a first draw sample for sites without lead service lines and a first draw and a fifth liter sample for sites with lead service lines, where applicable. If the water system seeks to modify its tap sampling protocol specified in this paragraph (a)(1)(ix), it must submit the updated version of the protocol to the State for review and approval no later than 60 days prior to use.

(2) For a non-transient non-community water system, or a community water system meeting the criteria of § 141.86(b)(5), that does not have enough taps that can provide first draw or fifth liter samples, the water system must either:

(i) Provide written documentation to the State identifying standing times and locations for enough non-first-draw and fifth liter samples to make up its sampling pool under §141.86(b)(5) by the start of the first applicable monitoring period under § 141.86(d) unless the State has waived prior State approval of non-first-draw and fifth liter sample sites selected by the water system pursuant to § 141.86(b)(5); or

(ii) If the State has waived prior approval of non-first-draw sample sites selected by the system, identify, in writing, each site that did not meet the six-hour minimum standing time and the length of standing time for that particular substitute sample collected pursuant to §141.86(b)(5) and include

this information with the lead and copper tap sample results required to be submitted pursuant to paragraph (a)(1)(i) of this section.

(3) At a time specified by the State, or if no specific time is designated by the State, as early as possible but no later than six months prior to the addition of a new source or any long-term change in water treatment, a water system must submit written documentation to the State describing the addition. The State must review and approve the addition of a new source or long-term treatment change before it is implemented by the water system. The State may require the system to take actions before or after the addition of a new source or long-term treatment change to ensure the system will operate and maintain optimal corrosion control treatment such as additional water quality parameter monitoring, additional lead or copper tap sampling, and re-evaluation of corrosion control treatment. Examples of long-term treatment changes include but are not limited to, the addition of a new treatment process or modification of an existing treatment process. Examples of modifications include switching secondary disinfectants, switching coagulants (e.g., alum to ferric chloride), and switching corrosion inhibitor products (e.g., orthophosphate to blended phosphate). Long-term changes can also include dose changes to existing chemicals if the water system is planning long-term changes to its finished water pH or residual inhibitor concentration. Long-term treatment changes would not include chemical dose fluctuations associated with daily raw water quality changes where a new source has not been added.

(4) Any small system applying for a monitoring waiver under §141.86(g), or subject to a waiver granted pursuant to §141.86(g)(3), shall provide the following information to the State in writing by the specified deadline:

(i) By the start of the first applicable tap sampling monitoring period in §141.86(d), any small water system applying for a monitoring waiver shall provide the documentation required to demonstrate that it meets the waiver criteria of § 141.86(g)(1) and (2).

(ii) No later than nine years after the monitoring previously conducted pursuant to §141.86(g)(2) or §141.86(g)(4)(i), each small system desiring to maintain its monitoring waiver shall provide the information required by §§141.86(g)(4)(i) and (ii).

(iii) No later than 60 days after it becomes aware that it is no longer free of lead-containing and/or copper-containing material, as appropriate, each small system with a monitoring waiver shall provide written notification to the State, setting forth the circumstances resulting in the lead-containing and/or copper-containing materials being introduced into the system and what corrective action, if any, the system plans to remove these materials.

(5) Each ground water system that limits water quality parameter monitoring to a subset of entry points under §141.87(c)(3) shall provide, by the commencement of such monitoring, written correspondence to the State that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(b) *Source water monitoring reporting requirements.* (1) A water system shall report the sampling results for all source water samples collected in accordance with §141.88 within the first 10 days following the end of each source water monitoring period (*i.e.*, annually, per compliance period, per compliance cycle) specified in §141.88.

(2) With the exception of the first round of source water sampling conducted pursuant to §141.88(b), the system shall specify any site which was not sampled during previous monitoring periods, and include an explanation of why the sampling point has changed.

(c) *Corrosion control treatment reporting requirements.* By the applicable dates under §141.81, systems shall report the following information:

(1) For water systems demonstrating that they have already optimized corrosion control, information required in §141.81(b)(1) through (3).

(2) For systems required to optimize corrosion control, their recommenda-

tion regarding optimal corrosion control treatment under §141.82(a).

(3) For systems required to evaluate the effectiveness of corrosion control treatments under §141.82(c), the information required by that paragraph.

(4) For systems required to install optimal corrosion control designated by the State under §141.82(d), a letter certifying that the system has completed installing that treatment.

(d) *Source water treatment requirements.* By the applicable dates in §141.83, systems shall provide the following information to the State:

(1) If required under §141.83(b)(1), their recommendation regarding source water treatment;

(2) For systems required to install source water treatment under §141.83(b)(2), a letter certifying that the system has completed installing the treatment designated by the State within 24 months after the State designated the treatment.

(e) *Lead service line inventory and replacement reporting requirements.* Water systems must report the following information to the State to demonstrate compliance with the requirements of §§141.84 and 141.85:

(1) No later than October 16, 2024, the water system must submit to the State an inventory of service lines as required in §141.84(a).

(2) No later than October 16, 2024, any water system that has inventoried a lead service line, galvanized requiring replacement, or lead status unknown service line in its distribution system must submit to the State, as specified in §141.84(b), a lead service line replacement plan.

(3) The water system must provide the State with updated versions of its inventory as required in §141.84(a) in accordance with its tap sampling monitoring period schedule as required in §141.86(d), but no more frequently than annually. The updated inventory must be submitted within 30 days of the end of each tap sampling monitoring period.

(i) When the water system has demonstrated that it has no lead, galvanized requiring replacement, or lead

Environmental Protection Agency

§ 141.90

status unknown service lines in its inventory, it is no longer required to submit inventory updates to the State, except as required in paragraph (e)(3)(ii) of this section.

(ii) In the case that a water system meeting the requirements of paragraph (e)(3)(i) of this section, subsequently discovers any service lines requiring replacement in its distribution system, it must notify the State within 30 days of identifying the service line(s) and prepare an updated inventory in accordance with §141.84(a) on a schedule established by the State.

(4) Within 30 days of the end of each tap sampling monitoring period, the water system must certify that it conducted replacement of any encountered lead goosenecks, pigtails, and connectors in accordance with §141.84(c).

(5) Within 30 days of the end of each tap sampling monitoring period, the water system must certify to the State that any partial and full lead service line replacements were conducted in accordance with §141.84(d) and (e), respectively.

(6) If the water system fails to meet the 45-day deadline to complete a customer-initiated lead service line replacement pursuant to §141.84(d)(4), it must notify the State within 30 days of the replacement deadline to request an extension of the deadline up to 180 days of the customer-initiated lead service line replacement.

(i) The water system must certify annually that it has completed all customer-initiated lead service line replacements in accordance with §141.84(d)(4).

(ii) [Reserved]

(7) No later than 30 days after the end of the water system's annual lead service line replacement requirements under §141.84(f) and (g), the water system must submit the following information to the State, and continue to submit it each year it conducts lead service line replacement under §141.84(f) and (g):

(i) The number of lead service lines in the initial inventory;

(ii) The number of galvanized requiring replacement service lines in the initial inventory;

(iii) The number of lead status unknown service lines in the inventory at

the onset of the water system's annual lead service line replacement program;

(iv) The number of full lead service lines that have been replaced and the address associated with each replaced service line;

(v) The number of galvanized requiring replacement service lines that have been replaced and the address associated with each replaced service line;

(vi) The number of lead status unknown service lines remaining in the inventory;

(vii) The total number of lead status unknown service lines determined to be non-lead; and

(viii) The total number of service lines initially inventoried as "non-lead" later discovered to be a lead service line or a galvanized requiring replacement service line.

(8) No later than 30 days after the end of each tap sampling period, any water system that has received customer refusals about lead service line replacements or customer non-responses after a minimum of two good faith efforts by the water system to contact customers regarding full lead service line replacements in accordance with §141.84(g)(7), must certify to the State the number of customer refusals or non-responses it received from customers served by a lead service line or galvanized requiring replacement service line, and maintain such documentation.

(9) No later than 12 months after the end of a tap sampling period in which a water system exceeds the lead action level in sampling conducted pursuant to §141.86, the system must provide to the State its schedule for annually replacing an average annual rate, calculated on a two year rolling basis, of at least three percent, or otherwise specified in §141.84(g)(9), of the number of known lead service lines and galvanized lines requiring replacement when the lead trigger or action level was first exceeded and lead status unknown service lines at the beginning of each year that required replacement occurs in its distribution system.

(10) No later than 12 months after the end of a sampling period in which a system exceeds the lead trigger level in sampling conducted pursuant to §141.86, and every 12 months thereafter,

§ 141.90

40 CFR Ch. I (7-1-22 Edition)

the system shall certify to the State in writing that the system has:

(i) Conducted consumer notification as specified in §§ 141.84(f)(4) and 141.85(g) and

(ii) Delivered public education materials to the affected consumers as specified in § 141.85(a).

(iii) A water system that does not meet its annual service line replacement goal as required under § 141.84(f) must certify to the State in writing that the water system has conducted public outreach as specified in § 141.85(h). The water system must also submit the outreach materials used to the State.

(1) The annual submission to the State under paragraph (e)(10) of this section must contain the following information:

(i) The certification that results of samples collected between three months and six months after the date of a full or partial lead service line replacement were provided to the resident in accordance with the timeframes in § 141.85(d)(2). Mailed notices post-marked within three business days of receiving the results shall be considered “on time.”

(ii) [Reserved]

(12) Any system which collects samples following a partial lead service line replacement required by § 141.84 must report the results to the State within the first ten days of the month following the month in which the system receives the laboratory results, or as specified by the State. States, at their discretion may eliminate this requirement to report these monitoring results, but water systems shall still retain such records. Systems must also report any additional information as specified by the State, and in a time and manner prescribed by the State, to verify that all partial lead service line replacement activities have taken place.

(13) Any system with lead service lines in its inventory must certify on an annual basis that the system has complied with the consumer notification of lead service line materials as specified in § 141.85(e).

(f) *Public education program reporting requirements.* (1) Any water system that is subject to the public education re-

quirements in § 141.85 shall, within ten days after the end of each period in which the system is required to perform public education in accordance with § 141.85(b), send written documentation to the State that contains:

(i) The public education materials that were delivered, and a demonstration that the water system has delivered the public education materials that meet the content requirements in § 141.85(a) and the delivery requirements in § 141.85(b); and

(ii) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the system delivered public education materials during the period in which the system was required to perform public education tasks.

(2) Unless required by the State, a system that previously has submitted the information required by paragraph (f)(1)(ii) of this section need not resubmit the information required by paragraph (f)(1)(ii) of this section, as long as there have been no changes in the distribution list and the system certifies that the public education materials were distributed to the same list submitted previously.

(3) No later than three months following the end of the tap sampling period, each water system must mail a sample copy of the consumer notification of tap results to the State along with a certification that the notification has been distributed in a manner consistent with the requirements of § 141.85(d).

(4) Annually by July 1, the water system must demonstrate to the State that it delivered annual consumer notification and delivered lead service line information materials to affected consumers with a lead, galvanized requiring replacement, or lead status unknown service line in accordance with § 141.85(e) for the previous calendar year. The water system shall also provide a copy of the notification and information materials to the State.

(5) Annually by July 1, the water system must demonstrate to the State that it conducted an outreach activity in accordance with § 141.85(h) when failing to meet the lead service line replacement goal as specified in § 141.84(f) for the previous calendar year. The

Environmental Protection Agency

§ 141.90

water system shall also submit a copy to the State of the outreach provided.

(6) Annually, by July 1, the water system must certify to the State that it delivered notification to affected customers after any lead service line disturbance in accordance with §141.85(f) for the previous calendar year. The water system shall also submit a copy of the notification to the State.

(7) Annually, by July 1, the water system must certify to the State that it delivered the required find-and-fix information to the State and local health departments for the previous calendar year.

(g) *Reporting of additional monitoring data.* Any water system which collects more samples than the minimum required, shall report the results to the State within the first 10 days following the end of the applicable monitoring period under §§ 141.86, 141.87, and 141.88 during which the samples are collected. This includes the monitoring data pertaining to “find-and-fix” pursuant to §§141.86(h) and 141.87(g). The system must certify to the State the number of customer refusals or non-responses for follow-up sampling under §141.82(j) it received and information pertaining to the accuracy of the refusals or non-responses, within the first 10 days following the end of the applicable tap sampling period in which an individual sample exceeded the action level.

(h) *Reporting of 90th percentile lead and copper concentrations where the State calculates a water system’s 90th percentile concentrations.* A water system is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each tap sampling monitoring period, as required by paragraph (a)(1)(iv) of this section if:

(1) The State has previously notified the water system that it will calculate the water system’s 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to paragraph (h)(2)(i) of this section, and the water system provides the results of lead and copper tap water samples no later than 10 days after the end of the applicable tap sampling monitoring period;

(2) The system has provided the following information to the State by the date specified in paragraph (h)(1) of this section:

(i) The results of all tap samples for lead and copper including the location of each site and the criteria under § 141.86(a)(3) through (10) under which the site was selected for the water system’s sampling pool; and

(ii) An identification of sampling sites utilized during the current tap sampling monitoring period that were not sampled during previous monitoring periods, and an explanation of why sampling sites have changed; and

(3) The State has provided the results of the 90th percentile lead and copper calculations, in writing, to the water system within 15 days of the end of the tap sampling period.

(i) *Reporting requirements for a community water system’s public education and sampling in schools and child care facilities.* (1) A community water system shall send a report to the State by July 1 of each year for the previous calendar year’s activity. The report must include the following:

(i) Certification that the water system made a good faith effort to identify schools and child care facilities in accordance with §141.92(e). The good faith effort may include reviewing customer records and requesting lists of schools and child care facilities from the primacy agency or other licensing agency. A water system that certifies that no schools or child care facilities are served by the water system is not required to include information in paragraphs (i)(1)(ii) through (iv) of this section in the report. If there are changes to schools and child care facilities that a water system serves, an updated list must be submitted at least once every five years in accordance with §141.92(e).

(ii) Certification that the water system has delivered information about health risks from lead in drinking water to the school and child care facilities that they serve in accordance with §141.92(a)(2) and (g)(1).

(iii) Certification that the water system has completed the notification and sampling requirements of §141.92 and paragraphs (i)(1)(iii)(A) through (E) of

§ 141.91

40 CFR Ch. I (7-1-22 Edition)

this section at a minimum of 20 percent of elementary schools and 20 percent of child care facilities. Certification that the water system has completed the notification and sampling requirements of §141.92(g) and paragraphs (i)(1)(iii)(A), (B), and (E) of this section for any secondary school(s) sampled. After a water system has successfully completed one cycle of required sampling in all elementary schools and child care facilities identified in §141.92(a)(1), it shall certify completion of the notification and sampling requirements of §141.92(g) and paragraphs (i)(1)(iii)(A), (B), and (E) of this section for all sampling completed in any school or child care facility, thereafter.

(A) The number of schools and child care facilities served by the water system;

(B) The number of schools and child care facilities sampled in the calendar year;

(C) The number of schools and child care facilities that have refused sampling;

(D) Information pertaining to outreach attempts for sampling that were declined by the school or child care facility; and

(E) The analytical results for all schools and child care facilities sampled by the water system in the calendar year.

(iv) Certification that sampling results were provided to schools, child care facilities, and local and State health departments.

(2) [Reserved]

(3) The State has provided the results of the 90th percentile lead and copper calculations, in writing, to the water system before the end of the monitoring period.

(j) *Reporting requirements for small system compliance flexibility options.* By the applicable dates provided in paragraphs (j)(1) and (2), water systems implementing requirements pursuant to §141.93, shall provide the following information to the State:

(1) Small water systems and non-transient, non-community water systems implementing the point-of-use device option under §141.93(a)(3), shall report the results from the tap sampling required under §141.93 no later than 10

days after the end of the tap sampling monitoring period. If the trigger level is exceeded, the water system must reach out to the homeowner and/or building management within 24 hours of receiving the tap sample results. The corrective action must be completed within 30 days. If the corrective action is not completed within 30 days, the system must provide documentation to the State within 30 days explaining why it was unable to correct the issue. Water systems selecting the point-of-use device option under §141.93(a)(3) shall provide documentation to certify maintenance of the point-of-use devices unless the State waives the requirement of this paragraph (j)(1).

(2) Small community water systems and non-transient, non-community water systems implementing the small system compliance flexibility option to replace all lead-bearing plumbing under §141.93(a)(4) must provide certification to the State that all lead-bearing material has been replaced on the schedule established by the State, within one year of designation of the option under §141.93(a)(4).

[56 FR 26548, June 7, 1991; 57 FR 28789, June 29, 1992, as amended at 59 FR 33864, June 30, 1994; 65 FR 2012, Jan. 12, 2000; 72 FR 57819, Oct. 10, 2007; 86 FR 4303, Jan. 15, 2021; 86 FR 31947, June 16, 2021]

§ 141.91 Recordkeeping requirements.

Any system subject to the requirements of this subpart shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, State determinations, and any other information required by §§141.81 through 141.88, 141.90, 141.92, and 141.93. Each water system shall retain the records required by this section for no fewer than 12 years.

[86 FR 4306, Jan. 15, 2021]

§ 141.92 Monitoring for lead in schools and child care facilities.

All community water systems must conduct directed public education and lead monitoring at the schools and child care facilities they serve if those schools or child care facilities were constructed prior to January 1, 2014 or the date the State adopted standards that meet the definition of lead free in