

Instructions for a Tier 1 Public Notification following a Lead Action Level Exceedance

TEMPLATE ATTACHED SEPARATELY

Beginning October 16, 2024, an exceedance of the action level for lead requires Tier 1 public notification. This applies to any community water system or non-transient non-community water system. The Minnesota Department of Health will notify the water system if there is an action level exceedance as a result of compliance monitoring.

A lead **action level exceedance (ALE)** occurs when the 90th percentile concentration of lead is greater than 15 parts per billion (ppb) or 0.015 mg/L.

You **must** provide public notice to persons served as soon as practical but no more than 24 hours after learning of the lead ALE. During this time, you must also provide an example copy of the notice to MDH **and EPA within 24 hours as noted on the MDH notification form**. You must provide the notice that can reach all persons using one or more of the following methods to deliver the notice to consumers:

- Broadcast Media, such as radio and television.
- Hand delivery.
- Posted in a noticeable location for all customers. (applicable to systems that have one main location where all customers go daily and will see the notice regularly ex. shared mail box area, single building entrance, etc.) If used, notice must remain in place for *as long as violation exists* but never less than 7 days.

You may need to use multiple methods of delivery (e.g., broadcast along with providing multiple copies to hospitals, clinics, or apartment buildings; etc.). If you post or hand deliver the notice, EPA recommends printing your notice on your system's letterhead, if you have it. As a best practice, consider coordinating with your local public health department.

The template attached to these instructions is intended to meet public noticing requirements. If you modify the notice, you must still include all required public notice elements and **leave all *mandatory language as noted in italics with an asterisk* on each end on the template unchanged**.

For water systems serving a large proportion of non-English speaking consumers, this notice must have information in the appropriate language(s) or information on how to receive a translated copy of the notice or contact information on how to request assistance in the appropriate language. Please review the cert form Step 1: Multilingual Requirements for additional guidance here if applicable.

MDH will initiate consultation with the system regarding the action level exceedance as soon as practical but within 24 hours after learning of the ALE.

The attached template provides mandatory text from the regulation, example language that you may use and/or modify for required content, and places to fill in or with instructions in **[bracketed bold text]**.

Public Notice Content Requirements

The template notice provided contains all required elements. The notice may be modified where indicated and includes sections the system must fill out. If a system makes changes to the template language they should have their notice reviewed by MDH before distribution to ensure it continues to meet all requirements.

INSTRUCTIONS FOR A TIER 1 PUBLIC NOTIFICATION FOLLOWING A LEAD ACTION LEVEL EXCEEDANCE

The Federal Public Notice Rule contains required content elements as follows:

1. **Describe the Situation and When It Happened.** You must include language describing the situation and describe when the situation occurred.
2. **Health Effects and Populations at Risk.** You must include **mandatory** language on health effects, including a description of populations at risk, (from Appendix B to 40 CFR 141 Subpart Q) as it appears on the attached template and is presented in *italics* with an asterisk* on each end. You must not edit any mandatory text on the template in italics with an asterisk* on each end.
3. **Alternative Sources of Water.** The template must include whether alternative water supplies should be used. You may want to consider providing point-of-use or pitcher filters to your customers. If you are providing filters, your notice should say how and where to obtain them. If you are providing bottled water, EPA recommends that it meets U.S. Food and Drug Administration (FDA) and any state bottled water safety standards. Providing bottled water for an ALE is not recommended. If you are providing filters, EPA/MDH recommends that you ensure they are third-party certified to remove lead by referring to EPA's Consumer Tool for Identifying POU Filters Certified to Remove Lead and reading the filter packaging. [A Consumer Tool for Identifying Drinking Water Filters Certified to Reduce Lead \(PDF\) \(https://www.epa.gov/sites/default/files/2018-12/documents/consumer_tool_for_identifying_drinking_water_filters_certified_to_reduce_lead.pdf\)](https://www.epa.gov/sites/default/files/2018-12/documents/consumer_tool_for_identifying_drinking_water_filters_certified_to_reduce_lead.pdf)
4. **Actions Consumers Should Take.** The Public Notice must include what actions consumers should take, including whether they should seek medical help, if known. The template includes EPA's recommended actions that a person may take, separately or in combination, if they are concerned about lead in their drinking water. Language provided in brackets points out information for you to complete and/or tailor to your specific water system. Please note, all language in this section of the template is recommended as example text and may be edited, regardless of brackets.
5. **Water System Actions and Resolution.** In your notice, you must describe actions you are taking in response to the action level exceedance and when you expect to resolve the situation. Some of these actions may be required by regulation. Depending on the action(s) you are taking, you can use one or more of the statements provided as examples in the attached template, if appropriate, and/or develop your own text.
6. **Contact Information.** You must include the name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice.
7. **Encourage Distribution of the Notice.** The template includes **mandatory** text to encourage the distribution of the public notice to all persons served, where applicable. **Mandatory** text is presented in the template in *italics* with an asterisk* on each end. You must not edit any language on the template in italics with an asterisk* on each end.

After Issuing the Notice

You must provide a copy of the **Tier 1 notice to both EPA and MDH as soon as practicable but no later than 24 hours after the public water system learns of the exceedance as noted on the MDH certification form provided.** This is in addition to the requirement that you send a certification to your primacy agency stating that you have met all the public notification requirements to your primacy agency within 10 days after the original or any repeat notice(s).

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EXCEEDANCE

EPA /MDH recommends that you notify local health professionals of the action level exceedance. People may contact their doctors with questions about how lead exposure may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know about the elevated levels of lead found in their system's drinking water so they can potentially use an alternate source of water, such as bottled water, or a filter certified to remove lead. EPA recommends the best practice of informing your consumers when the situation has been resolved.

Minnesota Department of Health
Drinking Water Protection
625 Robert Street
St. Paul, MN
55164-0975

Health.Community.LeadandCopper@state.mn.us
www.health.state.mn.us

10/11/24

To obtain this information in a different format, call: 651-201-4571 .