

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
GUIDANCE FROM HOTLINE COMPENDIUM

WSG H8

SUBJECT: Public Notification Requirements: Lead Notice/
Consecutive Systems

SOURCE: Ray Enyeart

Do consecutive public water systems have to furnish a special lead notice in accordance with 40 CFR Section 141.34 (located at 52 FR 41549)?

Response:

A consecutive public water system is a public water system which receives water from another public water system(s) that is subject to regulation under the National Primary Drinking Water Regulations (NPDWRs). In addition, note that those consecutive water systems that meet all four criteria set forth in SDWA Section 1411 (also located at 40 CFR Section 141.3) are not subject to the NPDWRs. Therefore, such consecutive systems are not subject to the special lead notice requirements, which are part of the NPDWR.

There is one other situation in which a consecutive system is not required to issue a special lead notice. The special lead notification requirements apply to all those public water systems that are Community Water Systems (CWS) and Non-Transient Non-Community Water Systems (NTNCWS) [see 40 CFR Section 141.34(a)]. The issuance of a special lead notice by a public water system "...is not required if the system demonstrates to the state that the water system, including the residential and non-residential portions connected to the water system, are lead free." [40 CFR Section 141.34(a)(2)].

An important statement providing further clarification, with respect to the special lead notice, is set forth in the preamble of the final rule [52 FR 41544]:

"EPA expects the owner or operator of a public water system which is subject to the public notification requirements for lead, and which provides water to another community or non-transient non-community water system, to provide one-time notice by letter to the receiving system. The receiving system, in turn, must provide its customers public notice concerning lead in compliance with the lead public notification requirements." [emphasis added].

In summary, those public water systems that are CWS and NTNCWS, including such consecutive public water systems, are required to issue the special lead notice. Those public water systems (including consecutive systems) that meet the four SDWA Section 1411 criteria, and/or meet the conditions set forth in 40 CFR Section 141.32(a)(2), are not required to issue the special lead notice.