

Secondary school, for the purpose of subpart I of this part only, means a school comprising any span of grades beginning with the next grade following an elementary school (usually 7, 8, or 9) and ending with grade 12. Secondary schools include both junior high schools and senior high schools and typically span grades 7 through 12.

Service line, for the purpose of subpart I of this part only, means a portion of pipe that connects the water main (or other conduit for distributing water to individual consumers or groups of consumers) to the building inlet. Where a building is not present, the service line connects the water main (or other conduit for distributing water to individual consumers or groups of consumers) to the outlet.

Small water system, for the purpose of subpart I of this part only, means a water system that serves 10,000 persons or fewer.

System without corrosion control treatment, for the purpose of subpart I of this part, means a water system that does not have or purchases all of its water from a system that does not have:

(1) An optimal corrosion control treatment approved by the State; or

(2) Any pH adjustment, alkalinity adjustment, and/or corrosion inhibitor addition resulting from other water quality adjustments as part of its treatment train infrastructure.

Tap monitoring period, for the purpose of subpart I of this part only, means the period of time during which each water system must conduct tap sampling for lead and copper analysis. The applicable tap monitoring period is determined by lead and copper concentrations in tap samples. The length of the tap monitoring period can range from six months to nine years.

Tap sampling period, for the purpose of subpart I of this part only, means the time period, within a tap monitoring period, during which the water system is required to collect samples for lead and copper analysis.

Tap sampling protocol means the method for collecting tap samples pursuant to § 141.86(b).

Wide-mouth bottles, for the purpose of subpart I of this part only, means bottles one liter in volume that have a mouth with an inner diameter that measures at least 40 millimeters wide.

3. Amend § 141.31 by revising paragraph (d) to read as follows:

§ 141.31 Reporting requirements.

(d) The public water system, within 10 days of completing the public notification requirements under subpart Q of this part for the initial public notice and any repeat notices, must submit to the primary agency a certification that it has fully complied with the public notification regulations under subpart Q. The public water system must include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.

(2) For Tier 1 notices for a lead action level exceedance, public water systems must provide a copy of the Tier 1 notice to the Administrator and the head of the primary agency as soon as practicable, but not later than 24 hours after the public water system learns of the exceedance.

4. Revise and republish § 141.80 to read as follows:

§ 141.80 General requirements and action level.

(a) *Applicability, effective dates, and compliance deadlines.* The requirements of this subpart constitute the national primary drinking water regulations for lead and copper.

(1) The provisions of this subpart apply to community water systems and non-transient, non-community water systems (in this subpart referred to as “water systems” or “systems”) as defined at § 141.2.

(2) The requirements of this subpart are effective as of December 30, 2024.

(3) Community water systems and non-transient non-community water systems must comply with the requirements of this subpart no later than November 1, 2027, except where otherwise specified in §§ 141.81, 141.84, 141.85, 141.86, and 141.90, or where an exemption in accordance with 40 CFR part 142, subpart C or F, has been issued by the Administrator.

(4)(i) Between October 30, 2024, and November 1, 2027, community water systems and non-transient non-community water systems must comply with 40 CFR 141.2, 141.31(f), and 141.80 through 141.91, as codified on July 1, 2020, except systems must also comply with 40 CFR 141.84(a)(1) through (10) (excluding paragraphs (a)(6) and (7)), 141.85(a)(1)(ii) and (e), 141.90(e)(1) and (13), (f)(4), and (h)(3), 141.201(a)(3)(vi) and (c)(3), and 141.202(a)(10); 40 CFR part 141, appendix A to subpart Q, entry I.C.

excluding § 141.90, except paragraphs (b)(1) and (13) and (f)(4)) and entry I.C.2; 40 CFR part 141, appendix B to subpart Q, entry D.23; and 40 CFR 141.31(d)(2), as modified on July 1, 2024.

(i) If an exemption from subpart I of this part has been issued in accordance with 40 CFR part 142, subpart C or F, prior to December 16, 2021, then the water systems must comply with 40 CFR 141.80 through 141.91, as codified on July 1, 2020, until the expiration of that exemption.

(b) *Scope.* The regulations in this subpart constitute a treatment technique rule that includes treatment techniques to control corrosion, treat source water, replace service lines, and provide public education. The regulations in this subpart include requirements to support the treatment technique including a service line inventory, tap sampling, and monitoring for lead in schools and child care facilities. Some of the requirements in this subpart only apply if there is an exceedance of the lead or copper action levels, specified in paragraph (c) of this section, as measured in samples collected at consumers' taps.

(c) *Lead and copper action levels and method for determining whether there is an exceedance of the action level.*

Action levels must be determined based on tap water samples that must be considered for inclusion under § 141.86(e) for the purpose of calculating the 90th percentile and tested using the analytical methods specified in § 141.89. The action levels described in this paragraph (c) are applicable to all sections of subpart I of this part. Action levels for lead and copper are as follows:

(1) The lead action level is exceeded if the 90th percentile concentration of lead as specified in paragraph (c)(3) of this section is greater than 0.010 mg/L.

(2) The copper action level is exceeded if the 90th percentile concentration of copper as specified in paragraph (c)(3) of this section is greater than 1.3 mg/L.

(3) For purposes of this subpart, the 90th percentile concentration must be derived as follows:

(i) For water systems that do not have Tier 1 and/or Tier 2 sites and only have sites identified as Tier 3, 4, or 5 under § 141.86(a):

(A) The results of all lead or copper samples taken during a tap sampling period and eligible for inclusion in the 90th percentile calculation under § 141.86(e) must be placed in ascending order from the sample with the lowest concentration of lead or copper to the sample with the highest concentration of lead or copper. Each sampling result