

Lead & Copper Rule Updates:

Lead & Copper Rule Revisions (LCRR)

Lead & Copper Rule Improvements (LCRI)

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US EPA Region 3

PA AWWA SE Spring Conference 2024

April 12, 2024

LCRR's Compliance Date of October 16, 2024, is Coming...

As of today (April 12, 2024), October 16, 2024, will be here in:



187 days



6 months and 4 days

There is Useful LCRR Info in the Proposed LCRI

- This is Publicly Available
 - See the full proposed LCRI as published in the Federal Register
<https://www.federalregister.gov/documents/2023/12/06/2023-26148/national-primary-drinking-water-regulations-for-lead-and-copper-improvements-lcri>
- Proposed LCRI preamble contains useful LCRR information that helps explain where EPA anticipates going and when
 - ***LCRR Requirements and Compliance Dates That Will Be Retained (page 84968)***
 - ***Alternative Proposed Compliance Dates (page 84968-84969)***
 - ***Proposed LCRI Compliance Dates (page 84967)***
- Note: LCRI is still in the proposed rulemaking stage and can change between the proposed and final rulemaking

LCRR Info on EPA's LCR Implementation Tools Website

- Updated on April 11, 2024, to include:
 - LCRR FAQ for Water Systems
 - Tier 1 PN Template following a Lead Action Level Exceedance
 - Lead ALE Tier 1 PN Factsheet

<https://www.epa.gov/dwreginfo/lead-and-copper-rule-implementation-tools>

LCRR Frequently Asked Questions

LCRR FAQs for Water Systems

These Frequently Asked Questions (FAQs) address the provisions of the 2021 Lead and Copper Rule Revisions (LCRR) that EPA has proposed to retain starting on the October 16, 2024 compliance date. These requirements include the initial service line inventory, notifications to persons served of known or potential lead service line, Tier 1 public notification of a lead action level exceedance, and associated reporting requirements.

- [LCRR Frequently Asked Questions \(pdf\)](#) (224.5 KB, 4/11/2024, 816-F-24-002)

Tier 1 Public Notification

Tier 1 Public Notification Template following a Lead Action Level Exceedance

The 2021 Lead and Copper Rule Revisions require water systems to issue a Tier 1 Public Notification (PN) when there is an exceedance of the lead action level no later than 24 hours after the systems learns of an exceedance. This document provides a template that water systems can use to develop a Tier 1 PN for a lead action level exceedance.

- [Tier 1 Public Notification Template \(pdf\)](#) (578.1 KB, 4/11/2024, 816-F-24-001)

Lead Action Level Exceedance (ALE) Tier 1 Public Notice (PN) Factsheet

This fact sheet summarizes EPA's requirements following a lead action level exceedance for timing, content, and delivery of a Tier 1 Public Notice.

- [Tier 1 Public Notice Factsheet \(pdf\)](#) (179.6 KB, 4/11/2024, 816-F-24-003)

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LCRR Requirements and Compliance Dates That Will Be Retained

(as published in 2023 proposed LCRI preamble)

conduct LSLR or CCT. Therefore, any changes to those sections must be considered together. Compliance with one component of the rule without compliance with other related components would cause confusion and could produce inconsistencies across different requirements.

Additionally, in one of the key features of the rule, EPA is proposing in the LCRI for all water systems to identify and replace all LSLs and GRR service lines as quickly as feasible, regardless of lead levels. In response to the historic funding provided under the Bipartisan Infrastructure Law, some systems are voluntarily initiating service line replacement programs. However, despite this progress by some systems, many other systems have not or are not conducting service line replacement. Many systems have not been required to replace LSLs due to an action level exceedance under the LCR and may not have experience developing replacement programs. EPA has received feedback from water systems about the potential challenges of

proposing to require water systems to continue to comply with the LCR prior to the LCRI compliance deadline, with the few exceptions noted above and further discussed below. EPA also anticipates that requiring systems to simultaneously comply with LCRR while preparing for LCRI could result in delays in achieving the public health protections that will result from the proposed LCRI requirements (see section IV.E.).

LCRR Requirements and Compliance Dates That Will Be Retained

EPA is retaining the compliance date of October 16, 2024, for systems to complete their initial service line inventories and to notify customers about their service line material within 30 days of completion of the inventory. Water systems and States are aware of and should be prepared to meet this deadline in light of EPA's August 2022 issuance of *Guidance for Developing and Maintaining a Service Line Inventory* guidance and EPA's December 17, 2021 *Federal Register* document on

any changes to this requirement in the Public Notification Rule and the Agency does not anticipate that additional time would be needed for water systems to comply with this requirement given that systems must already conduct Tier 1 PN for other contaminants. EPA notes that, between October 16, 2024, and the LCRI compliance date, systems will be required to conduct this Tier 1 PN following an exceedance of the lead action level of 0.015 mg/L established under the LCR.

Alternative Proposed Compliance Dates

EPA is seeking comment from the public about its proposed compliance dates for various rule requirements, including whether it is practicable for water systems to implement any of the proposed LCRI requirements sooner than three years from the date LCRI would be finalized. In particular, EPA is seeking comment on whether it is practicable for water systems to implement notification and risk mitigation provisions after full and partial service line replacement

LCRR Requirements and Compliance Dates That Will Be Retained (proposed LCRI)

• Service Line Inventory

- Initial service line inventory is still required to be completed and submitted by the LCRR compliance date of October 16, 2024
- EPA has been clear about this requirement since 2021 and since the agency's August 2022 issuance of *Guidance for Developing and Maintaining a Service Line Inventory*

• Key takeaways

- Review 40 CFR 141.84(a) – Service Line Inventory Requirements
 - [https://www.ecfr.gov/current/title-40/part-141/section-141.84#p-141.84\(a\)](https://www.ecfr.gov/current/title-40/part-141/section-141.84#p-141.84(a))
- Continue working on inventories and identify service line materials
- Ensure you are meeting PADEP's specific inventory requirements, utilize the inventory resources available from PADEP
 - <https://www.dep.pa.gov/Business/Water/BureauSafeDrinkingWater/DrinkingWaterMgmt/Regulations/Pages/Lead-and-Copper-Rule.aspx>



December 2021

Stronger Protections from Lead in Drinking Water: Next Steps for the Lead and Copper Rule

The science on lead has been settled for decades. There is no safe level of lead exposure. In drinking water, the primary source of lead is from pipes, which can present a risk to the health of children and adults. The U.S. Environmental Protection Agency (EPA) is committed to using every tool available—statutory authority under the Safe Drinking Water Act, technical assistance, funding for lead service line removal, and more—to protect all Americans from lead in drinking water. The agency will collaboratively work with local, state, and federal partners to make rapid progress on President Biden's vision to remove 100% of lead service lines, with a focus on prioritizing communities that are disproportionately impacted by lead contamination.

On December 16, 2021, EPA announced next steps to strengthen the regulatory framework on lead in drinking water. Following the agency's review of the Lead and Copper Rule Revisions (LCRR) under Executive Order 13990, EPA has concluded that there are significant opportunities to improve the rule to support the overarching goal of proactively removing lead service lines and more equitably protecting public health. A critical component of EPA's review of the LCRR was robust public engagement. The agency hosted a series of engagements from April to August of 2021 to obtain public input. The engagement meetings included two days of public listening sessions, 10 community roundtables, a Tribal roundtable, a national stakeholder association roundtable, a national co-regulator meeting, and a meeting with organizations representing elected officials.

In a Federal Register Notice, EPA announced that the LCRR will go into effect to support near-term development of actions to reduce lead in drinking water. At the same time, EPA will develop a new proposed rulemaking to strengthen key elements of the rule. The agency anticipates finalizing the forthcoming Lead and Copper Rule Improvements (LCRI) prior to October 16, 2024, the initial compliance date in the LCRR.

Implementation of the Lead and Copper Rule Revisions

The agency has determined that there are advancements in the LCRR. Specifically, lead service line inventories that will be developed under the LCRR are necessary to achieve 100% removal of lead service lines. EPA intends to maintain the requirements for information to be submitted in the initial lead service line inventory by the current October 16, 2024 compliance date. Maintaining this compliance deadline ensures water systems will make continued progress to identify lead service lines, which is integral to lead reduction efforts.

To assist local water systems, state primacy agencies, and other partners, EPA is committed to issuing new guidance for the LCRR. EPA will issue guidance on developing lead service line inventories,

LCRR Requirements and Compliance Dates That Will Be Retained (proposed LCRI)

- **Notification of Known or Potential Service Line Containing Lead**
 - Required within 30 days of completion of the inventory
 - Applies to those services classified as *lead*, *galvanized requiring replacement (GRR)*, and *unknown*
 - Repeat notification annually until entire service is no longer lead/GRR/unknown
- Key takeaways
 - Review 40 CFR 141.85(e) – Notification of Known or Potential Service Line Containing Lead Requirements
 - [https://www.ecfr.gov/current/title-40/part-141/section-141.85#p-141.85\(e\)](https://www.ecfr.gov/current/title-40/part-141/section-141.85#p-141.85(e))
 - Be prepared to communicate to all customers about their known or potential service lines containing lead

LCRR Requirements and Compliance Dates That Will Be Retained (proposed LCRI)

- **Tier 1 PN following a lead action level exceedance (ALE)**

- Between October 16, 2024, and the LCRI Compliance date, Tier 1 PN will be required following an exceedance of the LCR action level of 0.015 mg/L (15 ppb)

- Key takeaways

- Review 40 CFR 141.31(d)(2), 141.80(g)(3), 141.202(a)(10) – Tier 1 PN Requirements
 - [https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-141/subpart-D#p-141.31\(d\)\(2\)](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-141/subpart-D#p-141.31(d)(2))
 - [https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-141/subpart-I/section-141.80#p-141.80\(g\)\(3\)](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-141/subpart-I/section-141.80#p-141.80(g)(3))
 - [https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-141/subpart-Q/section-141.202#p-141.202\(a\)](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-141/subpart-Q/section-141.202#p-141.202(a))
- Review your systems Tier 1 PN processes and procedures
- Be prepared to issue Tier 1 PN for lead ALE and send to state/EPA

Alternative Proposed Compliance Dates

(as published in 2023 proposed LCRI preamble)

conduct LSLR or CCT. Therefore, any changes to those sections must be considered together. Compliance with one component of the rule without compliance with other related components would cause confusion and could produce inconsistencies across different requirements.

Additionally, in one of the key features of the rule, EPA is proposing in the LCRI for all water systems to identify and replace all LSLs and GRR service lines as quickly as feasible, regardless of lead levels. In response to the historic funding provided under the Bipartisan Infrastructure Law, some systems are voluntarily initiating service line replacement programs. However, despite this progress by some systems, many other systems have not or are not conducting service line replacement. Many systems have not been required to replace LSLs due to an action level exceedance under the LCR and may not have experience developing replacement programs. EPA has received feedback from water systems about the potential challenges of implementing replacement programs including availability of equipment and supplies, difficulties in securing

proposing to require water systems to continue to comply with the LCR prior to the LCRI compliance deadline, with the few exceptions noted above and further discussed below. EPA also anticipates that requiring systems to simultaneously comply with LCRR while preparing for LCRI could result in delays in achieving the public health protections that will result from the proposed LCRI requirements (see section IV.E.).

LCRR Requirements and Compliance Dates That Will Be Retained

EPA is retaining the compliance date of October 16, 2024, for systems to complete their initial service line inventories and to notify customers about their service line material within 30 days of completion of the inventory. Water systems and States are aware of and should be prepared to meet this deadline in light of EPA's August 2022 issuance of *Guidance for Developing and Maintaining a Service Line Inventory* guidance and EPA's December 17, 2021 **Federal Register** document on the conclusion of EPA's review of the LCRR (86 FR 71574, 71579, USEPA, 2021b).

Inventories help systems identify the

any changes to this requirement in the Public Notification Rule and the Agency does not anticipate that additional time would be needed for water systems to comply with this requirement given that systems must already conduct Tier 1 PN for other contaminants. EPA notes that, between October 16, 2024, and the LCRI compliance date, systems will be required to conduct this Tier 1 PN following an exceedance of the lead action level of 0.015 mg/L established under the LCR.

Alternative Proposed Compliance Dates

EPA is seeking comment from the public about its proposed compliance dates for various rule requirements, including whether it is practicable for water systems to implement any of the proposed LCRI requirements sooner than three years from the date LCRI would be finalized. In particular, EPA is seeking comment on whether it is practicable for water systems to implement notification and risk mitigation provisions after full and partial service line replacement (§ 141.84(h)), notification of a service line disturbance (§ 141.85(g)), and associated reporting requirements (§ 141.86(f)) and (g)) upon the

Exhibit 6. Proposed Alternative Compliance Dates

Proposed Alternative Compliance Dates	Requirement
Effective date of the LCRI	Risk mitigation after full and partial service line replacement and service line disturbance (§§ 141.84(h), 141.85(g), 141.90(e)(6) and (f)(6))
One or two years after rule promulgation (January 2026)	All other LCRI provisions except for § 141.84(d).
Three years after rule promulgation (January 2028)	LCRI service line replacement (§ 141.84(d)).

Alternative Proposed Compliance Dates (proposed LCRI)

- **Risk Mitigation After Replacement and Disturbances**

- Proposed LCRI solicited comments on feasibility of implementing these ahead of the LCRI compliance date
- PADEP has mitigation requirements specific to service line replacements and recommendations during disturbances

- Key takeaway

- Review mitigation materials, such as PADEPs requirements and available guidance such as AWWA Standard C810 – Replacement and Flushing of Lead Service Lines.

Exhibit 6. Proposed Alternative Compliance Dates

Proposed Alternative Compliance Dates	Requirement
Effective date of the LCRI	Risk mitigation after full and partial service line replacement and service line disturbance (§§ 141.84(h), 141.85(g), 141.90(e)(6) and (f)(6))
One or two years after rule promulgation (January 2026)	All other LCRI provisions except for § 141.84(d).
Three years after rule promulgation (January 2028)	LCRI service line replacement (§ 141.84(d)).

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proposing revisions to the ions: 40 CFR 141.83 reatment requirements, toring requirements for or in source water, and tical methods. The hese sections are not y of the changes EPA is ther sections as part of

ementation and

osing requirements that e oversight and f the NPDWR for lead and ling eliminating the trigger d sampling for detecting rol issues in LSL systems, all system flexibility, ublic education following measurements, and rting by both systems and so provides applicable tools on CCT, PE, and f the rule on the Agency's s://www.epa.gov/ er-system- n-resources to support n of the LCR and the l continue to use this implementation of ized as a result of this

ie rule compliance dates? 2(b)(10) of SDWA romulgated NPDWRs t three years after the mulgated "unless the determines that an earlier able." EPA is proposing tes for a final LCRI and ent on whether it would for water systems to y of the proposed LCRI arlier than three years f final action on the l (see section IX. of this ditionally, the Agency is pplace LCRR requirements and is describing in this requirements water e required to follow rrent October 16, 2024 nce date and the LCRI tes.

2021, EPA issued a final he LCRR compliance date ., 2024 to October 16, hich time water systems to comply with the he LCR (40 CFR 141.80 1, as codified on July 1, 1939, USEPA, 2021e) and

October 16, 2024 deadline for the service line inventory. While EPA expects to promulgate the final LCRI prior to October 16, 2024, the Agency also acknowledged that the announcement of the proposed LCRI "creates some uncertainty for water systems and States regarding the deadline and completion" of required actions under LCRR, including the LSLR and tap sampling plans (86 FR 71580, USEPA, 2021b). In the LCRR review notice published on December 17, 2021, the Agency stated its intention to propose revisions to the LCRR compliance deadlines "only for components of the rule that the Agency will propose to significantly revise" (86 FR 71580, USEPA, 2021b). Some stakeholders have requested that EPA further delay the LCRR compliance date for items the Agency is proposing to revise in LCRI. For example, some States believe it will be difficult for them to review all the required plans at the same time and asked that EPA consider staggering various rule deadlines. Another stakeholder indicated that EPA should require compliance with the LCRI requirements beginning no earlier than January 2026. However, other stakeholders have previously cited concerns that delaying implementation of LCRR may delay public health protection (86 FR 31943, USEPA, 2021e; *State of Arizona et al., v. EPA*, 77 4th 1126 (D.C. Cir. 2023) (dismissing petition for review of EPA's rule to delay the LCRR compliance date)). For a discussion on how the proposed compliance dates in this section address public health protection see section IV.E.

Proposed LCRI Compliance Dates

For the LCRI, EPA is proposing a compliance date of three years after promulgation of a final rule and is proposing that systems continue to comply with the LCR until that date, with the exception of the LCRR initial LSL inventory, notification of service line material, associated reporting requirements, and the requirement for Tier 1 public notification for a lead action level exceedance under subpart Q. This would provide the amount of time necessary for States to work with water systems to prepare to comply with the final LCRI requirements, which include revisions to most of the provisions of LCRR. EPA is proposing a direct transition from the LCR to the LCRI for all rule provisions with the above exceptions, so that States and water systems could focus their resources on preparing and updating service line inventories and conducting Tier 1 public notifications following

lead action level exceedances, in addition to preparing for LCRI requirements, such as preparing their service line replacement plan. Water systems would not be required to comply with the other requirements of the LCRR between October 16, 2024 and the LCRI compliance date.

EPA is proposing for water systems to continue to comply with the LCR until the LCRI compliance dates, with the above exceptions, because of the significant level of effort required of water systems to plan for compliance with the LCRI, coupled with the complexity of the LCRR. Additionally, EPA is proposing significant changes in the LCRI relative to the LCRR, many of which would render various LCRR requirements obsolete in a few years. Specifically, EPA is proposing to eliminate the trigger level and the many associated rule requirements that are required after a trigger level exceedance, including reporting requirements to the States that could require significant resources. Many of the rule requirements in LCRR are so interrelated that changes in one rule area impacts other areas. For example, the various actions water systems are required to take are based on a system's 90th percentile lead level. In LCRR, provisions for CCT are based on system size; CCT and LSL status; and if the system is above, below, or between different thresholds (e.g., lead PQL, lead trigger level, lead action level). In the proposed LCRI, these compliance pathways would be simplified by the proposed elimination of the lead trigger level, but also required additional proposed changes to the CCT provisions. Likewise, the LCR requires first-liter sampling at all sites while the LCRR requires fifth-liter sampling at LSL sites. The proposed LCRI would require the highest of the first and fifth liter at LSL sites. Changing from 90th percentile values based on a sampling approach with which systems have years of experience (the LCR), to a few years of a different approach (the LCRR), before changing again to the approach proposed in the LCRI, would likely cause confusion for systems and the public, and lead to wasted resources (e.g., developing sampling instructions, sampling plans, outreach materials). Another challenge is that the LCRR small system flexibility provision in § 141.93 allows systems serving 10,000 people or fewer to choose between the LSLR provisions or CCT provisions, which otherwise are specific to systems serving more than 10,000 people. Without the small system flexibility provision, there would be no

Proposed LCRI Compliance Dates

(as published in 2023 proposed LCRI preamble)

Proposed LCRI Compliance Dates (from proposed LCRI)

- **EPA is proposing that water systems continue to comply with the LCR until the LCRI compliance date**
- This excludes the portion of the preamble previously discussed describing the **LCRR Requirements and Compliance Dates That Will Be Retained** with a compliance date of October 16, 2024:
 - Service line Inventory completion and submission by October 16, 2024
 - Notification of Known or Potential Service Line Containing Lead
 - Tier 1 PN for lead ALE



EPA intends to finalize the LCRI prior to October 16, 2024.

Stay engaged with PADEP on specific LCRR/LCRI requirements.



Useful Resources

Technical Assistance (TA) to Support Lead Service Line Replacements

New Information Available from EPA LCR Implementation Tools Webpage (April 2024)

Scope of Available TA for Lead Service Line Replacements

Develop Inventories

Inventory Plan

LSL Inventory

LSL Maps

Community Engagement

Community Engagement Plan

Community outreach and engagement

Outreach Materials

Replacement Support

Replacement Plan

Funding Application Support

Construction Management Support

Lead Service Line Replacement (LSLR) Accelerator Project

<https://www.epa.gov/water-infrastructure/lead-service-line-replacement-accelerators>

Lead Service Line Replacement (LSLR) Accelerators Project

- Initiative launched in Jan 2023 to address existing barriers and accelerate progress toward lead service line identification and replacement
- Partnership between EPA and 4 states agencies: Connecticut, New Jersey, Pennsylvania and Wisconsin
- PADEP is actively posting and sharing information developed from this partnership on their website - see the “Inventory Resources” section in the below PADEP link



Lead and Copper Rule Service Line Inventories

EPA published the Lead and Copper Rule Revisions (LCRR) in January 2021, which **requires all community and nontransient noncommunity water systems to submit a service line inventory to DEP by October 16, 2024**. This website contains a variety of valuable resources; all PWS's are encouraged to carefully review all information provided here.

Questions? If after reviewing information on this website, questions remain related to service line inventories, please contact the Bureau of Safe Drinking Water - Operations Section at PA-EPSDWOpsSection@pa.gov.



Inventory Resources:

Historical Record Review Checklist: As part of conducting the inventory, water systems must review all records available to identify service line materials. The following table is meant to guide water systems through completing a thorough records review of all information which *may* be available to help identify service line material. It is best to review this checklist as an *initial* step in preparing to complete a thorough inventory. This checklist is an *optional* training aid, water systems are *not* required to complete or submit this checklist.

- [Historical Record Review Checklist](#)

Community Engagement Plan Template

It is important to inform and involve water system customers in the service line inventory process. The more customers understand, the more likely they are to cooperate with and provide accurate information to their public water supplier; thereby increasing the water system's ability to complete a more accurate inventory in a timely manner. To this end, DEP is making available a Service Line Inventory Community Engagement Plan template for public water suppliers. Please note:

- Areas of the template highlighted in yellow are intended to be updated by the water system.
- Areas of the template highlighted in green provide additional notes for the water system.
- Various examples are listed within the template, which can be removed or modified to reflect the needs of the community or water system.

[Link: Community Engagement Plan Template](#) (this will open doc in new window)

<https://www.dep.pa.gov/Business/Water/BureauSafeDrinkingWater/DrinkingWaterMgmt/Regulations/Pages/Lead-and-Copper-Rule.aspx>

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