

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
GUIDANCE FROM HOTLINE COMPENDIUM

WSG H4
Date Issued: February 1988

SUBJECT: Public Notification Requirements: Supplemental
Notices/Lead

SOURCE: Carl Reeverts

The special lead and general public notification proposal appeared in the April 6, 1987 *Federal Register* [52 FR 10972]. Within that proposed rule, EPA requested comments on whether mail delivery of the special lead notice to billed customers should be supplemented by had delivery to consumers who are not billed customers [52 FR 10976]. Therein the Agency also stated that it was not proposing such a requirement.

Supplemental delivery is primarily an issue with regard to apartment complexes and similar situations. The apartment complex owner (the billing unit) may receive a bill-stuffer or mail-out; however, individual units and consumers may not receive notification.

The final public notification rule appeared in the October 28, 1986 *Federal Register* [52 FR 41534]. Within the final rule, the preamble discussion pertaining to manner-of-notice [52 FR 41544] does not appear to either change or reaffirm EPA's position as stated in the proposal; i.e., not to require supplemental hand delivery in the type of situation outlined above. At the same time, however, Section 141.34(b) [52 FR 41549] of the final rule states that the special lead notice "...shall be given to persons served by the system..." With regard to apartment complexes and similar situations, is it a requirement that supplemental hand-delivery be provided to unbilled individual units? The above, underscored regulatory language seems to indicate that supplemental notification is a requirement.

Response:

Within the final rule, EPA's position remains unchanged from that specified in the preamble to the proposed rule. Those community water systems choosing the mail-delivery option (bill-stuffer or separate mail-out) of special lead notification, are not required to provide a hand-delivered notice to individual apartment or complex units, in situations where the complex owner is the only billing unit.

The Agency, however, encourages the billing unit and/or water system to engage in efforts to ensure that individual units receive notification.

Various State public water supply programs may have stricter requirements. It is recommended that community water suppliers contact their respective State programs for a final response.