



Texas Commission on Environmental Quality

Instructions for Lead Action Level Exceedance Public Notification and Public Education Materials

Tier 1 24-Hour Public Notification Delivery Requirements

All community and non-transient non-community water systems must distribute Public Notification if 90th percentile lead levels exceed the lead action level exceedance (ALE). Public water systems must issue the Public Notice within 24 hours of learning of the lead ALE and provide a copy to the EPA and TCEQ.¹ The water system must provide the notice to all consumers using one or more of the following methods²:

- Broadcast media, such as radio and television.
- Direct delivery.
- Posting in conspicuous locations throughout the water service area.
- Electronic delivery or alert system (e.g. reverse 911).
- Another method approved in writing by the TCEQ.

The water system may need to use multiple delivery methods (e.g., broadcast media, distributing copies to hospitals, clinics, or apartment buildings). If posting or providing direct delivery of the notice, EPA recommends using the system's letterhead. Coordinate with the local health department and notify local health professionals of the ALE. Health professionals, including dentists, need this information to consider using alternative water sources.

The attached template is for direct delivery or public posting. It includes mandatory regulatory text, example language for the water system to use or modify, and fill-in sections with **[bracketed bold and underlined text]**. If modified, the notice must retain all required elements and mandatory language in *italics with asterisks* *. Refer to the CFR citations at the end of these instructions.

The water system must issue the notice within 24 hours.³ Additionally the system must send a certification to TCEQ stating that the system has met all the Public Notification requirements within 10 days after the original or any repeat notice(s).⁴ EPA recommends the best practice of informing your consumers when the situation has been resolved.

For more information on how to meet general Public Notification requirements, see the EPA's [Revised Public Notice Handbook](#).

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(s).⁵

¹ [40 CFR 141.90](#), [40 CFR 141.2](#), [40 CFR 141.202\(b\)](#), [40 CFR 141.31\(d\)\(2\)](#) and [40 CFR 141.31\(d\)\(2\)](#)

² [40 CFR 141.202\(c\)](#)

³ [40 CFR 141.202\(b\)\(2\)](#)

⁴ [40 CFR 141.31\(d\)\(1\)](#)

⁵ [40 CFR 141.205\(c\)\(2\)](#)

Lead Public Education 60-Day Delivery Requirements

The template attached to these instructions also can serve as the Public Education materials required to be delivered after a lead ALE.⁶ The water system must complete all the following Public Education delivery requirements and submit certification of delivery to TCEQ no later than 60 days following the end of the monitoring period in which the exceedance occurred.⁷ Systems must provide a list of all newspapers, radio stations, television stations, and facilities and organizations to which the system delivered Public Education.

Public Education Delivery Requirements for Community Systems⁸:

- Directly deliver to all bill paying customers.
- Deliver to these facilities and organizations that are served by the system:
 1. Local public health agencies
 2. Public and private schools or school boards
 3. Women Infants and Children (WIC) and Head Start programs
 4. Public and private hospitals and medical clinics
 5. Pediatricians
 6. Family planning clinics
 7. Local welfare agencies
- Systems must make a good faith effort to locate all public health and childcare organizations within the service area and deliver materials that meet content requirements, along with an informational notice for distribution to all potentially affected customers or users. This effort may include requesting a contact list from local public health agencies, even if they are outside the service area:
 1. Licensed childcare centers
 2. Public and private preschools
 3. Obstetricians-Gynecologists and midwives
- Provide information with or in each water bill, quarterly.
- Systems with population served over 3,300 must deliver through press release to newspaper, television, and radio stations.
- Systems serving a population over 3,300 must conduct three (3) activities from any listed categories, while systems serving a population of 3,300 or fewer must conduct one (1) activity from any listed categories.
 1. Public service announcement
 2. Paid advertisements
 3. Display information in public areas
 4. Email to customers
 5. Public meetings
 6. Delivery to every household
 7. Provide materials directly to multi-family homes
 8. Other methods if required by TCEQ
- Systems with populations over 100,000 must post Public Education materials on the

⁶ [30 TAC 290.117\(k\)\(1\)](#)

⁷ [30 TAC 290.117\(k\)\(4\)](#)

⁸ [30 TAC 290.117\(k\)\(2\)](#)

water system's website.

Public Education Delivery Requirements for Non-Transient Non-Community Systems⁹:

- Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system.
- Distribute informational brochures on lead in drinking water to each person served by the system.

ALE notices

For water systems serving a large proportion of non-English speaking consumers, both the public notice and lead Public Education 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(s).¹⁰

The TCEQ template for Lead Action Level Exceedance Public Notification and Public Education, along with the associated Certificate of Delivery (COD) of Lead Notice to Customers, is intended to satisfy all associated 40 CFR and 30 TAC requirements for the two deliveries if submitted within 24 hours.

TCEQ encourages water systems to utilize the template and complete all distribution requirements at the same time to avoid duplicate distribution efforts. Steps to complete:

1. Download TCEQ notification template
2. Fill in required PWS information
3. Complete delivery requirements
 - Within 24 hours for Tier 1 public notice
 - Within 60 days for lead Public Education
4. Download COD template
5. Fill in required PWS information
6. Submit the notification template and COD to the TCEQ

After delivery of the lead ALE public notice and Public Education, water systems must certify to the state the completion of all requirements. Water systems must completely fill out the COD of Lead Notice to Customers and certify that the distribution was completed in accordance with all applicable regulations under 30 TAC 290 and 40 CFR 141. Please note the differences in distribution requirements for the Public Notification and Public Education outlined in the pages above.

Within 10 days following distribution of the notifications, systems must send the following materials to the TCEQ through email (preferred), certified mail, or regular mail:

- A copy of the public notice and Public Education
- COD
- A list of facilities where Public Education was distributed

Email the notice and the certificate of delivery to PWSNOTICE@tceq.texas.gov.

⁹ [30 TAC 290.117\(k\)\(3\)](#)

¹⁰ [40 CFR 141.205\(c\)\(2\)](#)