



Early Stakeholder Outreach — Lead and Copper Rule Amendments, 2016

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

Why are these rules being sent out for Early Stakeholder Outreach?

Ohio House Bill 512, recently signed by Governor Kasich, amended Ohio Revised Code (ORC) sections 6109.01, 6109.10 and 6109.22, and enacted section 6109.121. The amendments and new law require the Director of Ohio EPA to adopt rules to address lead and copper notification and testing for community and nontransient noncommunity public water systems (PWSs) within 120 days after the effective date of Ohio House Bill 512.

In response to Executive Order 2011-01K, Ohio EPA has added an additional step in our rulemaking efforts to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What does the proposed rules package cover?

The Division of Drinking and Ground Waters (DDAGW) will be revising, at minimum, lead and copper rule language in Ohio Administrative Code (OAC) Chapter 3745-81 and the laboratory certification rules in Chapter 3745-89. Ohio House Bill 512 covers a variety of requirements, including monitoring and analysis, treatment and consumer notices. DDAGW will be adopting rule revisions under the authority of amended and enacted sections of Chapter 6109 of the ORC and in accordance with Ohio House Bill 512. Visit the Ohio legislature website at <https://www.legislature.ohio.gov> to view the bill in its entirety.

What changes are being considered?

Major revisions to OAC Chapters 3745-81 and 3745-89 will be based on new and amended language from Ohio House Bill 512. Highlighted revisions include the following:

- An assessment of the PWS will be required (e.g., to consider the age of the system and successful corrosion control). The assessment occurs as part of setting the monitoring schedule.
- Additional sampling for pH level and other water quality parameters to assist in evaluating the PWSs corrosion control may be required.
- Certified laboratories will be required to analyze lead and copper tap samples within 30 business days after receipt of samples, and report results to PWS and Ohio EPA by the end of next business day following completion of analysis.
- PWSs will have to issue, within 2 business days after receipt of results, notice of individual tap sample results to population served by house or building sampled.
- Community PWSs will be required to provide information on tap water testing for lead, within 5 days after receipt of

How can I provide input?

The Agency is seeking stakeholder input on incorporating Ohio House Bill 512 into Ohio Administrative Code rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business, **July 20, 2016**. Please submit input to:

DDAGW_RULECOMMENTS@epa.ohio.gov.

Please include, "**Lead and Copper Rule Amendments, 2016**" in the subject line of the email.

What if I have questions?

Questions on this rules package and the process for submitting comments may be forwarded by email to Susan Kramer or by phone at (614) 644-2752. You can find the most current draft and proposed rules, as well as currently effective rules on DDAGW's rulemaking web page at www.epa.ohio.gov/ddagw/rules.aspx.

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results of lead action level exceedance, to all consumers of system known or likely to have lead service lines, lead pipes or lead solder.

- PWSs will be required to conduct a new corrosion control study, or update them, if modifications are made or events occur that have the potential to impact water quality or corrosiveness in the PWS.
- New and revised content will be incorporated in the public education materials.
- Ohio EPA will issue monetary penalties to PWSs for failure to provide notice of individual tap sample results and notice of lead action level exceedances.
- PWSs will be required to take specific actions if an individual tap sample is above the lead threshold, such as providing information on health screening and blood lead level testing to owner and persons served at the residence or structure, and provide laboratory results to the local board of health within 2 business days after receipt of results.
- PWSs will be required to take specific actions if monitoring results show system exceeded lead action level, such as providing notice to all consumers of system within 2 business days after receipt of laboratory results and completing public education within 30 days after receipt of laboratory results. Additionally, systems will have to perform corrosion control studies and submit the treatment plan within 18 months after receipt of the results.
- Systems will be required to certify within 5 business days of receipt of laboratory results that consumer notification was performed (e.g., for individual tap sample results and exceedances of lead action level).
- Within 6 months after the effective date of Ohio House Bill 512:
 - Community PWSs will be required to identify and map areas of their system known or likely to contain lead service lines and identify characteristics of building served by their system that may contain lead piping, solder or fixtures.
 - Nontransient noncommunity PWSs will be required to identify and map areas of their system with lead piping, solder or fixtures of a building served by the system.

For both types of PWSs, a copy of the map must be submitted to the health department and department of job and family services. In addition, a report containing the map and a list of sampling locations in a Tier 1 site used to collect samples must be submitted to Ohio EPA. The map and report must be updated and resubmitted every 5 years after the first submission.

- A nontransient noncommunity PWS school or child day-care center will be required to collect additional tap water samples identified in their map.
- Financial assistance from the Drinking Water Assistance Fund will be available for the purpose of fulfilling the mapping and corrosion control requirements.

Who will be regulated by these rules?

Community and nontransient noncommunity PWSs will be regulated by these rules, as well as Ohio certified laboratories.

What is the rulemaking schedule?

DDAGW will evaluate feedback from the early stakeholder outreach process and then prepare a draft version of rules for interested party review. After incorporating interested party comments, Ohio EPA will start the rule filing process required by the the Joint Committee on Agency Rule Review (JCARR). Visit JCARR's website for meeting dates and agenda items at <https://www.jcarr.state.oh.us>.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept?
- Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

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Contact

There is not an official written response to input received during the early stakeholder outreach phase of rule development. However, your input is very important to Ohio EPA and it will be considered when rules are being drafted. There will be additional opportunities to comment on specific rule language later in the process.

For more information, contact Susan Kramer at Susan.Kramer@epa.ohio.gov or (614) 644-2752.