

3745-81-85 **Control of lead and copper - public education, supplemental lead monitoring requirements and consumer notification of results.**

All public water systems shall deliver a consumer notice of lead tap water monitoring results to persons served by the water system at sites that are tested, as specified in paragraph (D) of this rule. A water system that exceeds the lead action level based on tap water samples collected in accordance with rule 3745-81-86 of the Administrative Code shall deliver the public education materials contained in paragraph (A) of this rule in accordance with the requirements in paragraph (B) of this rule. Water systems that exceed the lead action level shall sample the tap water of any customer who requests it in accordance with paragraph (C) of this rule.

(A) Content of written public education materials.

- (1) Community and nontransient noncommunity water systems shall include the following elements in printed materials (e.g., brochures and pamphlets) in the same order as listed below. In addition, language in paragraphs (A)(1)(a), (A)(1)(b) and (A)(1)(f) of this rule shall be included in the materials, exactly as written, except for the text in brackets in these paragraphs for which the water system shall include system-specific information. Any additional information presented by a system shall be consistent with the information below and be in plain language that can be understood by the general public. All written public education material content shall be acceptable to the director prior to delivery.

- (a) "IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER.

[INSERT NAME OF WATER SYSTEM] found elevated levels of lead in drinking water in some homes / buildings. Lead can cause serious health problems, especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water."

- (b) "HEALTH EFFECTS OF LEAD.

Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with

lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development."

- (c) Sources of lead:
- (i) Explain what lead is.
 - (ii) Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on home / building plumbing materials and service lines that may contain lead.
 - (iii) Discuss other important sources of lead exposure in addition to drinking water (e.g., paint).
- (d) Discuss the steps the consumer can take to reduce their exposure to lead in drinking water.
- (i) Encourage running the water to flush out the lead.
 - (ii) Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.
 - (iii) Explain that boiling water does not reduce lead levels.
 - (iv) Discuss other options consumers can take to reduce exposure to lead in drinking water, such as alternative sources or treatment of water.
 - (v) Suggest that parents have their child's blood tested for lead.
 - (vi) Explain that parents can have their drinking water tested for lead. Provide a list of Ohio environmental protection agency approved laboratories that test water for lead, including their names and phone numbers.
- (e) Explain why there are elevated levels of lead in the system's drinking water (if known) and what the water system is doing to reduce the lead levels in homes / buildings in this area.
- (f) "For more information call us at [INSERT YOUR PHONE NUMBER] [(if applicable) or visit our Web site at [INSERT YOUR WEB SITE HERE]]. For more information on reducing lead exposure around

your home / building and the health effects of lead, visit EPA's Web site at <http://www.epa.gov/lead> or contact your local health care provider."

(2) Community water systems. In addition to including the elements specified in paragraph (A)(1) of this rule, community water systems shall:

(a) Tell consumers how to get their water tested.

(b) Discuss lead in plumbing components and the difference between low lead and lead free.

(B) Delivery of public education materials.

In the case of schools, day cares, nursing homes or correctional institutions, the parents, legal guardians or power of attorney shall be directly notified.

(1) For public water systems serving a large population of non-English speaking consumers, as determined by the director, the public education materials must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the public education materials or to request assistance in the appropriate language.

(2) A community water system that exceeds the lead action level on the basis of tap water samples collected in accordance with rule 3745-81-86 of the Administrative Code, and that is not already conducting public education tasks under this rule, shall conduct the public education tasks under this rule within sixty days after the end of the monitoring period in which the exceedance occurred:

(a) Deliver printed materials meeting the content requirements of paragraph (A) of this rule to all bill paying customers.

(b) Contact customers who are most at risk by:

(i) Delivering education materials that meet the content requirements of paragraph (A) of this rule to local public health agencies even if they are not located within the service area of the public water system, along with an informational notice that encourages distribution to all potentially affected customers of the organization or users of the community water system. The water system shall contact the local public health agencies directly by phone or in person. The local public health agencies may provide a specific list of additional community based

organizations serving target populations, which may include organizations outside the service area of the water system. If such lists are provided, systems shall deliver education materials that meet the content requirements of paragraph (A) of this rule to all organizations on the provided lists.

(ii) Delivering materials that meet the content of paragraph (A) of this rule to the following organizations listed below that are located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or community water system's users:

(a) Public and private schools or schools boards.

(b) Women, infant and children (WIC) and head start programs.

(c) Public and private hospitals and medical clinics.

(d) Pediatricians.

(e) Family planning clinics.

(f) Local welfare agencies and jobs and family services.

(iii) Make a good faith effort to locate the following organizations within the service area and deliver materials that meet the content requirements of paragraph (A) of this rule to them, along with an informational notice that encourages distribution to all potentially affected customers or users. The good faith effort to contact at-risk customers may include requesting a specific contact list of these organizations from the local public health agencies, even if the agencies are not located within the water system's service area:

(a) Licensed childcare centers.

(b) Public and private preschools.

(c) Obstetricians, gynecologists and midwives.

(c) No less often than quarterly, provide information on or in each water bill as long as the system exceeds the action level of lead. The message on the water bill shall include the following statement exactly as written except for the text in brackets for which the water system shall include system-specific information: "[INSERT NAME

OF WATER SYSTEM] found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call [INSERT YOUR NUMBER] (or visit [INSERT YOUR WEB SITE HERE]). The message or delivery mechanism can be modified in consultation with the director; specifically, the director may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.

- (d) Post material meeting the content requirements of paragraph (A) of this rule on the water system's web site if the system serves a population greater than one hundred thousand.
- (e) Submit a press release to newspaper, television and radio stations.
- (f) In addition to paragraphs (B)(2)(a) to (B)(2)(e) of this rule, systems shall implement at least three activities from one or more categories listed below. The educational content and selection of these activities shall be determined in consultation with the director.
 - (i) Public service announcements.
 - (ii) Paid advertisements.
 - (iii) Public area information displays.
 - (iv) E-mails to customers.
 - (v) Public meetings.
 - (vi) Household deliveries.
 - (vii) Targeted individual customer contact.
 - (viii) Direct material distribution to all multi-family homes and institutions.
 - (ix) Other methods approved by the director.
- (g) For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September thirtieth of the calendar year in which the sampling occurs, or, if the director has established an alternate monitoring period, the last day of that period.

- (3) Frequency of delivery for community water systems. As long as a community water system exceeds the action level, it shall repeat the activities pursuant to paragraph (B)(2) of this rule as described in paragraphs (B)(3)(a) to (B)(3)(d) of this rule.
 - (a) A community water system shall repeat the tasks contained in paragraphs (B)(2)(a), (B)(2)(b), and (B)(2)(f) of this rule every twelve months.
 - (b) A community water system shall repeat tasks contained in paragraph (B)(2)(c) of this rule with each billing cycle.
 - (c) A community water system serving a population greater than one hundred thousand shall post and retain material on a publically accessible web site pursuant to paragraph (B)(2)(d) of this rule.
 - (d) The community water system shall repeat the task in paragraph (B)(2)(e) of this rule twice every twelve months on a schedule agreed upon with the director. The director can allow activities in paragraph (B)(2) of this rule to extend beyond the sixty day requirement if needed for implementation purposes on a case-by-case basis; however, this extension shall be accepted in writing by the director in advance of the sixty day deadline.
- (4) Frequency of delivery for nontransient noncommunity water systems. Within sixty days after the end of the monitoring period in which the exceedance occurred (unless it already is repeating public education tasks pursuant to paragraph (B)(5) of this rule), a nontransient noncommunity water system shall deliver the public education materials specified by paragraph (A) of this rule as follows:
 - (a) Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system; and
 - (b) Distribute information via pamphlets, brochures or electronic transmission on lead in drinking water to each person served by the nontransient noncommunity water system.
 - (c) For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September thirtieth of the calendar year in which sampling occurs, or, if the director has established an alternate monitoring period, the last day of that period.
- (5) A nontransient noncommunity water system shall repeat the tasks contained in paragraph (B)(4) of this rule at least once during each

calendar year in which the system exceeds the lead action level. The director can allow activities in (B)(4) of this rule to extend beyond the sixty day requirement if needed for implementation purposes on a case-by-case basis; however, this extension shall be accepted in writing by the director in advance of the sixty day deadline.

- (6) A water system may discontinue delivery of public education materials if the system has not exceeded the lead action level during the most recent six-month monitoring period conducted pursuant to rule 3745-81-86 of the Administrative Code. Such a system shall recommence public education in accordance with this rule if it subsequently exceeds the lead action level during any monitoring period.
- (7) A community water system may only use the text specified in paragraph (A)(1) of this rule in lieu of the text in paragraphs (A)(1) and (A)(2) of this rule and may perform the tasks listed in paragraphs (B)(4) and (B)(5) of this rule in lieu of the tasks in paragraphs (B)(2) and (B)(3) of this rule if:
 - (a) The system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing; and
 - (b) The system provides water as part of the cost of services provided and does not separately charge for water consumption.
- (8) A community water system serving thirty-three hundred or fewer people may limit certain aspects of their public education programs as follows:
 - (a) With respect to the requirements of paragraph (B)(2)(f) of this rule, a system serving thirty-three hundred or fewer shall implement at least one of the activities listed in that paragraph.
 - (b) With respect to the requirements of paragraph (B)(2)(b) of this rule, a system serving thirty-three hundred or fewer people may limit the distribution of the public education materials required under that paragraph to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children, unless it is notified by the director in writing that it shall make a broader distribution.
 - (c) With respect to the requirements of paragraph (B)(2)(e) of this rule, the director may waive this requirement for systems serving thirty-three hundred or fewer persons as long as the system distributes notices to every household served by the system.

(C) Supplemental monitoring and notification of results.

A public water system that exceeds the lead action level on the basis of tap water samples collected in accordance with rule 3745-81-86 of the Administrative Code shall offer to arrange monitoring of the tap water of any customer who requests it. The system is not required to pay for collecting or analyzing the sample, nor is the system required to collect and analyze the sample itself.

(D) Consumer notification of results.

- (1) Reporting requirement. All water systems shall provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of rule 3745-81-86 of the Administrative Code to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested).
- (2) Timing of notification. A water system shall provide the consumer notice as soon as practical, but no later than thirty days after the system learns of the tap monitoring results.
- (3) Content. The consumer notice shall include the results of lead tap water monitoring for the tap that was tested, an explanation of the health effects of lead, list steps consumers can take to reduce exposure to lead in drinking water and contact information for the water system. The notice shall also provide the maximum contaminant level goal and the action level for lead and the definitions from rule 3745-81-01 of the Administrative Code.
- (4) Delivery. The consumer notice shall be provided to persons served at the tap that was tested, either by mail or by another method accepted by the director. The system shall provide the notice to customers at sample taps tested, including consumers who do not receive water bills. In the case of schools, day cares, nursing homes or correctional institutions, the parents, legal guardians or power of attorney shall be notified by a method accepted by the director.

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