

3745-81-84 Control of lead and copper - lead service line requirements.

All water systems that replace lead service lines, replace water mains in areas that contain or are likely to contain lead service lines, or exceed the lead action level after the implementation of corrosion control or source water treatment shall comply with all applicable requirements in this rule.

- (A) Requirements for public water systems that exceed the lead action level in tap water monitoring pursuant to paragraph (D)(2) of rule 3745-81-86 of the Administrative Code, after installing corrosion control or source water treatment (whichever sampling occurs later).
- (1) The water system shall identify the initial number of lead service lines in its distribution system, including an identification of the portion owned by the system, based on a materials evaluation, including the evaluation required under paragraph (A) of rule 3745-81-86 of the Administrative Code and relevant legal authorities regarding the portion owned by the system (e.g., contracts and local ordinances).
 - (2) The water system shall replace annually at least seven per cent of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The first year of lead service line replacement shall begin on the first day following the end of the monitoring period in which the action level was exceeded under paragraph (A) of this rule. If monitoring is required annually, or triennially, the end of the monitoring period is September thirtieth of the calendar year in which the sampling occurs. If the director has established an alternate period, then the end of the monitoring period will be the last day of that period.

The director shall require a public water system to replace lead service lines on a shorter schedule than that required by this rule, taking into account the number of lead service lines in the system, where such a shorter replacement schedule is feasible. The director shall make this determination in writing and notify the system of the finding within six months after the system is required to commence lead service line replacement based on monitoring referenced in this paragraph.

- (3) If the water system is in violation of rule 3745-81-81 or rule 3745-81-83 of the Administrative Code for failure to install source water treatment or corrosion control treatment, the director may require the system to commence lead service line replacement under this rule after the date by which the system was required to conduct monitoring under paragraph (D)(2) of rule 3745-81-86 of the Administrative Code has passed.
- (4) Any public water system may cease replacing lead service lines whenever first-draw samples collected pursuant to paragraph (B)(2) of rule 3745-81-86 of the Administrative Code meet the lead action level during each of two consecutive monitoring periods and the system submits the results to the director. If first-draw tap samples monitored in any such water system thereafter exceed the lead action level, the system shall recommence replacing lead service lines, pursuant to paragraph (C) of this rule.
- (5) Any water system resuming a lead service replacement program after the cessation of its lead service line replacement program, as allowed by paragraph (A)(4) of this rule, shall update its inventory of lead service lines. The system will then divide the updated number of remaining lead service lines by the number of remaining years in the program to determine the number of lines that must be replaced per year (seven per cent lead service line replacement is based on a fifteen year replacement program: e.g., systems resuming lead service line replacement after previously conducting two years of replacement would divide the updated inventory by thirteen). For those systems that have completed a fifteen year lead service line replacement program, the director will determine a schedule for replacing or retesting lines that were previously tested out under the replacement program when the system re-exceeds the action level

- (6) The water system shall replace lead service lines in accordance with the requirements of paragraph (C) of this rule.
 - (7) The water system shall report to the director the information specified in paragraph (E) of rule 3745-81-90 of the Administrative Code.
- (B) Beginning October 1, 2018, systems conducting a water main replacement in an area with known lead service lines or in an area that is likely to contain lead service lines shall do so in accordance with this paragraph.
- (1) The water system shall provide notice of the work to be performed by the system to consumers in the impacted area at least forty-five days prior to commencing the replacement. The director may allow the owner or operator of a water system to provide notice under the previous sentence less than forty-five days prior to commencing the replacement where such replacement is in conjunction with emergency repairs. The notice shall include language, acceptable to the director, that explains that work being performed may cause a temporary increase in lead levels in drinking water, provides instructions on filter use required to be offered in paragraph (D) of this rule, and guidance on measures the consumer can take to reduce lead levels at their tap.
 - (2) The water system shall comply with the requirements in paragraph (D) of this rule.
- (C) Beginning October 1, 2018, except in conjunction with action level exceedence, any system performing a lead service line replacement shall do so in accordance with this paragraph. A public water system shall replace that portion of the lead service line that it owns. In cases where the system does not own the entire lead service line, the system shall notify the owner of the line, or the owner's authorized agent, that the system will replace the portion of the service line that it owns and shall offer to replace the owner's portion of the line. A system is not required to bear the cost of replacing the privately-owned portion of the line, nor is it required to replace the privately-owned portion where the owner chooses not to pay the cost of replacing the privately-owned portion of the line, or where replacing the privately-owned portion would be precluded by state, local, or common law. A water system shall maintain a record of a full or partial lead service line replacement with an acknowledgment from the owner of the line of the work performed by the water system, for a minimum of twelve years. A water system that does not replace the entire length of the service line shall complete the following tasks and the requirements in paragraph (D) of this rule:
- (1) At least forty-five days prior to commencing with the partial replacement of a lead service line, the owner or operator of a water system shall provide notice to the residents of all buildings served by the line. The notice shall include language, acceptable to the director, that explains that work being performed may cause a temporary increase in lead levels in drinking water, provides instructions on filter use required to be offered in paragraph (D) of this rule, and guidance on measures the consumer can take to reduce lead levels at their tap. The director may allow the owner or operator of a water system to provide notice under the previous sentence less than forty-five days prior to commencing partial lead service line replacement where such replacement is in conjunction with emergency repairs. In addition, the water system shall inform the residents serviced by the line that the system will, at the system's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed under paragraph (B)(3) of rule 3745-81-86 of the Administrative Code, within seventy-two hours after the completion of the partial replacement of the service line. The system shall collect the sample and report the results of the analysis to the owner and the residents served by the line within two business days of receiving the laboratory results. Mailed notices post-marked within two business days of receiving the laboratory results shall be considered "on time."

- (2) The water system shall provide the information required by paragraph (C)(1) of this rule to the residents of individual dwellings by mail or by other methods approved by the director. In instances where multi-family dwellings are served by the line, the water system shall have the option to post information at a conspicuous location. In instances where a school, hospital or other non-residential building is served by the line, the water system shall notify the building administrator. In the case of public water systems that are schools, day cares, nursing homes or correctional institutions, the parents, legal guardians or power of attorney shall be directly notified.
- (D) Prior to beginning a partial lead service line replacement in accordance with paragraph (C) of this rule or a water main replacement in accordance with paragraph (B) of this rule, a water system shall offer and provide drinking water treatment unit filters up to a period of three months to consumers in the area impacted by the replacement. The filters shall meet NSF/ANSI standard 53 for "Drinking Water Treatment Units - Health Effects."
- (E) In lieu of completing lead service line replacement as required under this rule, the director may use sole discretion to allow a public water system to use an alternative method to eliminate exposure to lead from lead service lines when, at a minimum, the following conditions are met:
- (1) The alternative method has been approved by U.S. EPA as an acceptable alternative for lead service line replacement pursuant to the Safe Drinking Water Act.
 - (2) The director grants approval to the public water system to use the alternative method.

When using the alternative method under this paragraph, a public water system shall comply with all the other substantive requirements of this rule and with the reporting requirements under paragraph (E) of rule 3745-81-90 of the Administrative Code.

[Comment: NSF/ANSI Standard 53, Drinking Water Treatment Units - Health Effects, October 1, 2015, Document Number NSF/ANSI 53-2010. This rule incorporates this standard by reference. Copies may be obtained from "NSF International, 789 N. Dixboro Road, P.O. Box 130140, Ann Arbor, MI 48105," (734) 769-8010, <http://www.nsf.org>. This standard is available for review at "Ohio EPA, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, OH 43215.]"

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