

HB 512

Lead & Copper Regulatory Changes

Justin Burke

Ohio EPA

Manager-Compliance Assurance Section



Presentation Overview

- HB 512 Background
- HB 512 Requirements
 - Effective 9/9/16
 - Additional Requirements
- Draft Rule Writing: Interim Lead Notification
- Questions/Information

Strong Need for Change Identified



The federal framework that guides states in protecting the public against exposure to lead in their drinking water is flawed and the Kasich Administration is working with Ohio's congressional delegation to seek changes in Washington. Here at home, the governor's Mid-Biennium Review proposes new funding mechanisms to help communities replace lead water lines and help schools replace old drinking fountains and other lead-based fixtures. Stronger state standards – backed by tighter deadlines and administrative fines – will make public water systems notify and educate the public in a much timelier manner.



House Bill (HB) 512

- Sponsored by Timothy E. Ginter
- Passed the House 5/11/2016 unanimously
- Passed the Senate 5/25/2016 unanimously
- Signed 6/9/2016 in Columbiana
- Bi-Partisan support
- OEC gave Proponent Testimony

HB 512

- Lead Free adopted
- Effective September 9, 2016
- Ohio EPA was tasked to revise lead and copper rules 120 days from effective date of law
- Some requirements effective September 9
- Some requirements for water systems within 6 months after effective date

HB 512 – Effective September 9

Lead Action Level Exceedance:

- PWS has 2 business days to provide notice to all customers
- Verify performed within 5 days to EPA
 - “Verification of Lead Consumer Notice Issuance” form on DDAGWs reporting web page
- PWS has 5 business days to provide information on tap water testing to customers likely to have lead service lines, pipes or solder

HB 512 – Effective September 9

Lead Action Level Exceedance (cont.):

- Director to perform notification if not done by the PWS in 10 business days
- PWS has 30 business days provide public education
- HB 512 established penalties for failure to notify consumers

HB 512 – Effective September 9

- Penalty for failure to provide Public Notice for an Action Level Exceedance (ALE):

Population	Penalty for each notice
25 – 3000	\$250/day (\$2000 for 8 total days)
3001 – 10,000	\$500/day (\$4000 for 8 total days)
10,001 – 25,000	\$750/day (\$6000 for 8 total days)
>25,000	\$1000/day (\$8000 for 8 total days)

HB 512 – Effective September 9

Individual tap results:

- PWS provides notice within 2 business days of individual tap results to consumer;
 - Additional requirements if over 15 ug/L
- Verify notification to Ohio EPA within 5 business days
 - “Verification of Lead Consumer Notice Issuance” form on DDAGWs reporting web page

HB 512 – Effective September 9

Individual tap results (cont):

- Director to perform notification if not done by the PWS in 10 business days
- HB 512 established penalties for failure to notify consumers

Consumer Notice Verification

- Penalty for failure to provide Consumer Notice for EACH notice the system failed to provide:

Population	Penalty for each notice
25 – 3000	\$25/day (\$200/notice for 8 total days)
3001 – 10,000	\$50/day (\$400/notice for 8 total days)
10,001 – 25,000	\$75/day (\$600/notice for 8 total days)
>25,000	\$100/day (\$800/notice for 8 total days)

HB 512 – Effective September 9

Individual tap results (cont):

- How should notice be delivered within 2 business days?
 - For samples below 15 ug/L, there are more options, especially for community systems (e.g. email, postal mail, hand delivery)
 - NTNC systems must post results at minimum, deliver when applicable (schools, childcare facilities)

HB 512 – Effective September 9

Individual tap results (cont):

- How should notice be delivered within 2 business days?
 - For samples above the threshold of 15 ug/L, there are fewer options. Delivery to the consumer must be made and able to be confirmed (postal mail is not an option)
 - Additional education requirements and actions for > threshold samples

Additional PWS Requirements for Individual Tap Results over 15 ug/L

- Provide consumer with information on health screening and lead blood level testing in 2 business days
- Provide results to the local health department in 2 business days
- Include results in CCR
- NTNCWS – immediately remove the fixture from service

Laboratory Requirements

- Samples must be analyzed within 30 days of receipt of sample
- Samples must be reported to the PWS and Ohio EPA by the end of the next business day

Electronic Reporting by Lab

- PWS must provide detailed location information with sample submission
 - Specific, full mailing address in “Collection Address” field
 - Phone number and email address of resident in “Comments” field
- Coming soon....
 - Sample Monitoring Point IDs for each specific Pb and Cu sampling location, linked to a specific address
 - Similar to TTHM/HAA5 (DS201, DS202, etc)
- Outreach to certified labs prior to 9/9

Additional HB 512 Requirements

- No later than 6 months after the effective day:
 - Owner/Operator must identify and map known or likely lead service lines and buildings served by system that may contain lead piping, solder, and/or fixtures
 - NTNC must identify and map areas of system that have lead piping, solder, and/or fixtures
 - Submit the map and a list of Tier 1 sites used to collect samples
 - Submit a copy of the map to both the Department of Health and Department of Job and Family Services
 - Updated every 5 years

Additional HB 512 Requirements

- For child-care or school NTNC public water systems, the director of Ohio EPA may require tap water samples be collected based on the new mapping that is required to be completed within 6 months of the effective date of the legislation being signed into law

Draft Rule Writing: Interim Lead Notification

Interim Lead Notification

- Notification that can be issued by the system to warn public of corrosive conditions in drinking water that may be of concern for lead exposure prior to the end of the monitoring period, but not yet an actual ALE determination
- Health effects language in the Interim Lead Notification will be very similar to ALE public notification
 - No public education requirements
- A PWS may decide that they would rather declare an ALE

Interim Lead Notification Determination

- During the monitoring period, a system may issue a “Interim Lead Notification” if:
 - The number of samples collected > Lead AL would indicate a Lead ALE based on the **total samples required by schedule**
 - Example: A system is scheduled to collect 100 samples in a monitoring period. At a date, mid-monitoring-period before all required 100 samples are reported, the system reports 11 samples that are greater than the Action Level of 15 ug/L. An Interim Lead Notification can be issued

Interim Lead Notification Determination

- A system may also issue an “Interim Lead Notification” if:
 - The total number of samples collected is greater than required and an ALE would be determined if only those samples were reported:
 - Example: A system is scheduled for 10 samples in a monitoring period. In the middle of the monitoring period the system reports 20 compliance samples with 3 samples > action level. With time remaining in the monitoring period to collect additional samples, more samples collected than required by schedule, and the 90th percentile of known samples > AL, an “Interim Lead Notification” would be appropriate

Interim Lead Notification Determination vs ALE

- HOWEVER, an ALE should be issued in place of an Interim Lead Notification if the calculated 90th percentile > AL and:
 - it is close to the end of the monitoring period
AND/OR
 - the system does not intend to collect additional samples
AND/OR
 - no appropriately tiered sample locations are left for sample collection during the current monitoring period
OR
 - the system refuses to issue an Interim Lead Notification or ALE
 - ALE will be issued by Ohio EPA

Interim Lead Notification Determination vs ALE

- Example 1: System collected 100 eligible compliance samples and all results are in from the lab. 15 samples are above the action level and there is 1 day left in the monitoring period. **ALE is appropriate**
- Example 2: A system collects from twenty Tier 1 sites and has 5 samples > AL. There is time left in the monitoring period for additional sample collection, but PWS lets Ohio EPA know it has no intention of collecting additional compliance samples (or no appropriately tiered sites to collect from). **ALE is appropriate**

ALE After Interim Lead Notification

- An ALE may be determined in the same monitoring period following an Interim Lead Notification, and will include all public notice and public education requirements as with any ALE
 - Example: System issues Interim Lead Notice on Sep 1. On September 30, all compliance samples have been submitted and 90% is > AL. ALE is determined, public notice is issued for the ALE and all other ALE requirements are applicable

No ALE After Interim Lead Notification

- For a system that issues an Interim Lead Notice there will be no requirement to rescind the Interim Lead Notification if an ALE is not determined at the end of the monitoring period
 - Example: System issues Interim Lead Notice on Sep 1. On September 30, all compliance samples have been submitted and Lead 90% is < AL. No additional action required by PWS for that monitoring period

Follow-up Questions?

- If you have additional questions about implementation, notices, verification, or anything related to the Lead and Copper rules, please call your Ohio EPA district office contact
 - Central District: (614) 728-3778
 - Northeast District: (330) 963-1200
 - Northwest District: (419) 352-8461
 - Southeast District: (740) 385-8501
 - Southwest District: (937) 285-6357



Additional Information

- Fact sheet: An overview of immediate notification requirements is located at <http://epa.ohio.gov/Portals/28/documents/rules/final/HB512Final.pdf>
- Verification form: <http://epa.ohio.gov/ddagw/reporting.aspx> under the tab, “Forms and Instructions, Lead and Copper”
- House Bill 512: <https://www.legislature.ohio.gov/>