



## Ohio Administrative Code

### Rule 3745-81-85 Control of lead and copper - response to lead monitoring results.

Effective: May 1, 2018

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All public water systems collecting tap watersamples in accordance with rule 3745-81-86 of the Administrative Code shall comply with all applicable requirements in this rule.

(A) Consumer notice of results.

A water system shall complete all applicable notice requirements in this rule for the results of tap water monitoring collected in accordance with rule 3745-81-86 of the Administrative Code, as follows:

(1) Provide notice of the lead results, from each individual tap water sample to the owner and persons served at the residence or other structure where the tap was sampled as soon as practical but no later than two business days after receipt of the laboratory results.

(2) The consumer notice shall include the results of lead tap water monitoring for the tap that was tested, an explanation of health effects of lead, list steps consumers can take to reduce exposure to lead in drinking water and contact information for the system. The notice shall also provide the maximum contaminant level goal, the action level for lead, the lead threshold level, and definitions from rule 3745-81-01 of the Administrative Code.

(3) Consumer notice of tap water monitoring results shall be provided to persons served at the tap that was tested, by the following methods accepted by the director:

(a) For results below the lead threshold level, notice may include hand-delivery, mail, electronic mail, and phone calls.

(b) For results above the lead threshold level, notice may include hand-delivery, electronic mail, and documented phone calls followed by written notice that is mailed.



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, legal guardians or power of attorney shall be notified by a method accepted by the director.

(4) If the results of lead tap water monitoring show that a sample from an individual tap is above the lead threshold level, the following, as applicable shall be completed:

(a) Provide information on the availability of health screening and blood lead level testing to the owner and persons served at the residence or other structure where the tap was sampled no later than two business days after receipt of the laboratory results.

(b) Provide notice of the laboratory results to the applicable board of health no later than two business days after receipt of the laboratory results.

(c) The owner and operator of a nontransient noncommunity water system shall immediately remove from service all fixtures identified as contributing to elevated lead levels.

(B) Supplemental monitoring and consumer notice of results.

A 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 provide information on the availability of tap water monitoring to 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. Water systems shall complete applicable consumer notice requirements in paragraph (A) of this rule for all samples collected or analyzed by the water system.

(C) Lead public notification.

(1) If the results of lead tap water monitoring show an exceedance of the lead action level, the water system shall provide lead public notification of lead action level exceedance to all of the system's water consumers no later than two business days after receipt of the laboratory results.

A water system that exceeds the action level prior to the end of the monitoring period may collect



additional samples that meet the criteria established in rule 3745-81-86 of the Administrative Code.

(a) If the ninetieth percentile lead level falls below the lead action level prior to the deadlines established in paragraphs (C)(2) and (C)(3) of this rule, the water system does not have to complete the requirements of paragraphs (C)(2) and (C)(3) of this rule.

(b) If the water system subsequently exceeds the lead action level the requirements in paragraphs (C)(2) and (C)(3) of this rule will be required.

(c) A second lead public notification shall be issued at the end of the monitoring period with updated results.

(2) Community water systems shall provide information on the availability of tap water testing for lead to all consumers served by the system no later than five business days after receipt of the laboratory results.

(3) Comply with public education requirements as established in paragraph (F) of this rule no later than thirty business days after receipt of the laboratory results.

(D) Content of public notification.

Lead public notification shall include the ninetieth percentile lead level, number of samples used to compute the ninetieth percentile lead level, an explanation of the health effects of lead, a list of the steps consumers can take to reduce exposure to lead in drinking water, and contact information for the water system.

(E) Delivery of public notification.

(1) Lead public notification shall be provided by a method accepted by the director, including broadcast media (e.g., radio and television), social media, delivering the notification by hand, delivering the notification by electronic mail or posting the notice in conspicuous locations throughout the area served by the water system.



(2) A community water system shall repeat the lead public notification twice every twelve months on a schedule agreed upon with the director.

(F) Content of public education.

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 public education material in accordance with paragraph (G) of this rule using the following content:

(1) The content of written public education materials shall be in print (e.g., brochures and pamphlets) and include the exact language in paragraphs (F)(1)(a), (F)(1)(b) and (F)(1)(f) of this rule, 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 or building plumbing material 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 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) Note that the centers for disease control and prevention (CDC) recommends children and pregnant women use bottled water or water from a filtration system has been certified by an independent testing organization to reduce or eliminate lead for cooking, drinking and baby formula preparation in homes.

(vi) Suggest that parents have their child's blood tested for lead.

(vii) Provide information about the availability of health screenings and blood lead level testing in the areas served by the system.

(viii) Explain that parents can have their drinking water tested for lead. Provide a list of Ohio EPA



approved laboratories that test 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 or buildings in this area.

(f) Provide an analysis of laboratory results.

(g) "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 system. In addition to including the elements specified in paragraph (F)(1) of this rule, community water systems shall discuss lead in plumbing components and the difference between low lead and lead free.

(G) Delivery of public education materials.

(1) In the case of public water systems that are schools, day cares, nursing homes or correctional institutions, legal guardians or power of attorney shall be directly notified.

(2) For public water systems serving a large population of non-English speaking consumers, as determined by the director, the public education material must contain information in the appropriate language 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.

(3) Community water systems.

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 following public education tasks within thirty business days after receipt of the laboratory results:



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

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

(i) Delivering education materials that meet the content requirements of paragraph (F) 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 (F) of this rule to all organizations on the provided lists.

(ii) Delivering materials that meet the content of paragraph (F) of this rule to the 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 school 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 (F) 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 the following 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 (F) of this rule on the water system's web site if the system serves a population greater than one hundred thousand.

(e) In addition to paragraphs (G)(3)(a) to (G)(3)(d) of this rule, systems shall implement at least three of the following activities:

(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.

The educational content and selection of these activities shall be determined in consultation with the director.

(4) Frequency of delivery for community water systems. As long as a community water system exceeds the action level, the activities shall be repeated pursuant to paragraph (G)(3) of this rule as follows:

- (a) A community water system shall repeat the tasks contained in paragraphs (G)(3)(a), (G)(3)(b), and (G)(3)(e) of this rule every twelve months.
- (b) A community water system shall repeat tasks contained in paragraph (G)(3)(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 (G)(3)(d) of this rule.

(5) Nontransient noncommunity water systems.

Frequency of delivery for nontransient noncommunity water systems. Within thirty days after receipt



of the laboratory results [unless it already is repeating public education tasks pursuant to paragraph (G)(6) of this rule], a nontransient noncommunity water system shall deliver the public education materials specified by paragraph (F) 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.

(b) Distribute information via pamphlets, brochures or electronic transmission on lead in drinking water to each person served by the nontransient noncommunity water system.

(6) A nontransient noncommunity water system shall repeat the tasks contained in paragraph (G)(5) of this rule at least once during each calendar year in which the system exceeds the lead action level.

(7) 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 the system subsequently exceeds the lead action level during any monitoring period.

(8) A community water system may only perform the tasks listed in paragraphs (G)(5) and (G)(6) of this rule in lieu of the tasks in paragraphs (G)(3) and (G)(4) of this rule if the following criteria are met:

(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.

(b) The system provides water as part of the cost of services provided and does not separately charge for water consumption.

(9) A community water system serving thirty-three hundred or fewer people may limit certain aspects of the public education programs as follows:

(a) The water system shall implement at least one of the activities listed in paragraph (G)(3)(e) of this



rule.

(b) The water system may limit the distribution of the public education materials required in paragraph (G)(3)(b) of this rule to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children, unless the system is notified by the director in writing that the system shall make a broader distribution.