



Ohio Revised Code

Section 6109.121 Adoption of rules relating to water system testing.

Effective: September 9, 2016

Legislation: House Bill 512 - 131st General Assembly

(A) Not later than one hundred twenty days after the effective date of this section, the director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Require the owner or operator of a community or nontransient noncommunity water system to conduct sampling of the system for lead and copper;

(2) Establish a schedule for lead and copper sampling applicable to the owner or operator of a community or nontransient noncommunity water system that, at a minimum, does both of the following:

(a) Allows the director, in establishing the schedule, to consider the following factors when determining if a community or nontransient noncommunity water system must conduct sampling at least once annually:

(i) The age of the water system;

(ii) Whether corrosion control requirements are met;

(iii) Any other relevant risk factors, as determined by the director, including aging infrastructure likely to contain lead service lines.

(b) Requires the owner or operator of a system where such risk factors are identified to conduct sampling at least once annually until the risk factors are mitigated in accordance with rules.

(3) Require the owner or operator of a community or nontransient noncommunity water system to provide collected samples to a certified laboratory for analysis;



- (4) Authorize the director to require additional sampling for pH level and other water quality parameters to determine if corrosion control requirements are met;
- (5) Authorize the director to establish corrosion control requirements for community and nontransient noncommunity water systems;
- (6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events:
 - (a) The system changes or adds a source from which water is obtained.
 - (b) The system makes a substantial change in water treatment.
 - (c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director.
 - (d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system.
- (7) Authorize the director to waive the requirement to conduct a new or updated corrosion control study established in rules adopted under division (A)(6) of this section in appropriate circumstances;
- (8) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to complete the study and submit the plan to the director for approval even if sampling results conducted subsequent to the initiation of the study and plan do not exceed the lead action level established in rules adopted under this chapter;
- (9) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to submit to the director



an interim status report of actions taken to implement the corrosion control study six months and twelve months from the date of initiation of the corrosion control study requirement;

(10) Establish a lead threshold for individual taps;

(11) Establish and revise content for public education materials;

(12) Authorize the director to develop procedures and requirements to document that notices were provided by the owner or operator of a community or nontransient noncommunity water system as required under division (C) of this section;

(13) Notwithstanding section 6109.23 of the Revised Code, establish the following administrative penalties for violations of the notice requirements established in divisions (C)(1) and (C)(3)(a) of this section that are applicable to a community or nontransient noncommunity water system:

(a) For a violation of division (C)(1) of this section by a system that serves not less than twenty-five people, but not more than three thousand three hundred people, an administrative penalty of twenty-five dollars per day for each day that the system failed to provide each notice;

(b) For a violation of division (C)(1) of this section by a system that serves more than three thousand three hundred people, but not more than ten thousand people, an administrative penalty of fifty dollars per day for each day that the system failed to provide each notice;

(c) For a violation of division (C)(1) of this section by a system that serves more than ten thousand people, but not more than twenty-five thousand people, an administrative penalty of seventy-five dollars per day for each day that the system failed to provide each notice;

(d) For a violation of division (C)(1) of this section by a system that serves more than twenty-five thousand people, an administrative penalty of one hundred dollars per day for each day that the system failed to provide each notice;

(e) For a violation of division (C)(3)(a) of this section by a system that serves not less than twenty-five people, but not more than three thousand three hundred people, an administrative penalty of two



hundred fifty dollars per day for each day the system failed to provide the notice;

(f) For a violation of division (C)(3)(a) of this section by a system that serves more than three thousand three hundred people, but not more than ten thousand people, an administrative penalty of five hundred dollars per day for each day the system failed to provide the notice;

(g) For a violation of division (C)(3)(a) of this section by a system that serves more than ten thousand people, but not more than twenty-five thousand people, an administrative penalty of seven hundred fifty dollars per day for each day the system failed to provide the notice;

(h) For a violation of division (C)(3)(a) of this section by a system that serves more than twenty-five thousand people, an administrative penalty of one thousand dollars per day for each day the system failed to provide the notice.

(B) A laboratory that receives a lead or copper tap water sample from a community or nontransient noncommunity water system shall do both of the following:

(1) Complete a lead or copper analysis of the sample, as applicable, not later than thirty business days after the receipt of the sample;

(2) Not later than the end of the next business day following the day the analysis of the sample is completed, report the results of the analysis and all identifying information about where the sample was collected to the community or nontransient noncommunity water system and the director.

(C) The owner or operator of a community or nontransient noncommunity water system shall do all of the following, as applicable, with regard to laboratory results received under division (B)(2) of this section:

(1) Not later than two business days after the receipt of the laboratory results, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled;

(2) If the results show that a sample from an individual tap is above the applicable lead threshold as



established under rules adopted under this chapter, do all of the following, as applicable:

- (a) For the owner or operator of a nontransient noncommunity water system, immediately remove from service all fixtures identified as contributing to elevated lead levels;
 - (b) For the owner or operator of a community water system, include in the system's annual consumer confidence report the lead or copper laboratory results, an explanation of the associated health risks, what actions consumers of the system can take to reduce health risks, and the actions the system is taking to reduce public exposure;
 - (c) Not later than two business days after the receipt of the laboratory results, 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 sample was collected and provide notice of the laboratory results to the applicable local board of health.
- (3) If the laboratory results show that the community or nontransient noncommunity water system exceeds the lead action level established in rules adopted under this chapter, do all of the following, as applicable:
- (a) Not later than two business days after the receipt of the laboratory results, provide notice to all of the system's water consumers that the system exceeds the lead action level. The owner or operator shall provide the notice in a form specified by the director.
 - (b) Not later than five business days after the receipt of the laboratory results by the owner or operator of a community water system, provide information on the availability of tap water testing for lead to all consumers served by the system who are known or likely to have lead service lines, lead pipes, or lead solder as identified in the map required to be completed under division (F) of this section;
 - (c) Not later than thirty business days after the receipt of the laboratory results, make an analysis of laboratory results available to all consumers served by the system, comply with public education requirements established in rules adopted under this chapter that apply when a public water system exceeds the lead action level, and provide information to consumers served by the system about the



availability of health screenings and blood lead level testing in the area served by the water system;

(d) Subject to rules adopted under division (A)(7) of this section, perform a corrosion control treatment study and submit a corrosion control treatment plan to the director not later than eighteen months after the date on which laboratory results were received by the owner or operator indicating that the system exceeded the lead action level.

(D) Not later than five business days after the receipt of the laboratory results, the owner or operator shall certify to the director that the owner or operator has complied with the requirements of divisions (C)(1), (C)(2)(c), (C)(3)(a), and (C) (3)(b) of this section, as applicable.

(E) If the owner or operator of a community or nontransient noncommunity water system fails to provide the notices required under division (C)(1) or (C)(3)(a) of this section, the director shall provide those notices beginning ten business days from the date that the director receives laboratory results under division (B) of this section.

(F) Not later than six months after the effective date of this section, the owner or operator of a community or nontransient noncommunity water system shall do all of the following, as applicable:

(1) For the owner or operator of a community water system, identify and map areas of the system that are known or are likely to contain lead service lines and identify characteristics of buildings served by the system that may contain lead piping, solder, or fixtures;

(2) For the owner or operator of a nontransient noncommunity water system, identify and map areas of the system with lead piping, solder, or fixtures in buildings served by the system;

(3) Submit a copy of the applicable map to the department of health and the department of job and family services;

(4) Submit a report to the director containing at least both of the following:

(a) The applicable map;



(b) A list of sampling locations that are tier I sites used to collect samples as required by rules adopted under this chapter, including contact information for the owner and occupant of each sampling site.

(G) The owner or operator of a community or nontransient noncommunity water system shall update and resubmit the information required under division (F) of this section once every five years beginning five years after the date of the initial submission.

(H) The director shall provide financial assistance from the drinking water assistance fund established under section 6109.22 of the Revised Code to community water systems and nontransient noncommunity water systems for the purpose of fulfilling the mapping requirements under division (F) of this section and complying with corrosion control requirements established in rules adopted under division (A) of this section. In addition, the director shall post information on the environmental protection agency's web site about other sources of funding that are available to assist communities with lead service line identification and replacement and schools with fountain and water-service fixture replacement.

(I) As required by the director, an owner or operator of a nontransient noncommunity water system that is a school or child day-care center shall collect additional tap water samples in buildings identified in the map required to be completed under division (F) of this section.

(J) As used in this section:

(1) "Child day-care center" has the same meaning as in section 5104.01 of the Revised Code.

(2) "School" means a school operated by the board of education of a city, local, exempted village, or joint vocational school district, the governing board of an educational service center, the governing authority of a community school established under Chapter 3314. of the Revised Code, the governing body of a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, the board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code, or the governing authority of a chartered or nonchartered nonpublic school.



(3) "Local board of health" means the applicable board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.