



# TRANSFORMING OHIO FOR JOBS + GROWTH

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## 2016 MID-BIENNIUM REVIEW

### **PROTECTING OHIOANS FROM LEAD IN DRINKING WATER**

#### ***Proposals Include Tighter Deadlines for Public Water Systems to Inform and Educate Homeowners about High Lead Levels and New Funding Help for Communities to Replace Lead Service Lines and Fixtures***

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. Here at home, the governor's Mid-Biennium Review proposes new state standards to protect public health – backed by tighter deadlines and administrative fines to make public water systems notify and educate the public in a much timelier manner. The MBR also provides new funding mechanisms to help communities replace lead service lines and help schools identify and replace outdated, lead-based water-service fixtures. Among these reforms:

**Expediting Public Notice of Lead Contamination in Drinking Water:** When test results show unacceptable levels of lead, current federal requirements allow water systems 30 days to alert those homeowners whose water supplies were tested and 60 days to complete a system-wide educational program for all customers. Those turnaround timeframes are clearly too long. The governor's Mid-Biennium Review takes important steps to ensure that homeowners get the timely public notice they deserve whenever high levels of lead are found in drinking water. These changes will expedite public notice and education to consumers, while empowering Ohio EPA to take on that role quickly if the water system fails to meet the new deadlines.

- **Ensuring that Communities Get Information When There May Be Lead in Their Water:**
  - **Getting Households Their Test Results:** Public water systems often partner with homeowners who volunteer to have their water sampled as part of that community's periodic water-quality testing. Ohio will now require water systems to provide homeowners their test results within two business days, instead of the current 30 days. If the water system fails to meet the tighter timelines, Ohio EPA will intervene to notify homeowners itself and will have the authority to impose an administrative penalty on the noncompliant system.
  - **Jumpstarting Public Education When Lead Is Found in a Water Supply:** Under existing law, when a community exceeds the federal threshold for lead, the required system-wide public education comes far too late. With the MBR proposals, Ohio will significantly tighten the timeframe allowed for a community to conduct a public education campaign by requiring system-wide notification within two business days – and then cutting in half the current 60-day deadline to 30 days for completing the more in-depth public education.

**Providing Financial Assistance to Communities and Schools to Fight Lead:** To strengthen local lead prevention efforts, Ohio intends to leverage a number of state grant and loan programs that help communities and schools address their infrastructure needs:

- **Helping Communities Address Lead:** Today, through its drinking water revolving loan fund programs, Ohio EPA is making low-interest loans available to eligible public water systems to conduct corrosion control

studies, optimize treatment technologies, identify lead service lines and design/engineer additional capital improvements to their treatment plants. Ohio EPA also will work with eligible communities to help fund longer-range activities, including infrastructure improvements, upgrades to their public drinking water plants and replacement of lead service lines that pose a risk to water quality.

- **Identifying and Replacing Outdated Water-Service Fixtures in Ohio Schools:** The Ohio Water Development Authority, in partnership with Ohio EPA, will make funding available to help Ohio's public schools identify sources of lead in drinking water from outdated, lead-based fixtures. The Ohio Facilities Construction Commission will provide funding to identify sources of lead in private schools and to replace fixtures not covered by a recall in public and private schools.
- **Helping Communities Replace Lead Service Lines:** In 2014, Governor Kasich helped champion State Issue #1, which significantly increased Ohio's public works program to help communities address their infrastructure needs. Communities can seek grant and loan assistance from the Ohio Public Works Commission, through their district Public Works Integrating Committees, to replace lead service lines that pose a risk to water quality.

**Reducing Lead in New Construction:** The governor's MBR lowers the "lead free" definition of how much lead can be in plumbing – from 8 percent to 0.25 percent – which will conform to federal law.

**Tightening Community Water Testing Requirements:** The MBR will give the Ohio EPA director authority to set water testing requirements for a system based on the age of its water infrastructure and whether or not the system has an active corrosion control program that reduces lead from seeping into old, lead-based household lines and fixtures.

**Requiring Corrosion Control Studies and Plans in Certain Situations:** Ohio will require a corrosion control study whenever a water system changes its water source, makes substantial renovations, repairs its system or water treatment plant, or experiences any other event that potentially impacts the quality or corrosiveness of water in the system.

**Extending Loan Terms to Provide Flexibility to Communities:** Through changes proposed in the MBR, Ohio EPA would be able to extend wastewater loan terms from 20 to 30 years. Additionally, extended-term loan financing up to 45 years would be available to larger communities for particularly expensive wastewater and drinking water capital projects with a very long (i.e., 50+ years) design life. Finally, by allowing structured payments for wastewater and drinking water loans, communities may structure repayments to the Water Pollution Control Loan Fund as needed to keep their customer's user charges affordable while easing any cash flow concerns.

**BOTTOM LINE:** Ohio has first-hand experience with shortcomings of the federal Safe Drinking Water Act. By pursuing improvements at the federal level while at the same time strengthening standards for state action, we can better help our communities safeguard their drinking water from lead.

