

**\*\*\* DRAFT – NOT FOR FILING \*\*\***

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

(A) ~~Systems~~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 and/or source water treatment (whichever sampling occurs later), shall replace lead service lines in accordance with the requirements of this rule. If a 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.

~~(B) A water system shall replace annually at least seven percent 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 system shall identify the initial number of lead service lines in its distribution system, including an identification of the portion(s) 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. The first year of lead service line replacement shall begin on the date the action level was exceeded in tap water monitoring referenced in paragraph (A) of this rule.~~Lead service line replacement schedule.

(1) A 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 system shall identify the initial number of lead service lines in its distribution system, including an identification of the portion(s) 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).

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, triennially, or less frequently, 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.

(2) Any water system resuming a lead service line replacement program after the cessation of its lead service line replacement program, as allowed by paragraph

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(F) of this rule, shall update its inventory of lead service lines to include those sites that were previously determined not to require replacement through the sampling provision under paragraph (C) of this rule. 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.

- (C) A public water system is not required to replace an individual lead service line if the lead concentration in all service line samples from that line, taken pursuant to paragraph (B)(3) of rule 3745-81-86 of the Administrative Code, is less than or equal to 0.015 milligram per liter.
- (D) 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 that does not replace the entire length of the service line also shall ~~complete~~ the following tasks.
- (1) At least forty-five days prior to commencing with the partial replacement of a lead service line, the water system shall provide notice to the residents of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead. The director may allow the 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 three business days of receiving the results. Mailed notices post-marked within three business days of receiving the results shall be considered "on time".

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- (2) The water system shall provide the information required by paragraph (D)(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.
- (E) 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 paragraph (A) of this rule.
- (F) 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 (B) of this rule.
- (G) To demonstrate compliance with paragraphs (A) to (D) of this rule, a [public water](#) system shall report to the director the information specified in paragraph (E) of rule 3745-81-90 of the Administrative Code.