

Response to EPA's Lead and Copper Rule Oversight Framework

Oregon Health Authority Drinking Water Program

April 2016

Source/Treatment Change:

- *Please provide the state's change in source water or treatment process, including actions the public water system needs to take and documentation provided before, during and after.*
 - *Is there written documentation of this decision between the primacy agency and the PWS?*
 - *What documentation does the primacy agency request of the PWS before making this change?*
 - *Does the primacy agency evaluate or require evaluation of potential impacts from the change?*

Response: If a PWS adds a new source, the system is required to conduct two 6-month rounds of lead and copper at the original number of sites. If the system believes the well is in the same aquifer or otherwise believes the new source will not affect corrosion potential, they can submit water quality parameters or other information demonstrating this. For changes in treatment that may result in a change in corrosion chemistry, the PWS must also go back to standard monitoring. Plan review is required on both modifications. If there is reason to believe in either scenario that the change will negatively impact corrosion and lead levels, a corrosion control study would be required prior to making the change or addition, to determine if corrosion control treatment should be added from the beginning.

- *How does the response above change when implementing LCR requirements for consecutive distribution systems?*
 - *Describe the combined sampling plan. When the wholesaler exceeds ALE, is PE required for the wholesaler and all the consecutive systems?*
 - *How is the primacy agency establishing WQP for the PWSs in a combined distribution system?*

Response: We treat most consecutive systems as individual systems no different from any other: if they exceed the AL, they must figure out a way to resolve that, usually by working with their seller. If an exceedance occurs, we would require optimized treatment for either the purchaser or the seller (however they work it out), and set minimums on both the entry point and in the distribution. Other purchasers would have minimums set only if they exceeded the action levels in their own system. The same applies for public education.

Oregon has one joint monitoring plan where a wholesaler and its purchasers are considered one large distribution system. The entire population is considered when determining the number of tap sampling sites and distribution water quality parameter sampling sites. Site locations are chosen based on a purchaser's percentage of Tier one homes.

Sampling Plan:

- *What is the primacy agency protocol for sampling? Does the primacy agency -have any regulation or policy that addresses pre-stagnation flushing? If so, what is it? Did the primacy agency approve initial plans and what process is used for systems to notify states and states to review any modifications to sampling plans.*

Response: We only use EPA protocol and documents.

- *What protocol does the primacy agency use to review sampling locations and ensure the sites meet the highest Tier classification possible? What type of documentation did the State review, if any, to confirm Tier 1 sampling sites identified by the PWS? Does the state require sampling plans to be submitted to the state? What do those plans contain (site locations, sampling schedule, sampling instructions, etc.)*

Response: Initially, systems had to submit the EPA 141-A form confirming that they did a materials evaluation and what resources were used to identify sites. Systems were not required to submit information other than what is on the form. They did not submit sampling plans, just the certification of sampling sites and monitoring results.

- *How often does the primacy agency review sampling plans? Does the primacy agency require approval of sampling plan?*

Response: N/A, see above.

- *Does the state require that systems submit sampling instructions, especially if samples are being collected by customers?*

Response: No.

- *What guidance does the primacy agency provide regarding sampling pools and retaining samples in the initial monitoring pool vs. new sites? What protocol does the primacy agency provide to PWS in regards to changing or “dropping” sites?*

Response: They need to fill out the EPA form 141-A and explain why they are changing or dropping the site.

- *What actions do states take if a system removes a site from their sampling pool that had tested high in previous monitoring periods?*

Response: As mentioned above, they need to fill out the 141-A form. Removing a site because it tested high in the past is not an acceptable reason for changing sites.

- *Has the primacy agency approved systems on reduced monitoring to take their samples during different than the required months of June-September?*

Response: We do not allow this, but if they do it anyway, we treat an exceedance as a compliance round. Otherwise, they have to sample again the next June-September.

Invalidation of Samples:

- *What criteria does the state use to invalidate samples? What documentation is required of public water systems to make this decision?*

Response: In the past, Oregon has allowed invalidation of samples based on the following criteria: residence time in excess of 18 hours, incorrect location, sample bottle damaged, sample taken outside seasonal period of system. We no longer allow a long residence time as justification for invalidation, and have updated our invalidation criteria to ensure it parallels EPA guidance (lab error, bottle damage or tampering, did not meet site selection criteria).

- *Does the primacy agency keep a record of written justifications for invalidated samples?*

Response: Yes, invalidations since 2011 have been noted in SDWIS and are displayed on our Data Online website. We are in the process of modifying our criteria for invalidation to more closely align with EPA guidance.

Monitoring Waivers for Small Systems

- *Is the primacy agency approving waivers for lead sampling?*

Response: No.

- *If so, what is the protocol for such waivers to be approved?*

Public Education & Outreach

- *Describe, if anything, what the state requires over and above the Federal LCR requirements for public education, sampling instructions to homeowners or consumer notification to homeowners who sampled?*
Response: We provide only EPA guidance pertaining to sampling instructions and consumer notification.
- *What kind of resources does the state invest in the voluntary effort of taking any actions when an individual home sample is higher than the action level and if so, what actions are taken?*
Response: We are in the process of putting EPA example consumer notification forms and educational materials on our website. We are also developing a process to track and display the date certification of consumer notification was received for each lead and copper sampling round, regardless of the results.
- *What does the state do when a complaint is received with samples results they have taken and the number is higher than the AL number? What is the state protocol for addressing citizen complaints?*
Response: When and if we were to receive such a complaint, we would discuss the system's overall lead and copper levels, discuss possible reasons why their home tested high, and discuss the lead health effects and the steps a consumer can take to reduce risk of lead exposure.
 - *Describe any mechanisms by which the primacy agency coordinates with children's health programs that track elevated blood lead levels?*
Response: Childhood Lead Poisoning Prevention Program (CLPPP) and the Adult Blood Lead Epidemiology Surveillance (ABLES) Program are all located in the OHA Public Health Division. Since blood lead test results are a reportable condition in Oregon, all blood lead test data are reported to the state. If elevated blood lead levels are discovered, CLPPP and ABLES ensure that proper follow-up is conducted. CLPPP and ABLES will consult with DWS on issues concerning lead in drinking water. If a spike occurs in one geographic area, OHA would work with the local county health department to identify the cause. Large scale spikes would lead to investigating the drinking water.

Others:

- *What information on LCR is posted on the web or otherwise made available to the public, such as sampling protocols, sampling instructions, lead service line locations, or individual sample results?*
Response: We have several guidance documents and forms available on our website, <http://public.health.oregon.gov/HealthyEnvironments/DrinkingWater/Monitoring/Pages/monitoring.aspx#pbcrl>. Documents include EPA guidance on selecting corrosion control strategies, water quality parameter monitoring forms, LCR Monitoring and Reporting guidance (for sampling protocol and sampling sites), Lead in schools guidance, etc. We post a public water system's compliance sampling results on our website, <https://yourwater.oregon.org>, and individual sample site results under "single analyte results."
- *What additional steps does the state or public water system take to inform the public, such as press release, press conference, etc.?*
Response: The state assures that water systems complete public education as required. Any system may provide information in addition to their public education as they choose.
- *Are there PWSs of concern in the state? What steps are being taken to provide assistance?*
Response: We are looking at all systems that have exceeded the lead action level in the last 5 years to assure that proper steps have been taken to comply with the rule and reduce lead levels at the tap.

Questions related to systems with ALEs:

- *What follow-up action(s) was taken by the public water system?*

Response: We have attached a spreadsheet showing each system that exceeded lead in the last 5 years, showing the current status.

- *If system had corrosion control, did state look at re-optimization? If not currently in place – was it now required?*

Response: If a system with corrosion control treatment exceeds an action level, we would assess their water quality parameters at the time of the exceedance and re-establish a minimum value as necessary. If they do not currently treat, they would need to follow the steps to identify the appropriate corrosion control method, while simultaneously going back to standard monitoring. If two rounds 6-month rounds at the original number of sample sites are below the action level, they can cease installation of corrosion control treatment. However, if the system has previously exceeded an action level and “sampled out,” we do not allow this option a second time and they must install treatment.

- *Does the state enter PE violations into SDWIS if a PWS fails to issue PE or fails to do it timely?*
 - *If a PWS did not do PE within 60 days, it would be a violation and if that is entered into SDWIS by the state, we can get that information directly from SDWIS rather than asking the states to go back and do a file review to get the exact date, unless the state database has this information were the individual results from homes that exceeded the AL?*

- Response: We currently issue PE violations when we send a formal enforcement order. We are developing a process to issue PE violations for all water systems based on a compliance schedule in SDWIS that will be displayed on our Data Online website.

- *What were the individual results from homes that exceeded the AL? Did the public water system return to standard monitoring with appropriate number of samples?*
 - *Need to make sure SDWIS can handle the results and need to decide how we pick a number of PWSs per state to look at.*

Response: Since 2011, we enter all lead sample results into SDWIS and display them on our Data Online website. Just over 4% of total samples during this time were over the action level, with the highest being 0.439 ppm. Prior to 2011 we calculated and entered the 90th percentile in SDWIS, not individual sample results. The individual sample results are on paper in our archived files.

For each water system that exceeds the lead AL, we are in the process of generating a compliance schedule in SDWIS and displayed on our website that lists the required actions and due dates.

- *Did the public water system certify that they notified homeowners with lead results?*

Response: We are developing a process to track and display the date the consumer notification certification is received.

- *Sample of instructions provided to homeowners.*

Response: We refer to EPA guidance.