

Subject:	Procedure and Clarification for Invalidating Lead and Copper Tap Samples	Orig Date:	5/24/16
Unit + init:	Tech Services (jn)	Revised date:	
Purpose & Scope: To outline procedure and possible scenarios consistent with OAR 333-061-0036(2)(c)(E) to request an invalidation for a lead and copper tap sample. The invalidation procedure only applies to samples intended for compliance with the lead or copper action levels and not samples for other purposes (see Note).			

Background and Issue:

Oregon Administrative Rule (OAR) 333-061-0036(2)(c)(E) describes the process and minimum requirements that must be met in order for staff to invalidate a lead or copper tap sample result. A sample result that is invalidated will not count toward meeting minimum monitoring requirements. Existing state and federal guidance provide additional direction on lead and copper site sample selection criteria and sampling protocol. The procedure provides clarification on the four allowable conditions for sample invalidation included in the rule, specifically acceptable scenarios for ‘a site that did not meet the site selection criteria’. This procedure also outlines the minimum required elements necessary in an invalidation request.

Procedure/Process:

1. One of the following conditions must be met for the sample result to be invalidated:
 - I. The laboratory establishes that improper sample analysis caused erroneous results.
 - II. A site that did not meet the site selection criteria (acceptable scenarios include the following):
 - i. Sampling at an unapproved location, such as an outside tap or janitorial closet.
 - ii. Systems collecting samples during a period when the water system is not open, such as during summer break for schools.
 - iii. Sampled at a hot water tap.

Note: There is no maximum time of non-use prior to sampling that can be used as a reason to request an invalidation of a result. For example, a result may not be invalidated if a resident is on vacation prior to the sample being collected. Rules and guidance do not reference a certain time period of non-use prior to sampling which provide justification for sample invalidation.

- III. The sample container was damaged in transit (contaminated sample container).

- IV. There is substantial reason to believe that the sample was subject to tampering.
2. Include the date, location, and person collecting the sample in the request.
3. Include a written statement from the water system (or lab for condition 1.I above) explaining the rationale for the invalidation, referencing one of the four conditions cited above.
4. Any replacement sample(s) needs to be for both lead and copper, and must be taken no later than 20 days after the date any original sample(s) are invalidated by DWS. The replacement sample(s) must be taken at the same locations as the invalidated sample(s). If this is not possible, they should be taken from the approved sampling pool other than those already used for sampling during the monitoring period.
5. The water system or regulator shall submit the request to DWS via one of the following means:
 - I. Electronically to 'compliance.dw@state.or.us';
 - II. Fax to (971) 673-0694; or
 - III. Mail to: Oregon Drinking Water Program; PO Box 14350; Portland, OR 97293-0350.
6. Complete a contact report summarizing any approved invalidation request and forward to compliance.dw@state.or.us. DWS DMCE will link the invalidated sample results on-line to the contact report, so that the reason for the invalidation is readily viewable.

Note: Lead and copper samples not intended for compliance with the action level are not to be entered and will be removed, if entered. Specific examples of such samples include:

- Flushed samples
- Samples collected at a customer's home per customer's request (unless the system is reasonably able to determine that the site selection criteria for compliance sampling are satisfied).

Rationale:

The lead and copper rule outlines sample site selection criteria and required sampling protocol. Community water systems provide written sample collection instructions to homeowners to collect samples according to state and federal requirements. It is necessary to provide clear direction on when a sample does not meet the intent of the Lead and Copper Rule to determine compliance with the lead and copper action levels at the 90th percentile, and thus is a candidate for invalidation.