

# Division of Drinking and Ground Waters Update

*OTCO Water Workshop  
March 29, 2023*

**Justin Burke, Assistant Chief  
Division of Drinking and Ground Waters**



# 2023 Hot Topics

- Rule Updates
  - Operator Certification and Asset Management Rule Review/Revision
- Lead and Copper
- PFAS
- Infrastructure \$\$\$
- East Palestine Response

# Rule Update – Rule Making Process

## Four Phases of Rule Making:

1. Early Stakeholder Outreach (ESO) – Ideas/Intent
2. Interested Party Review (IPR) – Draft Rules
3. Original File – Proposed Rules
4. Final File – Final Rules

Comments/questions about rules:

[ddagw\\_rulecomments@epa.ohio.gov](mailto:ddagw_rulecomments@epa.ohio.gov)

# Rule Update

## Early Stakeholder Outreach (ESO)

### Operator Certification

- ESO started 12/29/22, continuing until stakeholder meetings completed

### Asset Management

- Preparing for ESO outreach
- Anticipate starting (March/April 2023)

# Operator Certification Rule Review

- Early Stakeholder Outreach began December 29, 2022
- Stakeholder meetings to discuss perspectives on the rules
  - What parts of the rule do you have concerns on?
  - What parts of the rule, or recent improvements, were beneficial to your system?
  - Is there anything you see could be added?
- Meetings are broken down into specific groups – March 20 – April 10
  - Small and Large PWS
  - WWTPs
  - Operators/Contract Operators/Consultants
  - Secondary Disinfection
  - Training Providers

# Rule Update

## Interested Party Review (IPR)

No major updates

# DDAGW Rule Status (Original File/Final File)

## Rules In Original File Process

- Lead and Copper (No Change) – Original filed on 1/24/23
- Consumer Confidence Report (CCR) – Original Filed
  - Addition of purchased as an example of a type of water
  - Addition of the Master Meter definition
  - Addition of requirements for disinfection byproduct sampling at master meter locations
  - Removing the use of fecal coliform, total coliform, fecal contaminant, and fecal indicator
  - Removal of Nickel, total coliform bacteria, fecal coliform, and fecal indicator sections within the appendix

# DDAGW Rule Status (Original File/Final File)

## Rules Recently Final Filed

- Financial Assurance (Rescind) – Final Filed on 1/25/23
- Primary Drinking Water Standards – Final Filed on 1/24/23
  - MCLs and BATs for organic contaminants– *minor edits*
  - Public Notification– *removal of outdated req, minor edits*
  - Turbidity and Disinfection monitoring requirements for surface water systems– *language clarification, removal of outdated requirements, minor edits*



# Asset Management Updates

- **Opening rules for 5-yr review –seeking your input**
  - Continued integration into agency and PWS programs
  - Evaluation of areas of greatest needs and needed support (technical and financial)
- **2023 changes for transient PWS**
  - Legislative change removed requirements for TNCs.
  - Still a federal requirement to promote and encourage Asset Management to all PWS.

# Lead and Copper

- Federal Lead and Copper Rule Revision (LCRR)
- Federal Lead and Copper Rule Improvements (LCRI)
- 2024 Expectations for LCRI (what we know now)
- 2023 Ohio LCR Priorities



# Federal Lead and Copper Rule (LCRR/LCRI)

- 12/22/20 Final Federal LCRR announced
- 1/25/21 LCRR paused to engage communities on proposed changes
- 12/16/21 USEPA announced no changes to LCRR with intent to issue Lead and Copper Rule Improvements (LCRI) before LCRR implementation
- Fall 2022 – USEPA early engagement for LCRI with States
  - Topics: LSL replacement, inventories, tap sampling, consumer notification, action level/trigger level
- 2023 – Ohio Primacy Extension Request
  - Planning for one rule revision for Ohio after LCRI is final
- Prior to 10/16/24 expect LCRI to be Final

# LCRR and LCRI

- LCRR – Expected to implement
  - 2024 Inventory requirements
- LCRI – Areas to be strengthened (final by 2024)
  - Replacing all Lead Service Lines
  - Compliance Tap Sampling
  - Action and Trigger Levels: to reduce the complexity and confusion
  - Prioritizing Historically Underserved Communities



# Ohio Lead Maps Requirements 2022 and 2024

## 2022 Maps

- Were due December 31, 2022
  - 1600 of 1750 PWSs submitted a new map or “no-change”
  - 79% of submissions were “no-change”

## 2024 Maps

- Expanded content and format requirements
- Developing state platform
- Expected to incorporate 2024 inventory information
- Ohio EPA will provide guidance for the map/inventory requirements

# 2024 Inventory Requirements

- Inventories required under the Lead and Copper Rule Revision (LCRR) due by **October 16, 2024**
- For each service line connected to the system, provide the material(s) for the public side, connector, and private side
- Inventories must be made publicly available
- Water systems who do not have lead, galvanized, or unknown materials in their inventory may submit a narrative in lieu of an inventory; these systems also do not have to complete regular updates

# 2024 Inventory Requirements

- Ohio inventory template based on federal template
- Trying to combine LCRR inventory requirement & Ohio mapping requirement into one submission for PWSs
- Template will be available very soon

Detailed Inventory															
PWS Name:															
PWSID:															
Date Last Updated:															
<p><b>Purpose of this worksheet:</b> To provide a customizable format water systems can use to track materials for each service line in their distribution system.</p> <p><b>General Instructions:</b> Each row in this worksheet represents one service line connecting the water main to the customer's plumbing. The worksheet includes required and recommended elements; the columns with the aqua shading are required by the LCRR. Systems can customize by adding or deleting columns. Important notes for users can freeze panes to enable them to see the headings and notes when entering data. The worksheet includes examples in rows 13 - 20 and is formatted for approximately 10,000 entries.</p>															
Unique Service Line ID	Location Information												Sensitive Population? (Yes/No)	System-Owned Portion Service Line Material Classification	If N
	Site Name	Street Number	Street Name	City	Zip Code	County	Latitude	Longitude	In Asset Management	Asset Status	Asset Start Date	Asset End Date			
<p><i>A Unique ID by the public water system for each service line.</i></p>	<p><i>Water systems must track addresses of all service lines in their internal inventory. For the publicly accessible version, location identifiers are required for lead and galvanized requiring replacement. If the system does not use addresses for their location identifier, other options could include GPS coordinates, landmark, intersection, block, or other details to specify service line locations.</i></p>												<p>Select Yes if sensitive subpopulation, e.g., day care, school, multifamily home. If Yes-Other, describe in the Notes field.</p>	<p>Dropdown list includes recommended subclassifications. If "Non-Lead Other", describe in Notes field</p>	<p>Se i do w line</p>
Example 1	Site Name	1234	Test St.	City	Zip Code	Franklin	## #####	-## #####	Yes, No, Unknown	Active, Inactive, Not Applicable	mm/dd/yyyy	mm/dd/yyyy	No	Non-Lead - Plastic	
									Ohio version Same	Same					

# Lead and Copper 2023 Priorities

- **Inventory Template, Outreach and Guidance**
  - Identify what information is required for 2024 inventory submission
  - Guidance for “what’s good enough” for identification of LSLs
- **Identify and Map lead service lines** and other lead material in public water distribution systems
- **Remove lead service lines** – both public and private side
- **Stakeholder Engagement with Ohio PWS, community partners and others**



# Ohio Lead Strategy Project

- Issued competitive RFP
- Contracting with KPMG
  - Razor Marketing Communications
- 12-month ambitious effort
- Project Kickoff January and underway



# Lead Strategy Project Objectives

## 1. Facilitate stakeholder outreach sessions, summarize, and evaluate input

- Stakeholder outreach plan
- Identify common themes, barriers, and solutions for successful implementation of LSL removal programs
- Benchmark with current LSL removal programs
- Early/mid-April (4) stakeholder input sessions

## 2. Evaluate Ohio EPA's current Lead and Copper Rule Program

- Identify current capacity, strengths, and vulnerabilities
- Evaluate resource needs to fully implement

# Lead Strategy Project Objectives

## 3. Develop Draft Strategy

- Convene visioning and document development sessions with Ohio EPA Leadership
- Consider the themes, barriers, solutions by our stakeholders and community partners
- Define desired future state and overarching vision
- Create a prioritized and sequenced set of initiatives (high level roadmap)

# Lead Strategy Project Objectives

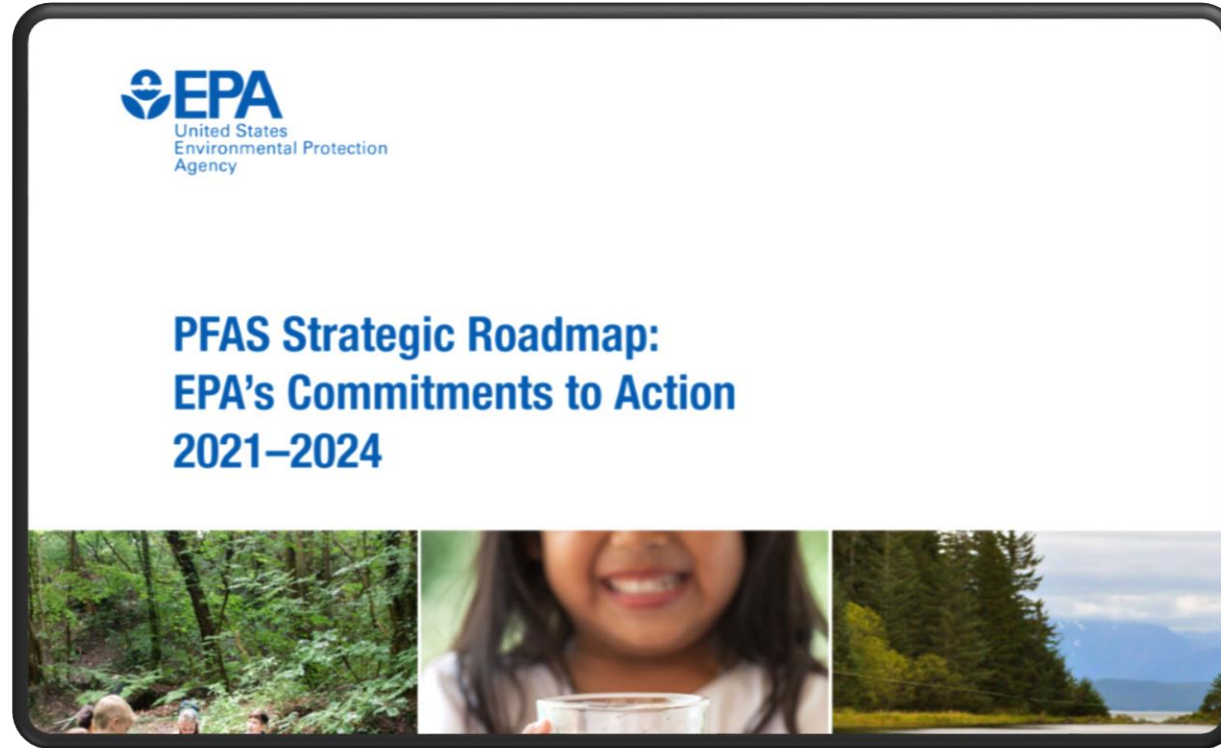
## 4. Develop Local Engagement Toolkit for PWS and Communities to Promote and Facilitate Removal of Lead Service Lines

- Original toolkit template, PWS tailored toolkits
- Identify and summarize successful local Lead Outreach campaigns and LSL Removal programs
- Identify examples of local marketing materials
- Provide strategies for funding/financing to the public and private side LSL removals

## 5. Recommend Statewide Education and Outreach Campaign

- Evaluate current materials and identify gaps and opportunities to complement current Ohio efforts

# PFAS Accelerating Federal Actions



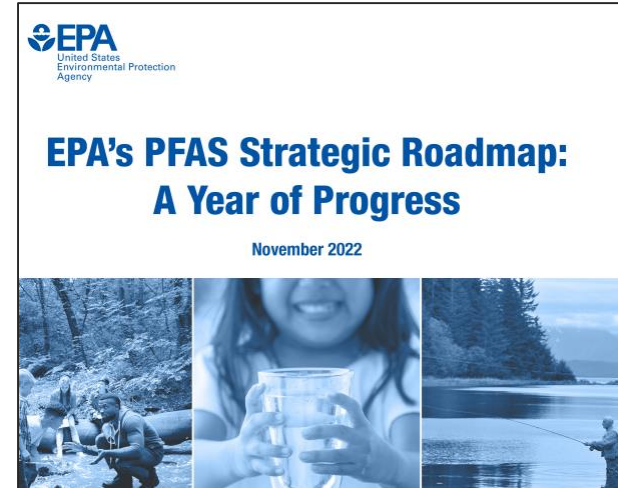
October 18, 2021

# Addressing PFAS in Ohio

- Build on statewide PWS testing results
  - 80+ systems had at least 1 PFAS detected; 20+ additional systems had at least a raw detection
  - Ohio EPA working on next steps to provide technical or \$\$ assistance to PWS with detections or known PFAS threats
  - Awaiting the draft National Drinking Water Standards (PFOA/PFOS)
- Closely follow the rapidly evolving federal efforts
- **Intend to work with our utility partners to develop statewide messaging and approach**

# PFAS Federal Activity Highlights

- Fall 2022: Draft National Drinking Water Standard at OMB
- **March 14, 2023: USEPA announces proposed MCL Rule for 6 PFAS**
  - PFOA, PFAS, PFNA, PFHxS, PFBS, GenX
- The proposed rule would require public water systems to:
  - Monitor for the 6 PFAS in the rule
  - Notify the public of the concentrations of these PFAS
  - Reduce the levels of these PFAS in drinking water if they exceed the proposed standards.



<https://www.epa.gov/pfas>

# PFAS Federal Activity Highlights

Compound	Proposed MCLG	Proposed MCL (enforceable levels)
PFOA	Zero	4.0 parts per trillion (also expressed as ng/L)
PFOS	Zero	4.0 ppt
PFNA	1.0 (unitless) Hazard Index	1.0 (unitless) Hazard Index
PFHxS		
PFBS		
HFPO-DA (commonly referred to as GenX Chemicals)		

Source: <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>





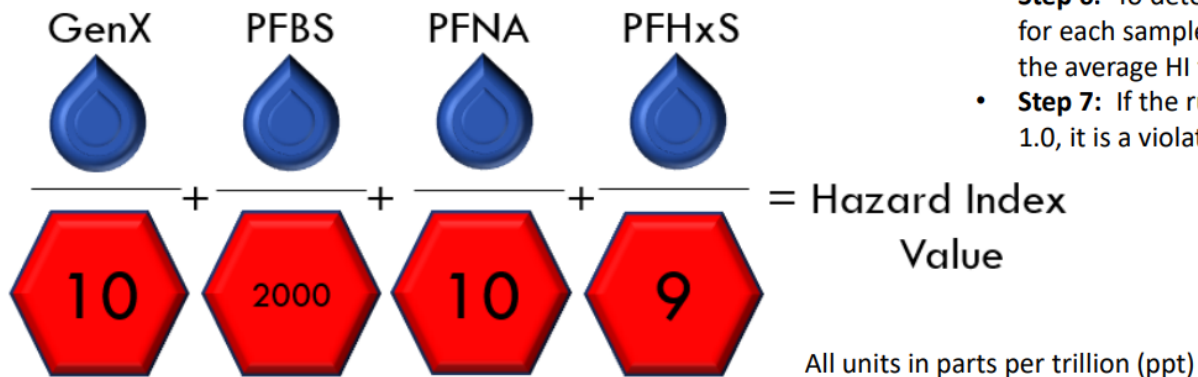
# PFAS Federal Activity Highlights

## How do I calculate the HI?

The Hazard Index (HI) is used to understand health risks. For the PFAS NPDWR Proposal, the HI considers the combined toxicity of PFNA, GenX Chemicals, PFHxS, and PFBS in drinking water.

## What is a Hazard Index?

The Hazard Index is made up of a sum of fractions. Each fraction compares the level of each PFAS measured in the water to the level determined not to cause health effects.



## Steps:

- **Step 1:** Divide the measured concentration of **GenX** by the health-based value of **10 ppt\***
- **Step 2:** Divide the measured concentration of **PFBS** by the health-based value of **2000 ppt**
- **Step 3:** Divide the measured concentration of **PFNA** by the health-based value of **10 ppt**
- **Step 4:** Divide the measured concentration of **PFHxS** by the health-based value of **9.0 ppt**
- **Step 5:** Add the ratios from steps 1, 2, 3, and 4 together
- **Step 6:** To determine HI compliance, repeat steps 1-5 for each sample collected in the past year and calculate the average HI for all the samples taken in the past year
- **Step 7:** If the running annual average HI greater than 1.0, it is a violation of the proposed HI MCL

Source: [https://www.epa.gov/system/files/documents/2023-03/PFAS%20NPDWR%20Public%20Presentation\\_Overview\\_3.16.23\\_508.pdf](https://www.epa.gov/system/files/documents/2023-03/PFAS%20NPDWR%20Public%20Presentation_Overview_3.16.23_508.pdf)

# PFAS Federal Activity Highlights

- **Who:** Community and Non-transient, non-community public water systems
- **Monitoring approach:** “Standard” monitoring schedule: quarterly for at least the first year, then eligible for reductions based on results
- **Compliance:** annual average
- **When would it start?:** Rule could be final by the end of the calendar year, implementation likely set in the rule
  - TBD
  - State would have 2 years to adopt rules based on the federal rule.

# PFAS Federal Activity Highlights

- March 29, 2023 – USEPA webinar to water professionals
- May 4, 2023 – USEPA Public Hearing
- 60 days from March 14 comments must be submitted to the public docket
- <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

# Unregulated Contaminant Monitoring Rule

## UCMR 5

- **Monitoring underway**
- Include 29 PFAS and Lithium
  - 2 methods for PFAS with lower reporting limits
- All Systems over 3300 pop are required to sample
  - US EPA pays for systems <10,001 pop
- Shortened reporting and approval times

UCMR 5 - Cycle Years	2022	Set Up
	2023	Sampling
	2024	
	2025	
	2026	Wrap Up

# Funding Summary

- **H2Ohio**
  - State funding for water and wastewater
  - \$10 million each year for the last 4 years
  - Next two years Ohio EPA receiving \$20 million/year
- **Drinking Water State Revolving Fund**
  - Base Drinking Water State Revolving Fund
- **New Bipartisan Infrastructure Law (IIJA)**
  - General Supplemental
  - Emerging Contaminants
  - Lead Service Line



Identification and Mapping  
Year 3

- \$2.1 million
- 48 systems
- \$600k to RCAP and ORWA

Identification and Mapping  
Year 4

- \$2.4 million
- 53 systems in 37 counties

Lead Service Line Replacement  
Year 3

- \$2.4 million
- 6 systems
- Delphos, Lockland, Norwood, Scio, Sebring, Hubbard

Distribution Equipment  
Year 4

- \$1 million
- ~116 systems

# Funding for FY 2023

- **Both Base and BIL funding**
  - Principal Forgiveness for Disadvantaged Systems and Regionalization
  - Set asides have been used to fund technical assistance and mini grants: Emergency Generators and Well Abandonment
- **Lead Service Line**
  - Projects focused on LSL replacements
  - State Contract for service line identification, inventory and mapping (\$5 million)

# Small System Technical Assistance

<b>Program</b>	<b>Amount</b>	<b>Purpose</b>
DWSRF General Supplemental	2% (~\$905k)	RCAP – training, technical assistance
DWSRF Lead Service Line Replacement	2% (~\$1.4mill)	LSL identification, mapping, inventory through RCAP and ORWA
Base DWSRF	2% (~\$352)	ORWA – training, technical assistance



## Rough Estimates of Ohio's Portion of IJA Funds for the SRF Programs

Year	Ohio's CWSRF Portion for Base Program	<b>New!</b> Ohio's CWSRF Portion for Emerging Contaminants	Ohio's DWSRF Portion for Base Program	<b>New!</b> Ohio's DWSRF Portion for Emerging Contaminants	<b>New!</b> Ohio's DWSRF Portion for Lead	Estimated Total
2022	\$102 M	\$5 M	\$45 M	\$19 M	\$71 M	\$242 M
2023	\$118 M	\$11 M	\$52 M	\$19 M	\$71 M	\$271 M
2024	\$128 M	\$11 M	\$57 M	\$19 M	\$71 M	\$286 M
2025	\$138 M	\$11 M	\$62 M	\$19 M	\$71 M	\$301 M
2026	\$138 M	\$11 M	\$62 M	\$19 M	\$71 M	\$301 M
<b>Total*</b>	<b>\$624 M</b>	<b>\$49 M</b>	<b>\$278 M</b>	<b>\$95 M</b>	<b>\$355 M</b>	<b>\$1.397 B</b>

<b>Can be PF</b>	<b>\$303 M</b>	<b>\$49 M</b>	<b>\$134 M</b>	<b>\$95 M</b>	<b>\$175 M</b>	<b>\$756 M</b>
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# WSRLA Nomination Submissions

- Nomination period for Program Year 2024: Feb 3 – March 3
- Base, BIL Supplemental, LSL and EC will be all be considered
- Nominations were due by March 3, 2023
  - Planning, design, LSL, HAB, and PFAS may be submitted throughout the program year
- Nominations are under review

# ePlans (Electronic Plans Portal)

- DDAGW has been accepting electronic plans since March 2020 and transitioned to **ePlan platform** for submissions on December 1<sup>st</sup>.
- The ePlans is the portal for submission of:
  - General plans (including HAB general plans)
  - Detail plans
  - Pilot Protocols/Studies
  - Well Site Applications
  - Source Water Protection Plans
  - Corrosion Control Studies

# ePlans (Electronic Plans Portal)

- We have continued to improve the ePlans process both internally and externally.
- In early March the platform was updated to include the **Water Supply Data Sheet** questions and fields. Submitters no longer need to include the attachment.
  - Prevents duplicate information being entered by the submitter
  - Allows Ohio EPA to pull data based on entries
  - When the submitter selects YES for WSRLA funding, our DEFA team will be notified by email
- **If you have questions, please contact: [Tanushree.Courlas@epa.ohio.gov](mailto:Tanushree.Courlas@epa.ohio.gov)**

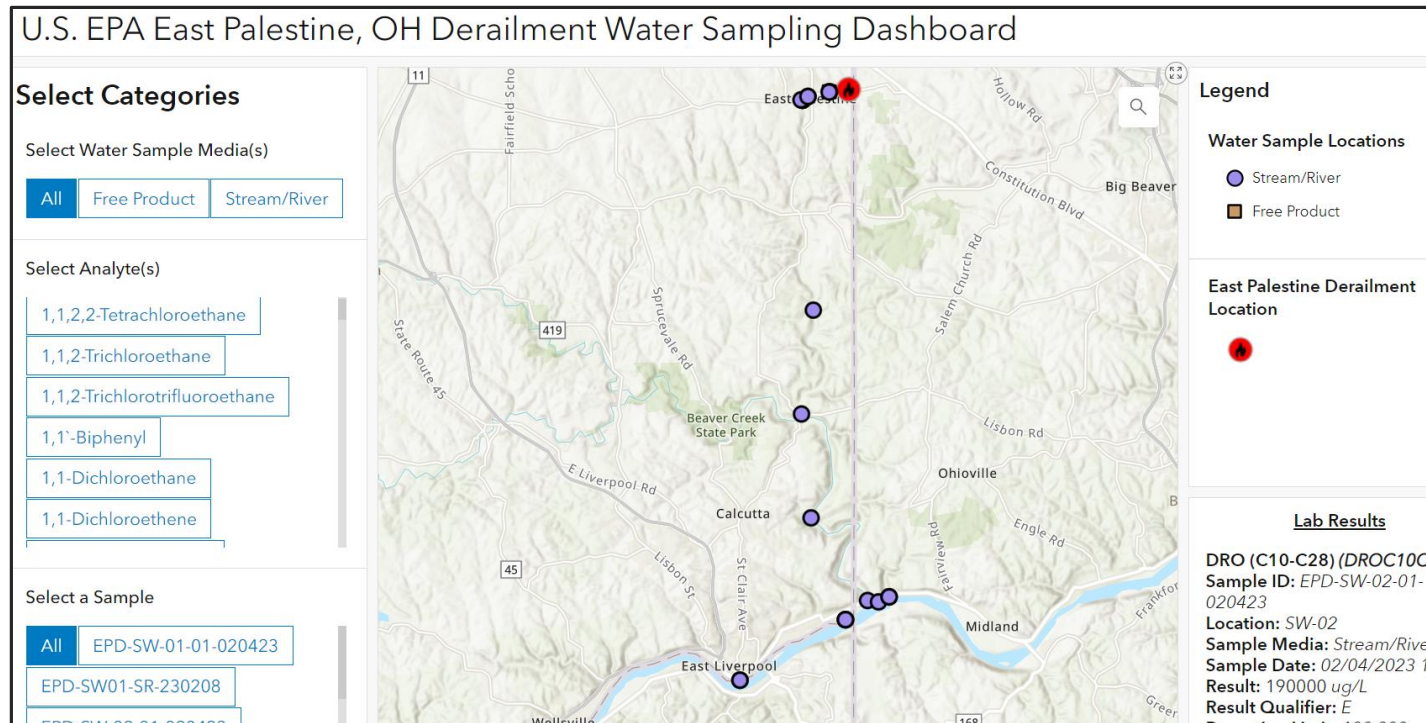
# East Palestine Update

- Feb. 3 initial derailment
- Large scale, multi-agency response is ongoing
- Water, soil, and air concerns
- OEPA DDAGW heavily involved in testing the Village of East Palestine wellfield and finished water, transient PWS near derailment site, and sampling sentinel monitoring wells
- Feb. 21 USEPA issued Unilateral Admin Orders (Sec. 106 CERCLA)
- March 14 Ohio AG files lawsuit



# East Palestine Info

- <https://epa.ohio.gov/monitor-pollution/pollution-issues/east-palestine>
- <https://www.epa.gov/oh/east-palestine-ohio-train-derailment-emergency-response>



# Value of Partnerships

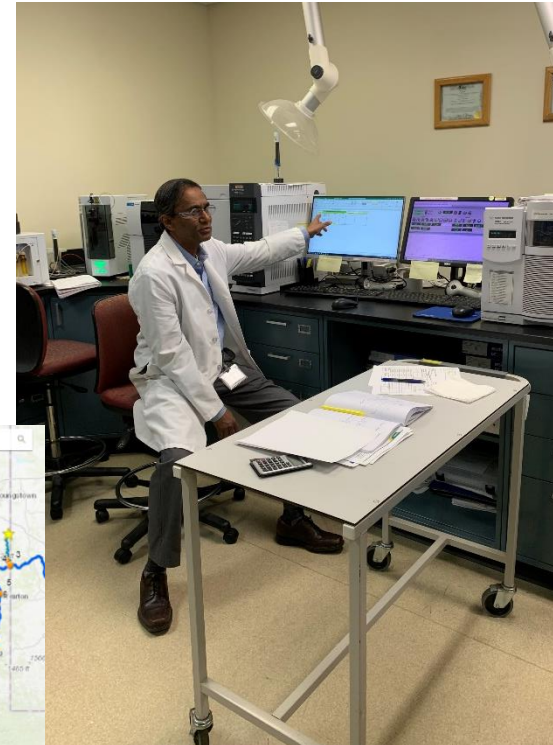
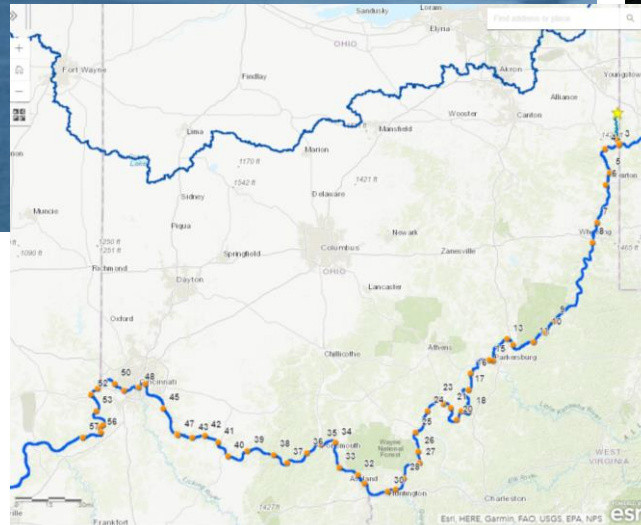


Ohio River Valley Water Sanitation Commission

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## ORSANCO East Palestine Ohio Spill Response Update

[CLICK FOR MORE INFORMATION](#)





# Thank you

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