

Federal Lead and Copper Rule Revisions(LCRR) and Ohio EPA Funding for Lead Service Line Replacement

ACEC
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Agenda

- Lead and Rule History
- LCRR Timeline
- Significant Rule Changes
- Quick Background on DEFA and the WSRLA
- Evolution of Lead Service Line Funding
- Current Funding Available Through WIFTA
- What's Eligible for LSL Funding
- What's Required for LSL Funding
- Summary/Questions

Lead and Copper Rule History

1986
Federal
Lead in
Pipes and
Fixtures
8%



1991
LCR First
promulga
ted
MCLG = 0
ug/L
(previous
ly 50 ug/
L)



2000
LCR
Minor
Revisions



2007
LCR Short
Term
Revisions



2014
Lead
Free
Definitio
n
Changes

LCRR Implementation Timeline

January
15, 2021
Federal
LCRR

Published

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2021 to
2023
Ohio EPA
to work

with US
EPA for
Primacy



January
16, 2024
Final Ohio
LCR

Implemen
tation
LSI

*Regulatory Freeze Pending Review 1/20/21

Rule Changes

- New lead “Trigger Level”
- Sample Site Selection
- Collection Procedures
- Corrosion Control Treatment
- Small System Flexibilities
- Lead Service Line Inventory
- Lead Service Line Replacement
- Find and Fix
- Sampling of Schools and Daycares
- Notification of Results and Education

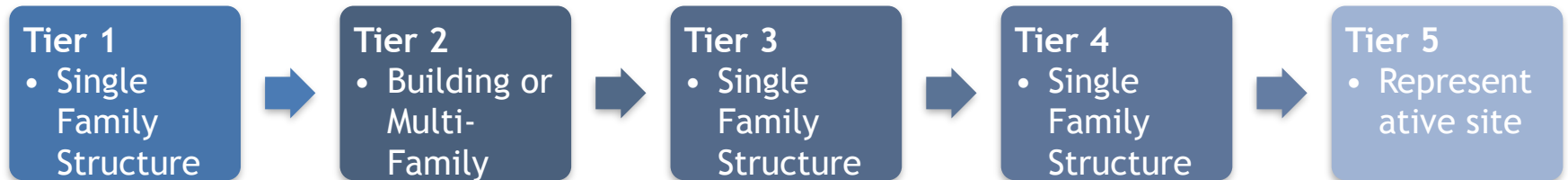


Lead Trigger Level

- If lead 90th percentile is >10 ug/L:
 - Additional Planning and Outreach
 - Evaluate Corrosion Control Treatment
 - Increased Monitoring
 - Annually at increased # sites
 - Goal Based LSL Replacement Plan
- Lead Action Level is >15 ug/L
- Copper Action Level is >1300 ug/L

Sample Site Selection

- Focus on Lead Service Lines (LSLs)
 - All samples to be collected from sites with LSLs, if available
- NTNC Tiers simplified
- Community Tiers:



Collection Procedures

- With homes with LSLs (Tier 1-2)
 - **Fifth** liter sample for lead
 - **First** liter sample for copper
- With homes without LSLs (Tier 3-5)
 - **First** liter sample for lead and copper
- Wide Mouth Bottles
- Prohibits flushing and aerator removal or cleaning



Corrosion Control Treatment

- Regular review of CCT and WQPs with Sanitary Survey schedule
- Calcium precipitation removed as CCT option
- Clarified that phosphate inhibitors must be orthophosphate
- If trigger level or action level exceeded:
 - Systems with CCT installed - re-optimize
 - Systems with no CCT installed - CCT study or recommendation
 - Small systems - option for “Small System Flexibility”

Lead Service Line Inventory

- All CWSs and NTNCs must identify service line materials
 - Lead
 - Galvanized Requiring Replacement
 - Non-lead
 - Lead Status Unknown
- Update annually (or triennially if on triennial monitoring)
 - If no LSLs, no updates needed, unless found later
- Lead Service Line Replacement Plan
 - If lead 90th percentile >10 ug/L plan to replace LSLs

Lead Service Line Replacement Plan

- Strategy for determining material of unknown service lines (SL)
- Strategy for informing customers of their SL material
- Procedure for conducting lead service line replacement (LSLR)
 - Determine LSLR goal rate for potential trigger level exceedance
 - Procedure for customers to flush after replacement
 - Prioritization of replacement locations
- Plans for funding

LSL Inventories and LSLR Plans

DUE

January 16, 2024

*Pending Regulatory Review

Replacing Lead Service Lines

- ALE (90th percentile > 15 ug/L):
 - Mandatory replacement of full LSLs
 - 3% replacement/yr
- TLE (90th percentile > 10 ug/L):
 - Goal based replacement of full LSLs
 - Goal % based on State approval
- Must begin immediately following exceedance of TL or AL
- No testing out - at least 2 years of replacement
- Provide filters for 6 months following each LSL replacement



Find and Fix

- Resample taps >15 ug/L within 30 days
 - Resamples not included in ALE calculations
- Collect WQP samples near each high lead location
- Determine if fix is needed
 - Implement as applicable
- Provide info to local health departments

Sampling at Schools and Daycares

- All elementary schools and daycares
 - Tested once over 5-year period
 - 20%/year at elementary schools (5 samples/school)
 - 20%/year at daycares (2 samples/daycare)
- After 5 years, annual outreach
- Secondary schools upon request
- Provide EPA's 3T (Training, Testing, Take Action)

Consumer Notification of Results and Public Education

- LSL inventory publicly available
- Notification of lead ALE = 24 hr notification
- Individual locations >15 ug/L = 3 day notification
- Additional Outreach to Consumers
 - Information on risks to exposure and financial assistance for LSL removal for homeowners with LSLs
 - Public Education to impacted consumers during disturbance of line work
- New Consumer Confidence Reporting

Final Message

- Rules may change
- If you don't know - inventory LSLs
- If you know - Get Lead Out!
- Stay informed

Agenda

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Division of Environmental and Financial Assistance

Office of Financial Assistance (OFA)

- Administers both state revolving loan fund programs
 - Water Pollution Control Loan Fund (WPCLF)
 - Water Supply Revolving Loan Account (WSRLA)
- Assists in the administration of some smaller federal grants through the Water Infrastructure Improvements for the Nation Act (WIIN)
- Assists in the administration of Ohio EPA's portion of the H2Ohio Program

Water Supply Revolving Loan Account (WSRLA)

- Ohio's Drinking Water State Revolving Fund (SRF)
- Began in 1998 with annual federal grants providing seed money
- Purpose - Support PWSs in Ohio and the drinking water goals of the State
- Primarily a low-interest loan program, with a little bit of grant-like funds
- 1998-present awarded 900 loans totaling \$2 billion to public water systems across the state
- Sustainable annual capacity around \$200 million/year

Expanding Funding Opportunities for Lead Related Projects

- 2016 - Began offering 0% loan funds for corrosion control studies & corrective action.
- 2018 - Expanded 0% loan funds to include lead service line (LSL) replacements.
- 2019 - Offered \$1 million in principal forgiveness funds for LSL replacements.
- 2020 - Announced the availability of funds from WIFTA.

Water Infrastructure Funding Transfer Act (WIFTA)

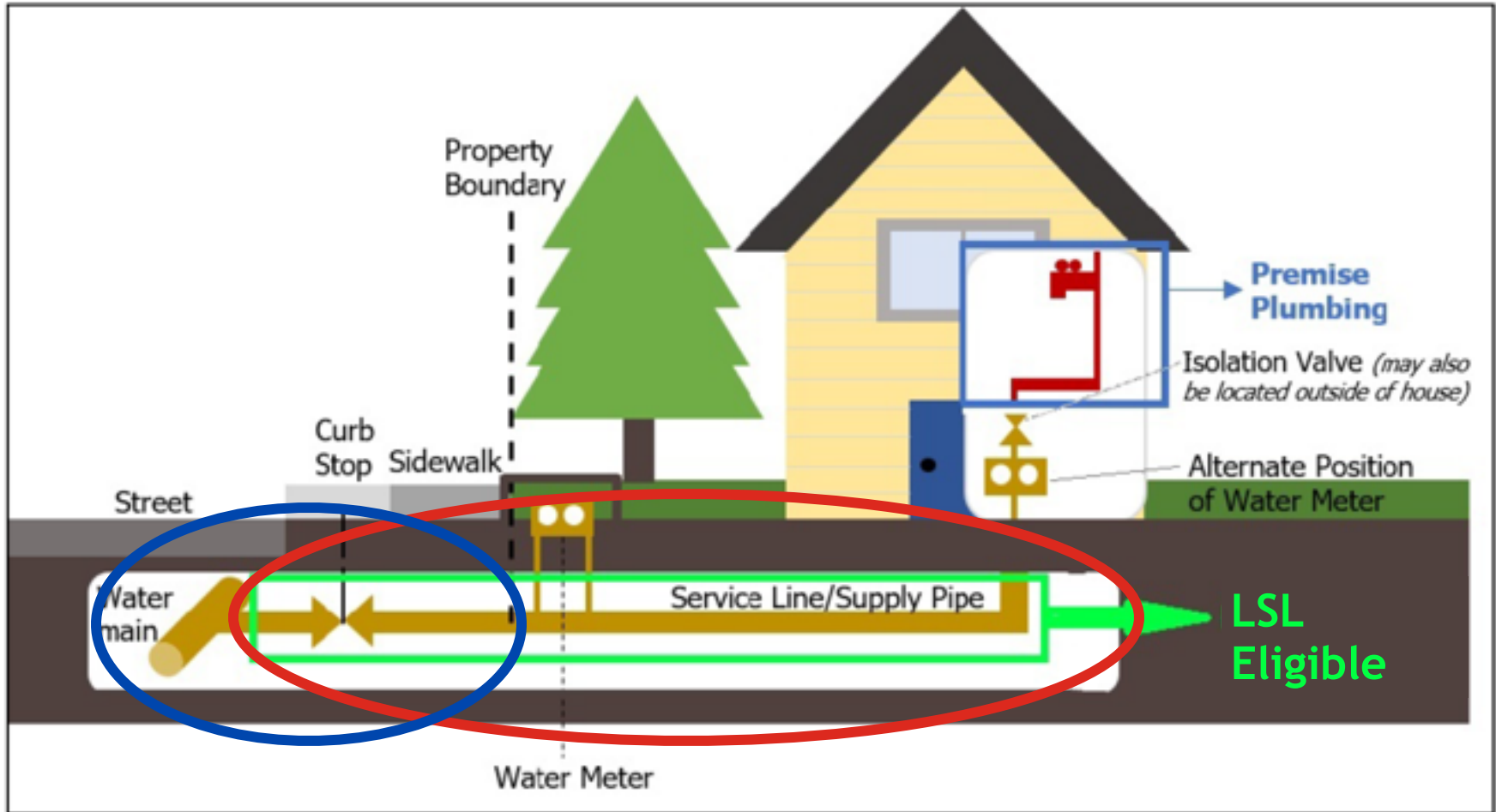
- Federal legislation passed on October 4, 2019
- Allows states to transfer up to 5% of cumulative capitalization grants from clean water SRF to drinking water SRF
- In September 2020, Ohio requested and received approval to transfer \$20 million from the WPCLF to the WSRLA
- Funding must be allocated by June 2022



Lead Service Line Principal Forgiveness

- Nominations will be accepted any time in the Drinking Water Assistance Fund PY 2021 and PY 2022
- Up to \$1 million per applicant per program year
- Not restricted to disadvantaged communities - community PWS and nonprofit noncommunity PWS
- Funds need to be awarded and disbursed in a timely fashion

What's eligible for funding?



Eligible Materials

- Public lead service lines
- Private lead service lines
- Private galvanized service lines if the galvanized line is downstream of lead components
- Lead goosenecks

Eligible Properties

Examples of properties that may have private LSL - not exhaustive:

- Residential (single and multi-family)
- Residential mixed with business properties
- Schools
- Child daycares



Eligible Costs

All construction costs necessary for private and/or public LSL replacement

Including property restoration

Ref. No.	Item No.	Item Description
1	103	Contract Performance Bond
2	201	Trees removed, 18 inch
3	201	Trees removed, 30 inch
4	203	Excavation
5	252	Trenches for Water Services
6	253	Boring for Water Services
7	300	Bituminous Aggregate Base, 6" thick
8	301	Bituminous Aggregate Base, 8" thick
9	305	Portland Cement Concrete Base, 6", Class MS Concrete
10	406	Bituminous Road Mix - 2" thick wearing course
11	451	Reinforced Portland Cement Concrete Pavement, 9" thick, Class MS Concrete
12	455	Concrete Curb, 6"x18", Class MS Concrete
13	455	Concrete Combination Curb and Gutter, Class MS Concrete
14	456	Concrete Walk, 4" thick, Class MS Concrete
15	456	Concrete Walk, 6" thick, Class MS Concrete
16	456	Concrete Driveway Apron, 6" thick, Class MS Concrete
17	461	Brick Pavement Reconstructed (Salvaged Bricks)
18	614	Maintenance of Traffic
19	624	Mobilization
20	653	Topsoil Furnished and Placed, 4" thick
21	659	Lawn Seeding and Mulching
22	663	Tree Planting in Lawn Area, 2-1/2" trees
23	SPEC	1" Copper pipe
24	SPEC	Renew House Line
25	SPEC	Parts and Rework Allowance

What is necessary for funding?

- LSL inventory and distribution map
- Documented authority to access private property for replacement work
- Legal opinion demonstrating authority to spend public funds on private property
- Outreach plan for educating customers about lead
- Acceptable asset management program
- The PWS will conduct or oversee the work

LSL Inventory & Distribution Map

- All community and non-transient non-community PWS were required to submit distribution maps in 2017.
- Knowing service line material enables a PWS to respond more accurately to [disruption of service events](#), water main projects and LSL replacement projects.
- Maps must be updated every 5 years with the next map due in 2022.

Outreach Plan

- Public awareness and trust is very important especially when gaining access to private property.
- Educate customers about lead on PWS and/or community website, local newspaper, council meetings, and fliers/door hangers.
- Provide means for residents to self-report their service line.

Access to Private Property

- Access agreement
- Temporary easement
- Ordinance
- Other methods

Construction Contract

- PWS identifies LSL to be replaced then bids construction contract to complete the replacements.
- LSL can be part of a water main replacement project or stand-alone LSL project.
- Costs for LSL portion must be identified and clear for principal forgiveness funding.

Federal Requirements

- Davis-Bacon Act
- American Iron & Steel
- Disadvantaged Business Enterprise
- Environmental Review

Summary of Key Points

- Funds are available: **0% financing and PF**
- How to nominate: **defamail@epa.ohio.gov**
- What's eligible: **public/private LSL**
- What's required: **inventory, legal authority, outreach, asset management**
- Types of projects we've seen so far: **stand-alone projects and part of larger project**

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