

The Idaho Drinking Water Newsletter

Department of Environmental Quality Idaho Drinking Water Program

www.deq.idaho.gov/water/prog_issues.cfm

April 2009, Number 51

Lead/Copper Rule's new public education requirements

Effective at close of the 2009 State Legislature

Lead can cause serious health problems if too much enters the body from drinking water or other sources.

Lead can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of the body. The greatest risk of lead exposure is to infants, young children, and pregnant women.



The 2007 Short-Term Revisions to the Lead Copper Rule (LCR) seek to reduce exposure to lead and copper in drinking water from corrosion of metallic components in water distribution systems through monitoring, corrosion control, and public education.

This article will concentrate on the lead public education and public notification requirements of the revised rule. These requirements are intended to ensure that at-risk populations receive information quickly and are able to act to reduce their exposure. The requirements will only affect systems with lead problems or those required to monitor for lead, and *will not apply to copper.*

Public education versus public notification

The terms “public education” and “public notification” refer to two methods of informing the public about lead in drinking water and both are rule requirements. It is important to differentiate between the two.

In brief, *public education* means that systems owners and operators must educate their consumers (through the distribution of fact sheets, brochures, etc.) about lead health effects, sources, and steps to be taken to minimize exposure. *Public notification*, on the other hand, refers to the continuing legal requirement that the public must be notified by the system owner when specific LCR requirements are not enacted.

■ **Public education requirements.** Lead public education falls into *three categories*:

1. **Lead tap water monitoring results – notifying the customer.** All owners of community and non-transient non-community public water systems, which are monitoring for lead, are required to provide notice of tap water lead monitoring results to consumers who occupy homes or buildings where the taps were tested. The notice is to be provided, *even if the sample does not exceed the lead “action level”* of 15 parts per billion (ppb), no later than *30 days* after a system owner and operator learns of the monitoring results (*see action level box*).

Content of the public education material must include results for the tap that was tested, the lead action level, lead health effects, actions to reduce exposure, and how to contact the utility for more information. DEQ has provided system owners a consumer notice template for tap monitoring results, which contains the required public education information, plus a separate certification form which must be sent to DEQ certifying that you met the requirements. (*See consumer notice template and certification forms at www.deq.idaho.gov/water/assist_business/pws/notification.cfm.*)

2. **Lead action level exceedance requires public education activities.** If during a monitoring period, more than 10 percent of the tap water samples collected exceed the

action level of 15 parts per billion (ppb), a public water system owner must conduct a “public education program.” (The exceedance is sometimes referred to as exceeding the “90th percentile” – see box, page 2.) System owners must notify customers that the action level was exceeded, as well as deliver public education information *within 60 days* after the end of the monitoring period in which the exceedance occurred. (*For your use, DEQ*

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■ “Action level” (AL) defined

An “action level” is the concentration of a contaminant in water which, if exceeded in a specified percentage of water samples tested, triggers actions which a water system must follow. Those required actions may include additional monitoring, treatment techniques, public education, or other procedures.

EPA has established an enforceable lead concentration action level for public water supplies set at 15 micrograms per liter (µg/l), which can also be expressed as 15 parts per billion (ppb).

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provides the AL exceedance notice template plus handout suggestions at www.deq.idaho.gov/water/assist_business/pws/notification.cfm.)

As a note, when the lead action level is exceeded, it is not required under the 2007 LCR Revisions to also issue a public notification – the public education program takes the place of a public notification for AL exceedances.

3. CCR lead information required. EPA is also requiring that all community water systems provide a standard informational paragraph in every CCR (Consumer Confidence Report) regarding lead in drinking water *whether or not the system detected lead in any of its samples*. This requirement becomes effective for the 2009 CCR, which is due July 1, 2010. DEQ will automatically insert this statement into its 2009 CCR template to meet this requirement. The CCR lead informational statement is located at www.deq.idaho.gov/water/permits_forms/forms/drinking_water/ccr_guidance_2008_entire.pdf.

■ Public notifications (PN) for lead.

PNs for the LCR generally fall into a Tier 2 or Tier 3 category and must be issued by the system owner *within 30 days* of the violation. Public notification helps to ensure that consumers will always know if there is a problem with their drinking water.

In general, lead public notification is required for the violations listed below:

- Failure to monitor for lead and copper.

- Failure to provide the required “public education” activities (*see page 1*) when the lead action level is exceeded.
- Failure to install optimal corrosion control treatment, or failure to submit a control treatment recommendation or plan to DEQ.

These lead public notification templates are available for system owners to use at www.deq.idaho.gov/water/assist_business/pws/notification.cfm. Remember, you can also use EPA’s *PNiWriter* to issue your public notifications.

Summary. This article serves as a general outline of the public education requirements of the 2007 Short-Term

Revisions to the LCR, which become effective at the adjournment of the 2009 State Legislature. For more details, review the following web sites for a quick reference guide, and guidances for community water systems and non-transient non-community water systems:

- **Lead and Copper Rule: A Quick Reference Guide** – www.epa.gov/safewater/lcrmr/pdfs/draft/qrg_lcrmr_quickguide2007.pdf.

- **Implementing the Lead Public Education Provision of the Lead and Copper Rule: A Guide for Community Water Systems** (93 pages) – www.epa.gov/ogwdw/lcrmr/pdfs/draft/guidance_lcrmr_publiceducation_cws.pdf.

- **Implementing the Lead Public Education Provision of the Lead and Copper Rule: A Guide for Non-Transient Non-Community Water Systems** (75 pages) – www.epa.gov/safewater/lcrmr/pdfs/draft/guidance_lcrmr_publiceducation_ntncws.pdf. ■

■ “90th Percentile” defined

The “90th percentile” is the value used to determine compliance with the lead and copper action levels. This means that if 90% (e.g., 9 out of 10), of the samples taken are below the action level then the system is in compliance.

In other words, no more than 10 percent of the samples may exceed the lead action level of 15 parts per billion (ppb).

Overall review of the 2007 LCR

Short-Term Revisions to the Lead/Copper Rule: Part II

This is a continuation of the Idaho Drinking Water Newsletter article, in Issue 50, about the Short-Term Revisions to the Lead and Copper Rule. As a reminder, Idaho will adopt this rule by reference and the revisions will become effective on the date the 2009 State Legislature adjourns.

Summarized below are the primary revisions EPA published in the *Federal Register* in October 2007.

- **Minimum number of samples required.** The revisions give the State the discretion to allow systems that

have fewer than five water taps to only collect one lead/copper sample from each tap that can be used for human consumption.

- **Definitions for “compliance period” and “monitoring period.”** Clarifications throughout the rule explain when compliance and monitoring periods begin and end. These clarifications help define the timing of actions following a lead or copper action level exceedance, the timing of monitoring activities related

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to reduced monitoring schedules, as well as the new reporting requirements.

- **Reduced monitoring requirements.** EPA is no longer allowing owners of water systems that exceed the lead action level of 15 parts per billion (ppb) to initiate or remain on a reduced lead and copper monitoring schedule based solely on the results of their water quality parameters (WQPs). Systems will now also be required to remain below the lead action level in addition to optimizing their water quality parameters. (WQPs are a set of parameters or limits such as pH, alkalinity, calcium, and temperature chosen as indicators of whether a particular corrosion control treatment is being properly operated and maintained.)
- **Consumer notice of lead tap monitoring results.** EPA added new consumer notice requirements that require all public drinking water system owners to provide consumers who occupy homes or buildings, which are part of the system's monitoring program, with the monitoring results when their drinking water is tested for lead (*including those who do not receive water bills*). The revisions specify the timing, content, and delivery methods for this particular consumer notice.
- **Advanced notification and approval of long-term treatment changes.** The revisions require water system owners to receive approval from the State *before* adding a new source or making any long-term treatment change.
- **Public education requirements** (*for more education details, see page 1 this issue*). EPA changed the public education requirements in the revised rule. System owners are still required to deliver public education materials after a lead action level exceedance. However, EPA made significant modifications to the content of the written public education materials and added a new set of delivery requirements. EPA is also requiring all community water system owners to include an educational statement about lead in their Consumer Confidence Reports.
- **Reevaluation of previously "tested out" lead service lines.** The revisions require water system owners to reconsider any water distribution lines previously "tested out" (i.e., determined to not require replacement) when resuming lead service line replacement programs.

For further information regarding the Short Term Revisions to the Lead and Copper Rule, please contact your local DEQ regional office or, visit EPA's website at www.epa.gov/safewater/lcrrmr/. ■

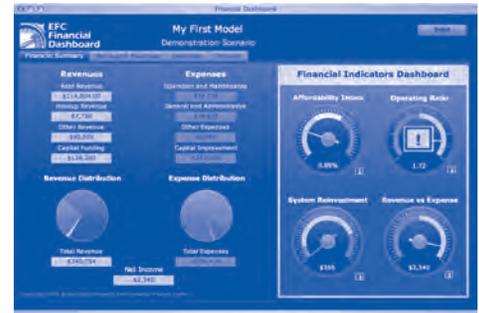
EFC offers a new approach to water system decision making at no charge

The Environmental Finance Center (EFC) at Boise State University has developed at no charge, an on-line "Financial Dashboard" to provide system owners, boards, and local leaders with a quick way to determine their present and future financial needs.

Using graphic displays, the Dashboard allows a system to plug in financial data, such as current rates and expenditures, to see where they are presently.

Systems can also try different scenarios to determine costs and needs for the coming years.

The Dashboard serves as a quick and easy worksheet that can also be projected on screen for boards and public meetings.



System owners and operators interested in the Financial Dashboard can test drive it at <http://efc.boisestate.edu/efc/Tools/Dashboard/tabid/154/Default.aspx>. A sample model is set up so you can see how the program works, or you can start by using your own data. For more information, contact the EFC at Boise State University at (208) 426-4990 or by email at efc@boisestate.edu. ■

A reminder to all community water systems:

Calendar Year 2008 CCRs are due July 1, 2009

The updated Consumer Confidence Report (CCR) templates and instructions are available on the DEQ web sites below:

- General instructions are located at www.deq.idaho.gov/water/assist_business/pws/ccr.cfm.
- 2008 templates (DEQ or EPA), the CCR Report Writing Assistance Tool, and your system's sampling and violation records for 2008 are at www.deq.idaho.gov/water/prog_issues/drinking_water/CCR/ccrwp.cfm.

DEQ will send a CCR reminder postcard to all community water system owners in March 2009.

Training Schedule

Class/Sponsor	Location/Date
Structural Rehabilitation for Sanitary Sewer Systems (IRWA) – WW	Jerome, April 8, 2009
Water Tank Maintenance (BE) – W	Fruitland, April 14, 2009
Odor Control (BE) – W/WW	Boise, April 15, 2009
Drinking Water 101 (BE) – W	Boise, April 21, 2009
Water Distribution III & IV Licensure Review (BE)-W	Boise, April 22-23, 2009
VSWS Licensure Review (BE)-W	Twin Falls, April 28, 2009
Intro to Water/Wastewater (BE) – W/WW	Paul, April 29, 2009
Drinking Water 101 (BE) – W	Sandpoint, May 5, 2009
Small Water Systems Sanitary Survey (BE) – W	Coeur d'Alene, May 6, 2009
VSWS Licensure Review (BE) – W	Sandpoint, May 12, 2009
Land Application Licensure Review (BE) – WW	Coeur d'Alene, May 13-14, 2009
Disinfection (BE) – W/WW	Pocatello, May 19, 2009

(BE) = Brown Environmental, Inc. (IRWA) = Idaho Rural Water Association

For further information:

Brown Environmental, Inc. 1-800-543-4358 or for the Boise area, 208-465-5725
Web site: www.idahooperatortraining.com/
Register for classes at www.idahooperatortraining.com/workshopapp.htm

Idaho Rural Water Association. 1-800-962-3257 or 208-343-7001
or 208-582-0592
E-mail: shammons@idahoruralwater.com. Web site: www.idahoruralwater.com/

All PWSs must have cross-connection control programs

Remember, according to the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08.552.06), all public community drinking water systems are required to implement and enforce a cross-connection control program to prevent toxic or hazardous materials from entering a public water system.

All non-community public drinking water systems (IDAPA 58.01.08.552.07) must ensure that cross-connections do not exist, or are isolated from the drinking water system by an approved backflow prevention device.

So, what is a cross-connection? A cross-connection is an actual or potential connection or piping arrangement between a drinking water system and an unapproved water supply or other source of contamination.

To learn more about the responsibilities of system owners and operators to protect their water systems against contamination and pollution from cross-connections, and about backflow prevention devices, see DEQ's *Cross-Connection Control Factsheet* at www.deq.idaho.gov/water/assist_business/pws/dw_cross_connection_fs.pdf. ■

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DEPARTMENT OF
ENVIRONMENTAL QUALITY
1410 North Hilton
Boise, Idaho 83706-1290

