OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research and Drafting

Legislative Budget Office

H.B. 427
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Wiggam

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SUMMARY

- Generally prohibits the Ohio Environmental Protection Agency (OEPA) from requiring a public water system in operation prior to the bill's effective date to treat drinking water for secondary contaminants.
- Allows OEPA to require treatment for secondary contaminants if the level of a secondary contaminant exceeds a health advisory limit established by the U.S. Environmental Protection Agency.

DETAILED ANALYSIS

The bill prohibits the Ohio Environmental Protection Agency (OEPA) from adopting rules that require a public water system, in existence prior to the bill's effective date, to treat drinking water for secondary contaminants. However, OEPA may require treatment if the level of a secondary contaminant exceeds a health advisory limit established by the U.S. Environmental Protection Agency (USEPA). Under the bill, a secondary contaminant means aluminum, chloride, color, copper, corrosivity, fluoride, foaming agents, iron, manganese, odor, pH, silver, sulfate, total dissolved solids, and zinc.[1]

The bill's prohibition renders existing OEPA rules requiring certain public water systems to treat drinking water for iron and manganese null and void.

Background

Public water systems

In Ohio, a public water system is a system that provides water for human consumption to at least 15 service connections or serves an average of at least 25 people for at least 60 days

[1] R.C. 6109.04(E).

each year. This includes water used for drinking, food preparation, bathing, showering, tooth brushing, and dishwashing. Public water systems range in size from large municipalities to small churches and restaurants relying on a single well.[2]

Secondary contaminants

Federal and state regulations require public water systems to treat drinking water for primary contaminants, such as lead, mercury, and chlorine. However, federal law and Ohio law do not currently require public water systems to treat drinking water for secondary contaminants, with the exception of iron and manganese, concerning which OEPA has adopted rules requiring treatment.

USEPA has developed national secondary drinking water regulations (NSDWRs), which are nonenforceable guidelines regulating contaminants that may cause cosmetic effects (i.e., skin or tooth discoloration) or aesthetic effects (i.e., taste, odor, or color) in drinking water. USEPA recommends that public water systems adhere to the NSDWRs, but does not require them to comply with the guidelines. However, states may choose to adopt them as enforceable standards.[3]

OEPA requires public water systems to *monitor*[4] secondary contaminants (with the exception of iron and manganese) and *advises* those systems to keep secondary contaminants beneath the levels set forth in the table, below. The levels specified below are the same advisory levels recommended by the USEPA.[5]

Secondary maximum contaminant levels (SMCL)	
Contaminant	**Maximum level**
Aluminum	0.05 to 0.2 mg/L (depends on the system's specifications)
Chloride	250 mg/L
Color	15 color units
Corrosivity	noncorrosive
Fluoride[6]	2.0 mg/L

[2] R.C. 6109.01(A). *See also*: https://epa.ohio.gov/ddagw/pws.

[3] https://www.epa.gov/dwregdev/drinking-water-regulations-and-contaminants#Secondary.

[4] Ohio Administrative Code (O.A.C.) 3745-83-01.

[5] O.A.C. 3745-82-02.

[6] Fluoride becomes a primary contaminant when it reaches 4.0 mg/L.

Secondary maximum contaminant levels (SMCL)	
Contaminant	**Maximum level**
Foaming Agents	0.5 mg/L
Iron	0.3 mg/L
Manganese	0.05 mg/L
Odor	3 threshold odor number
pH	7.0 - 10.5 (depends on the system's specifications)
Silver	0.1 mg/L
Sulfate	250 mg/L
Total dissolved solids (TDS)	500 mg/L
Zinc	5 mg/L

Regarding iron and manganese, OEPA requires *new* community water systems (which is a type of public water system that has at least 15 service connections used by year-round residents or that regularly serves at least 25 year-round residents) to provide treatment for removal of both of the following:

1. Iron to meet the secondary maximum contaminant level (SMCL) shown in the table above when the level of iron in water entering the water plant exceeds the SMCL; and
2. Manganese to meet the SMCL shown in the table above when the level of manganese in water entering the water plant exceeds the SMCL.

In addition, OEPA requires *existing* community water systems that develop a new water source, or change a source, to provide treatment for removal of both of the following:

1. Iron to meet the SMCL shown in the table above if the level of iron at the entry point to the distribution system increases and exceeds the SMCL; and
2. Manganese to meet the SMCL shown in the table above if the level of manganese at the entry point to the distribution system increases and exceeds the SMCL.[7]

Because the bill prohibits OEPA from requiring a public water system in operation prior to the bill's effective date to treat drinking water for secondary contaminants, OEPA's rules

[7] O.A.C. 3745-91-09.

governing the treatment of iron and manganese by an existing community water system would no longer be enforceable.

Federal health advisories

As indicated above, the bill prohibits the Director from requiring an existing public water system to provide treatment for secondary contaminants (including iron and manganese). However, the bill allows the Director to require treatment of drinking water for secondary contaminants if a health advisory limit established by the USEPA is exceeded.[8] According to the USEPA, health advisories provide information on contaminants that can cause human health effects and are known or anticipated to occur in drinking water. USEPA's health advisories are nonenforceable and nonregulatory and provide technical information to state agencies and other public health officials on health effects, analytical methodologies, and treatment technologies associated with drinking water contamination.[9]

HISTORY

Action	Date
Introduced	11-26-19

H0427-I-133/ar

[8] R.C. 6109.04(E)(1).

[9] *See* https://www.epa.gov/sdwa/drinking-water-contaminant-human-health-effects-information.