

State of Ohio
Environmental Protection Agency

PUBLIC NOTICE

August 16, 2010

Request for Comment on Draft Rules

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) is proposing new rules and revisions to rules in the Ohio Administrative Code (OAC) to adopt the federal Ground Water Rule (GWR). The GWR was published in the Federal Register on November 8, 2006. The draft rules and amendments to the OAC are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

The purpose of the federal Ground Water Rule is to provide for increased protection against microbial pathogens, such as fecal contaminants found in public water systems that use ground water sources. This rule establishes a risk-targeted approach, identifying ground water systems that are susceptible to fecal contamination rather than requiring disinfection for all ground water systems. The rule requires ground water systems at risk of fecal contamination to take corrective action to reduce cases of illnesses and deaths due to exposure to microbial pathogens.

The division has drafted revisions to include GWR language in the following OAC rules:

3745-9-08 (Well disinfection),
3745-81-01 (Definitions),
3745-81-27 (Analytical techniques),
3745-81-32 (Public notification),
3745-81-60 (Sanitary surveys),
3745-81-72 (Disinfection of water from surface water sources),
3745-81-76 (Water source designation),
3745-89-03 (Procedure for laboratory approval),
3745-89-08 (Reporting of analytical results),
3745-96-02 (Required report content), and
3745-96-03 (Required additional health information).

DDAGW has also drafted new ground water rules in the OAC:

3745-81-41 (Ground water rule – general requirements and applicability),
3745-81-42 (Ground water rule – ground water source microbial monitoring and analytical methods),
3745-81-43 (Ground water rule – treatment technique requirements for ground water systems),

3745-81-44 (Ground water rule – treatment technique violations for ground water systems), and
3745-81-45 (Ground water rule – reporting and recordkeeping for ground water systems).

In addition to rules listed above, the division has drafted revisions to correct a typographical error in rule 3745-96-03 of the OAC, incorporate a few clarifications in rule 3745-81-72 of the OAC and add new analytical methods to rule 3745-81-27 of the OAC, published in the Federal Register on November 10, 2009 and June 8, 2010.

As part of the rule-making process, the Agency is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The Agency is offering you and your organization the opportunity to comment on these rules before the division formally proposes them.

A public hearing pursuant to §119.03 of the Ohio Revised Code will be conducted on September 20, 2010, beginning at 10:30 a.m. in Conference Room A at the Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio. All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-making. A presiding officer will be present until all interested persons have been heard.

To facilitate scheduling of oral presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on September 17, 2010. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. **All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitors are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.** To provide notice of intent to give oral comments at the public hearing, contact Susan Baughman by mail at Ohio EPA, DDAGW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43215, or by phone at (614) 644-2752.

In order to ensure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by the close of business September 20, 2010. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Susan Baughman at the address above, or sent by email to the following address
ddagw_rulecomments@epa.state.oh.us.

To obtain a copy of the proposed rules, contact Donna Roberts at Ohio EPA at (614) 644-2916 or email at donna.roberts@epa.state.oh.us. Please request the "proposed ground water rules" and, if a recorded message is left, be sure to include your name, telephone number, and complete mailing address. There is no charge for proposed

rules. The proposed rules will be available on the Agency web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html#proposed>.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Susan Baughman at Ohio EPA, DDAGW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43215 or by phone at (614) 644-2752. Email can be sent to susan.baughman@epa.state.oh.us.