

**State of Ohio**  
**Environmental Protection Agency**

**PUBLIC NOTICE**

July 14, 2006

**Notice of Proposed Rule-making and Public Hearing**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) is proposing revisions to the rules of the Ohio Administrative Code (OAC) which set the monitoring requirements for public water systems to demonstrate compliance with secondary maximum contaminant levels, the operational requirements for public water systems, and outline the requirements for installing a yard hydrant with a connection to a public water system. The draft amendments are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

OAC rule 3745-82-03 describes the frequency with which public water systems are required to monitor to determine compliance with secondary maximum contaminant levels (SMCL). The division is proposing to revise the rule in order to clarify provisions related to fluoride, a contaminant for which there has been a longstanding SMCL. The division currently has policy documents describing different provisions for public water systems who add supplemental fluoride pursuant to Section 6109.20 of the Ohio Revised Code and those who do not, and is proposing to codify this regulatory structure into rule. Due to the extent of the revisions, Ohio EPA is proposing to rescind the current rule and adopt a new rule of the same number in its place. The division also proposes to amend OAC rule 3745-82-01 to clarify that all terms defined in rule 3745-81-01 also apply to OAC Chapter 3745-82.

The division has also drafted amendments to OAC rule 3745-83-01, which outlines the operational requirements for public water systems in Ohio. The revisions drafted include monitoring frequencies for various operational parameters and represent, for the most part, a codification of the operational monitoring the agency currently requires as part of the monthly operational report (MOR) form number 5003 "Minimum Required Chemical Analysis of Water for Community and Major Non-Community Water Systems". Due to the extent of the revisions, Ohio EPA is also proposing to rescind the current version of this rule and adopt a new rule of the same number in its place.

Finally, the division is proposing to revise the requirements for yard hydrants with a connection to a public water system, which are currently found in OAC 3745-99-01. The division also proposes to move the rule provisions to the backflow and cross-connection control chapter, which will involve rescinding the current rule and creating a new rule, OAC 3745-95-09. The division also proposes to provide clarification by adding the definitions of yard hydrants and weep holes to OAC 3745-95-01.

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 adopts them.

A public hearing pursuant to §119.03 of the Ohio Revised Code will be conducted on August 22, 2006, beginning at 10:00 AM in conference room B at the Ohio EPA, Lazarus Government Center, 122 South Front 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 August 18, 2006. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. To provide notice of intent to give oral comments at the public hearing, contact Kelly Peavler, Ohio EPA, DDAGW, Lazarus Government Center, P. O. Box 1049, Columbus, Ohio 43216-1049.

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 August 22, 2006. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Kelly Peavler at the address above, or sent by email to the following address [ddagw\\_rulecomments@epa.state.oh.us](mailto:ddagw_rulecomments@epa.state.oh.us).

To obtain a copy of the proposed rules, contact Donna Roberts at Ohio EPA at (614) 644-2755 or email at [donna.roberts@epa.state.oh.us](mailto:donna.roberts@epa.state.oh.us). Please request the "proposed miscellaneous 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>.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Kelly Peavler at the above address or by phone at (614) 644-2752. Email can be sent to [kelly.peavler@epa.state.oh.us](mailto:kelly.peavler@epa.state.oh.us).