

State of Ohio
Environmental Protection Agency

PUBLIC NOTICE

October 11, 2007

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 maximum contaminant levels for microbiological contaminants, coliform monitoring requirements, and public notification requirements. The draft amendments are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

The division is proposing reorganized and revised compliance and monitoring requirements for total coliform. Rule 3745-81-14 of the OAC is comprised of compliance standards for microbiological contaminants in public drinking water. The division proposes to remove language from the rule indicating that failure to monitor with repeat samples is a maximum contaminant level violation. In this situation, a public water system will still accrue a monitoring and reporting violation that will require Tier I public notification. Language requiring such public notification is proposed to be moved to rule 3745-81-21 of the Administrative Code, where it is more applicable.

Additionally, proposed revisions to draft rule 3745-81-21 clarify that five routine total coliform bacteria samples are required in the month following a total coliform positive sample. This change would make the rule consistent with federal requirements in section 141.21 of the National Primary Drinking Water Regulations.

The division is also proposing revisions to the public notification rule 3745-81-32 of the OAC. Language was added to Tier I public notifications to make it consistent with requirements established in rules 3745-81-21 of the Ohio Administrative Code. Specifically, language was added requiring systems who have failed to monitor and report repeat total coliform samples to issue public notification. Additionally, public water systems with an exceedance of turbidity and are not able to meet the requirements of the Tier II notice, must elevate the type of public notification to a Tier I in accordance with 3745-81-32 of the OAC.

Draft rule 3745-81-32 also incorporates a new provision requiring public water systems that experience physical or operational disruptions with a significant loss in pressure and also have obtained bacteriological samples positive for *E. coli* or fecal coliform to issue a Tier I public notice.

Finally, draft rule 3745-81-32 has revised language that requires community public water systems to issue a Tier III public notice as soon as it would be practical, but no later than one year after they learn of a violation or situation. Currently, public water systems are required to issue public notification within 90 days. This proposed change in requirement is consistent with section 141.204 of the National Primary Drinking Water Regulations.

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 November 16, 2007, beginning at 10:00 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 November 15, 2007. 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 Susan Baughman, 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 November 16, 2007. 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) 644-2755 or email at donna.roberts@epa.state.oh.us. Please request the "proposed total coliform and public notification 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 Susan Baughman at the above address or by phone at (614) 644-2752. Email can be sent to Susan.Baughman@epa.state.oh.us.