

State of Ohio
Environmental Protection Agency

PUBLIC NOTICE

June 23, 2009

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 Chapter 3745-89 of the Ohio Administrative Code (OAC), which sets forth the requirements for laboratory certification. The proposed 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 amendments to two laboratory certification rules. Proposed revisions to OAC rule 3745-89-06 will allow the division to deny, suspend or revoke an analyst's laboratory certificate if their operator certificate is suspended or revoked for reasons other than falsification, and will require revocation of an analyst's laboratory certificate if their operator certificate is suspended or revoked for falsification. Proposed revisions to OAC rule 3745-89-08 will require certified laboratories to report data electronically and submit lead and copper data on individual sample reports beginning July 1, 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 adopts them.

A public hearing pursuant to §119.03 of the Ohio Revised Code will be conducted on July 28, 2009, beginning at 10:00 a.m. in Conference Room C 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 July 27, 2009. 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 Holly Kaloz 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 July 28, 2009. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Holly Kaloz 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 Susie Bodnar at Ohio EPA at (614) 644-3386 or email at susie.bodnar@epa.state.oh.us. Please request the "proposed laboratory certification 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 Holly Kaloz 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 holly.kaloz@epa.state.oh.us.