

State of Ohio
Environmental Protection Agency

PUBLIC NOTICE

September 18, 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 new rules and revisions to rules in the Ohio Administrative Code (OAC) to adopt the federal Long Term 2 (LT2) Enhanced Surface Water Treatment rules. The Long Term 2 Enhanced Surface Water Treatment Rule was published in the Federal Register on January 5, 2006. These rules strengthen protection against microbial contaminants, especially *Cryptosporidium*, and at the same time, reduce potential health risks of disinfection byproducts. The proposed new rules and amendments 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 LT2 rule is to reduce illness linked with the contaminant *Cryptosporidium* and other pathogenic microorganisms in drinking water. The proposed new and revised rules will affect all public water systems that use surface water or ground water under the direct influence of surface water (GWUDI) sources. The LT2 rules supplement existing regulations by targeting additional *Cryptosporidium* treatment requirements to higher risk public water systems. The rules also contain provisions to ensure public water systems maintain microbial protection when they take steps to decrease the formation of disinfection byproducts that result from chemical water treatment.

The division is proposing revisions to include LT2 language in the following OAC rules:

3745-81-27 (Analytical techniques),
3745-81-32 (Public notification),
3745-81-60 (Sanitary surveys),
3745-81-71 (General requirements for filtration and disinfection of surface water sources),
3745-81-72 (Disinfection of water from surface water sources),
3745-81-73 (Filtration of water from surface water sources), and
3745-81-76 (Water source designation).

Two definitions containing LT2 language have been proposed in OAC rule 3745-81-01 (Definitions) and were included in the Lead and Copper Short-term Revisions rule package. In addition, proposed revisions in OAC rule 3745-81-27 (Analytical techniques) incorporates additional methods available for analyzing drinking water samples required by regulation which were published in the Federal Register, June 3, 2008 and August 3, 2009.

DDAGW is also proposing new LT2 rules in the OAC:

3745-81-64 (General requirements of the Long Term 2 Enhanced Surface Water Treatment Rule),
3745-81-65 (Source monitoring requirements),
3745-81-66 (Source monitoring results and grandfathered data),
3745-81-67 (LT2 bin classification and treatment technique requirements),
3745-81-68 (Microbial toolbox options for meeting Cryptosporidium treatment requirements),
3745-81-69 (Reporting and recordkeeping requirements for LT2 only),
Appendix to 3745-81-71 (Required Analysis for Surface Water Sources), and
3745-89-11 (Approved laboratories for the Long Term 2 Enhanced Surface Water Treatment Rule).

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 October 22, 2009, beginning at 2:00 p.m. in Conference Room B 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 October 21, 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 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 October 22, 2009. 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 LT2 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.ohio.gov/ddagw/rulemaking.aspx#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.