

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3745-81-54

Rule Type: No Change

Rule Title/Tagline: Revised total coliform rule - violations.

Agency Name: Ohio Environmental Protection Agency

Division: Division of Drinking and Ground Water (DDAGW)

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 2/15/2022 and 02/15/2027
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 6109.04
5. What statute(s) does the rule implement or amplify? 6109.03, 6109.04
6. What are the reasons for proposing the rule?

This rule is being filed to fulfill the requirements of ORC 106.03 (5-yr review).

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule details the various violations that may be enforced on a PWS and what tier of public notification is appropriate for which form of violation.

8. Does the rule incorporate material by reference? Yes

9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule references the Administrative Code. In accordance with section 121.75 of the Revised Code, these references are exempt from the requirements of sections 121.71 to 121.74 of the Revised Code.

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

There will be no financial impact on the Ohio EPA.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Approximately \$112 is the estimate to comply with the rule, however if the PWS has repeated violations, the cost to comply may increase as the time spent developing and issue public notifications will have a small accumulating economic impact.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes**

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Yes, PWS must issue a public notification to the public once a violation has been determined.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Yes, PWS must first report their monitoring findings, then if it is determined that there has been a violation, the PWS must report this information to the public.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes

If a PWS has repeated violations, there will likely be an increase in the business's expenses.

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Part B - Local Governments Questions

1. Does the rule increase costs for:

A. Public School Districts	Yes
B. County Government	Yes
C. Township Government	Yes
D. City and Village Governments	Yes

2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.

Approximately \$112 is the estimate to comply with the rule, however if the PWS has repeated violations, the cost to comply may increase as the time spent developing and issue public notifications will have a small accumulating economic impact.

3. Is this rule the result of a federal government requirement? Yes

- A. If yes, does this rule do more than the federal government requires? No**
- B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?**

Not Applicable

4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:

A. Personnel Costs

If multiple public notifications must be issued by the PWS to account for their violations, then personnel costs may range from \$25 to \$100 depending on how many public notifications are needed.

B. New Equipment or Other Capital Costs

Not applicable

C. Operating Costs

\$112

D. Any Indirect Central Service Costs

Not applicable

E. Other Costs

Not applicable

5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.

The local government will have more than adequate funds to pay for the costs associated with complying with this rule.

6. What will be the impact on economic development, if any, as the result of this rule?

There will be little to no impact on economic development.

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Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

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- (A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes**

Please list each contact.

Stakeholders include public water system owners and operators, consultants, environmental organizations, other state agencies and in general, the public at large.

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? No**

Please indicate the reasons for not providing the information.

In order to retain primary enforcement authority, Ohio EPA is required to adopt the federal counterparts of rules. Therefore, Ohio EPA could not consider an alternative to these rules.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? No**

Is the proposed rule or rule amendment more stringent than its federal counterpart?

Not Applicable

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No**