

State of Ohio
Environmental Protection Agency

PUBLIC NOTICE

April 26, 2005

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) has proposed modifications to the Ohio Administrative Code (OAC) rules related to the regulation of organic and inorganic contaminants in drinking water, particularly arsenic. DDAGW has proposed these modifications to achieve consistency between Ohio's rules and U.S. EPA's National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Rule; Final Rule, as published in the Federal Register January 22, 2001. The State of Ohio is required to adopt these changes in order to maintain primary enforcement responsibility for the drinking water program.

Community and nontransient noncommunity public water systems in Ohio are currently required to comply with a maximum contaminant level of 50 micrograms per liter ($\mu\text{g/L}$) of arsenic in drinking water. The proposed amendments will reduce the maximum contaminant level for arsenic to 10 $\mu\text{g/L}$, effective January 1, 2006. Additionally, the proposed amendments will clarify the trigger level for public water systems to qualify for increased monitoring of inorganic contaminants, synthetic organic contaminants (SOCs), and volatile organic contaminants (VOCs). Currently public water systems must increase the frequency with which they monitor for a particular contaminant if they fail to be "reliably and consistently" below the maximum contaminant of that contaminant. Under the proposed amendments this requirement is being clarified such that public water systems will be triggered into increased monitoring if they exceed 80 percent of that contaminant's maximum contaminant level. The rule amendments also clarify the scheduling of the initial monitoring for inorganic contaminants, SOCs, and VOCs required of new public water systems and those with new sources of drinking water. In an effort to allow systems in Ohio more flexibility in achieving compliance, DDAGW has also proposed to allow nontransient noncommunity public water systems the option of installing point-of-use or point-of-entry treatment devices to comply with the maximum contaminant level for arsenic in drinking water, provided certain conditions are met.

A public hearing pursuant to §119.02 through §119.04 of the Ohio Revised Code will be conducted on June 1, 2005, beginning at 1:30 PM in room 5A at the Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio. A presiding officer will be present until all interested persons have been heard.

All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-making. 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 May 31, 2005. 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 Butler, 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 May 3, 2005. Written comments on the proposed rules may be filed with the Hearing Clerk at the address above or with the presiding officer during the hearing.

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 arsenic 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 Butler at the above address or by phone at (614) 644-2752. Email can be sent to kelly.butler@epa.state.oh.us.