



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Amanda Payton, Ohio Environmental Protection Agency

**FROM:** Ethan Wittkorn, Regulatory Policy Advocate

**DATE:** November 11, 2019

**RE:** CSI Review – Primary Drinking Water Rules (3745-81-23, 3745-81-31, 3745-81-33, 3745-81-67 and 3745-81-68)

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On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

#### Analysis

This Ohio Environmental Protection Agency (EPA) rule package consists of 5 amended rules submitted as part of the statutory five-year rule review requirement. The draft rules were submitted to the CSI Office on September 4, 2019, and the public comment period was open through October 7, 2019. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on September 4, 2019.

This rule package contains EPA rules concerning primary drinking water standards for public water systems (PWS) and establishes requirements for inorganic chemical monitoring, PWS reporting, record keeping, and treatment techniques. Amendments to the rules include minor grammatic corrections, updates to OAC references, language changes regarding record maintenance, clarification that failing to comply with rule 3745-81-67 reporting requirements with the exception of general plan submissions is a violation of the treatment technique requirement, and organizational updates.

During the period of early stakeholder outreach, the EPA reached out to stakeholders via the Division

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov)

of Drinking and Ground Waters electronic and hard copy mailing lists. Outreach lists include PWS owners, underground injection well owners, consultants, environmental organizations, and members of the public. No comments were offered during the period of early stakeholder outreach. Furthermore, no comments were received during the CSI public comment period.

Impacted communities include all of Ohio's PWSs. Potential impacts include any costs associated with monitoring for inorganic contaminants, meeting reporting requirements, records maintenance, and cryptosporidium monitoring treatments, if needed. Estimated costs include \$173.67 for inorganic monitoring, \$24.05 for nitrate monitoring, and \$18.99 for nitrite monitoring. Costs associated with storing required records varies with the size of the system, but has an estimated cost of \$360 to \$1200 or an estimated annual cost of \$1642 for account maintenance at an offsite facility. Estimated annual costs for the monitoring and treatment for Cryptosporidium are \$29,346 to cover operation, maintenance, reporting, and wages for support staff. The EPA states that the adverse impacts associated with the rules are justified for ensuring that underground sources of drinking water are protected for public consumption.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the EPA should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.