



## Common Sense Initiative

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

**Sean McCullough**, Director

### MEMORANDUM

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

**FROM:** Ethan Wittkorn, Business Advocate

**DATE:** November 9, 2021

**RE:** CSI Review – Revised Total Coliform Rules (RTCR) (OAC 3745-81-14, 3745-81-21, 3745-81-50, 3745-81-51, 3745-81-52, 3745-81-53, 3745-81-54, and 3745-81-55)

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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This Ohio Environmental Protection Agency (EPA) rule package consists of two rescinded, two no change, and four amended rules. The draft rules were submitted to the CSI Office on August 6, 2021, and the public comment period was open through September 10, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on August 6, 2021.

The proposed rules cover monitoring requirements of total coliform bacteria in public water systems, and requirements of systems when coliform bacteria is identified in a system. Amendments have been proposed for the rules to clarify conditions in which samples can be taken, to update language on monitoring time frames prior to the beginning of a systems operations, to clarify the monitoring requirements of creaturized seasonal systems, and to remove duplicative language.

During the early stakeholder outreach period, the EPA notified stakeholders of the proposed rule changes. Stakeholders included public water system owners and operators, consultants, state agencies, the general public, and environmental organizations. During this period the EPA received

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requests of clarification on amendments made to disinfectant requirements. No further comments were received during the CSI public comment period.

Impacted communities include Ohio's public water systems. Potential impacts include meeting testing and monitoring requirements for coliform contaminants, maintenance and sanitation requirements of facility infrastructure, reporting requirements, and actions and contaminations that may lead to a violation. Costs of repeat sampling for facilities that detect contaminants are \$25 per repeat sample; furthermore, the EPA estimates costs of monitoring compliance at \$112 annually. The EPA believes that the proposed rules help to ensure that the public has access to contaminant free drinking water.

### **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.