



Memorandum of Response

To: Sean McCullough, Regulatory Policy Advocate
From: Mandi Payton, Rules Coordinator
Date: December 31, 2014
Re: Memorandum of Response to CSI Review – Primary Drinking Water Standards, No-Change Rules 2015 (OAC 3745-81-10; 3745-81-11; 3745-81-19; 3745-81-23; 3745-81-31; 3745-81-64; 3745-81-67; 3745-81-68; 3745-81-69; and 3745-81-77)

Recommendations

On December 31, 2014, Ohio EPA received the Recommendations for the Division of Drinking and Ground Waters' Primary Drinking Water Standards, No-Change Rules 2015 (OAC 3745-81-10; 3745-81-11; 3745-81-19; 3745-81-23; 3745-81-31; 3745-81-64; 3745-81-67; 3745-81-68; 3745-81-69; and 3745-81-77).

The CSI memorandum stated that:

“According to Ohio EPA, the Agency reached out to stakeholders in on January 6, 2014, and received no feedback on the proposed rules. The only comments received² urged the Ohio EPA to create monitoring requirements on PWS for levels of microcystin, an organism known to be associated with toxic algal blooms. Ohio EPA, in its response to these comments, outlined its desire to better analyze data and treatment methods for microcystin before creating rules related to monitoring levels, along with continuing to seek guidance from the federal EPA on microcystin. Ohio EPA also indicated that it has and will continue to ensure that proper monitoring occurs in any PWS contaminated with microcystin. Ultimately, Ohio EPA's response demonstrates an awareness of the concerns expressed in the comments and a commitment to address them in an appropriate manner.

Finally, Ohio EPA argues that these rules are necessary to implement the federal Safe Water Drinking Act and are based on its guidelines.

CSI is satisfied with the Department's justification for these rules because (1) Ohio EPA sought stakeholder feedback from an early stage of rule review, (2) comments submitted did not concern impacts on business and were responded to appropriately by Ohio EPA, and (3) Ohio EPA has created these rules pursuant federal requirements and guidance. Accordingly, these rules have been sufficiently justified by Ohio EPA.”

Next Steps

At this time, it is Ohio EPA's plan to move forward with the original filing of these rules with the Joint Committee on Agency Rule Review.

If you have any questions please contact Mandi Payton at 614-644-2782.