



MEMORANDUM OF RESPONSE

To: Sophia Papadimos, Regulatory Policy Advocate, Lt. Governor's Office

From: Mandi Payton, Rules Coordinator

Date: January 15, 2015

Memorandum of Response to CSI Review – Total Coliform (OAC 3745-81-01, 3745-81-12, 3745-81-14, 3745-81-21, 3745-81-32, 3745-81-41, 3745-81-42, 3745-81-43, 3745-81-44, 3745-81-45, 3745-81-50, 3745-81-51, 3745-81-52, 3745-81-53, 3745-81-54, 3745-81-55, 3745-81-60, 3745-81-61, 3745-81-70, 3745-81-74, and 3745-96-02)

Recommendations

On January 15, 2016, Ohio EPA received the Recommendations for the Division of Drinking and Ground Waters' Total Coliform (OAC 3745-81-01, 3745-81-12, 3745-81-14, 3745-81-21, 3745-81-32, 3745-81-41, 3745-81-42, 3745-81-43, 3745-81-44, 3745-81-45, 3745-81-50, 3745-81-51, 3745-81-52, 3745-81-53, 3745-81-54, 3745-81-55, 3745-81-60, 3745-81-61, 3745-81-70, 3745-81-74, and 3745-96-02) Rules.

The CSI memorandum stated that:

"The BIA submitted by OEPA explains in significant detail the adverse impacts to businesses. OEPA also explained that the costs to many water systems that stay in compliance will not change or may even decrease due to the reduction in the number of required follow-up samples when a system has a total coliform positive routine sample. According to U.S. EPA, the greatest portion of the costs is attributed to corrective actions to fix problems discovered by the assessments.

The proposed rules are intended to decrease the risk of acute waterborne illness. Additionally, the Ohio EPA is required to adopt regulations at least as stringent as the federal regulations in order to retain primary enforcement authority for the Safe Drinking Water Act. After reviewing the BIA and proposed rules, the CSI Office has determined that the purpose of the rules is justified.

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Based on the above comments, the CSI Office concludes that the Ohio Environmental Protection Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review."

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.