



**Division of Drinking and Ground Waters
2015-2017 Rulemaking Plan**

The Division of Drinking and Ground Waters (DDAGW) is planning the following rulemaking actions to satisfy the five-year rule review requirements of section 106.03 and 106.031 of the Ohio Revised Code, and to adopt federal regulations. The status of each rule package is accurate as of the date of this document.

Rule Package Name	OAC rules*	Rule review deadline	Original file date	Planned action	Status of rule package
2013 Miscellaneous Rule Amendments	3745-95-02 3745-95-03 3745-95-06	05/12/13, extended 11/08/13	TBD	Backflow prevention: Clarify requirements for resurveys and investigation of water use practices; Update backflow assembly devices; evaluate booster pump requirements; Update backflow manual (<i>Backflow workgroup</i>) Plan approval: Revise self-certification provisions to require submittal of project summary, annual report and general plan, and allow for periodic auditing by the Director (<i>Judy Stottsberry</i>) Consumer Confidence Reports (CCRs): Define satellite system requirements: Include condominiums as a place for posting notice (<i>CCR workgroup</i>)	Completed second round of Interested Party Review. Next step is to original file proposed rules with Joint Committee on Agency Rule Review (JCARR).
	3745-91-12 3745-96-04	10/13/13, extended 04/11/14			
	3745-95-01 3745-95-07 3745-96-01	03/09/17 01/07/18 07/24/14, extended 01/20/15			

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Well Standards and Plan Approval	3745-9-01	09/01/14, extended 02/26/15	10/18/14	<p>Chapter 3745-9: Amend all rules. Revisions will at the least, address the following:</p> <ul style="list-style-type: none"> • Consider rule consolidation and streamlining. • Evaluate which rules / paragraphs apply to non-potable wells. • Review rules for consistency with private water system rules. • Review and revise referenced standards. • 3745-9-01: Evaluate the need to add or revise definitions. • 3754-9-02: Evaluate the conditions under which a variance may be granted and their applicability to special circumstances and consistency with other applicable rules. • 3745-9-05: Evaluate industry requests for the use of alternative materials. Include appendix inadvertently omitted in recent rule filing. • 3745-9-06: Revise and clarify standards for grout placement in a flowing well, • 3745-9-07: Clarify the conditions requiring the use of alternate cement types and address questions on dry driven grouting • 3745-9-09: Evaluate and revise as 	Completed Interested Party Review. Revising rules to address comments.
	3745-9-02	03/09/17			
	3745-9-03	09/01/14			
	3745-9-04	09/01/14 extended 02/28/15			
	3745-9-05	03/09/17			
	3745-9-06	04/21/14, extended 10/18/14			
	3745-9-07	03/09/17			
	3745-9-08	03/09/17			
	3745-9-09	03/09/17			
	3745-9-10	03/09/17			
	3745-91-02	03/09/17			
3745-91-08	05/20/15				

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				<p>necessary the step drawdown and constant rate testing requirements to ensure accurate evaluation of well productivity.</p> <ul style="list-style-type: none"> • 3745-9-10: Evaluate the requirement for disinfection of a dry hole prior to sealing. <p>Add new exemptions for plan approval in 3745-91-02 (<i>Susan Schell</i>)</p> <p>Update references to Ten State Standards and Guidelines for Design of Small PWSs</p>	

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Underground Injection Control (UIC) 2014	3745-34-01 3745-34-02 3745-34-04 3745-34-05 3745-34-06 3745-34-07 3745-34-08 3745-34-10 3745-34-12 3745-34-13 3745-34-14 3745-34-15 3745-34-19 3745-34-22 3745-34-23 3745-34-24 3745-34-29 3745-34-30 3745-34-32 3745-34-33 3745-34-34 3745-34-35 3745-34-36 3745-34-37 3745-34-39 3745-34-40 3745-34-50 3745-34-51	04/23/14, all with same dates extended 10/20/14 Exempt 04/23/14 Exempt Exempt 04/23/14 04/23/14 01/07/18 04/23/14 04/23/14 04/23/14 04/23/14 04/23/14 12/08/14 Exempt 12/08/14 Exempt Exempt Exempt 04/23/14 12/08/14 12/08/14 04/23/14 Exempt 12/08/14 04/23/14 Exempt 12/08/14 Exempt	04/23/14	Chapter 3745-34: Correct rule references, rescind outdated rules and requirements, clarify permit application requirements, and reorganize rules to reduce redundancy (<i>Lindsay Taliaferro</i>)	Completed Interested Party Review. Revising rules to address comments.

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	3745-34-52 3745-34-53 3745-34-54 3745-34-55 3745-34-59 3745-34-60	Exempt 04/23/14 Exempt 04/23/14 Exempt			

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Laboratory Certification Amendments	Chapter 3745-89 (except 89-03 and 89-11) 3745-81-27 3745-89-03 3745-89-11	08/28/18 10/31/15 10/31/15 01/08/15	01/08/15	Update rule by references to laboratory certification manuals, adopt new analytical methods, and other minor clarifications.	Rules filed with JCARR. Next step is to complete Agency rules hearing and JCARR hearing. Last step will be to finalize rule revisions and set date effective.
Operational Requirements and Operator Certification Amendments	3745-83-01 3745-7-01 3745-7-03	03/09/17 11/30/16 11/30/16	7/1/15	3745-83-01: <ul style="list-style-type: none"> Require noncommunity PWSs < 1,000 that opt to chlorinate (but are not required to) to meet the minimum chlorine residual requirements unless chlorine is used solely for the oxidation for iron, manganese or hydrogen sulfide (<i>Nancy Rice, Dave Maschak</i>) Add requirement to maintain MOR records (keep for 10 years, except lead and copper which is 12 years) (<i>Judy Stottsberry</i>) Require MORs to be signed by the operator of record (<i>Andy Barienbrock</i>) Add requirement for maintenance so facilities and equipment operate as intended (<i>Andy Barienbrock</i>) Consider adopting revised AWWA 	Preparing to start Interested Party Review.

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				<p>Standard (ANSI/AWWA C651-14), Disinfecting Water Mains.</p> <p>3745-7-01: Revise PWS definition to refer to OAC 3745-81-01 rather than Ohio Revised Code</p> <p>3745-7-03: Clarify classification of systems, including satellite/consecutive systems; Require class 1 operators for TNC < 250 with 4-log disinfection or nitrate removal treatment</p>	
2015 No Changes to Primary Drinking Water Standards	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 3745-81-77	01/01/15 02/22/15 02/22/15 01/01/15 01/01/15 01/08/15 01/08/15 01/08/15 01/08/15 01/01/15	01/01/15	File with 'no changes' rules re: maximum residual disinfectant levels; maximum contaminant levels, and best available technologies for inorganic contaminants; use of non-centralized treatment devices; inorganic chemical monitoring; reporting and record maintenance; long term 2 enhanced surface water treatment rule; and disinfectant and disinfection by-product rule.	Rules filed with JCARR. Next step is to complete JCARR hearing.
2015 No Changes to Plan Approval and Consumer Confidence Rules	3745-91-01 3745-91-04 3745-91-05 3745-91-06 3745-91-07 3745-91-09 3745-96-03	03/17/16 03/17/16 03/17/16 03/09/17 03/17/16 03/17/16 10/31/15	10/31/15	File with 'no changes' rules re: plan approval and consumer confidence rule requirements.	Conduct Early Stakeholder Outreach.

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Revised Total Coliform Rule (RTCR)	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 3745-96-02	06/09/19 01/01/15 01/07/18 01/07/18 10/31/15 10/31/15 10/31/15 10/31/15 10/31/15 10/31/15 10/31/15 10/31/15 New Rule New Rule New Rule New Rule New Rule New Rule 10/31/15 New Rule 01/01/15 10/05/18 10/31/15	01/01/15	Adopt federal RTCR 3745-81-12: Remove outdated reference and revise language to make requirements consistent throughout rule. (<i>Susan Baughman</i>) 3745-81-42: Minor clarifications to GWR (<i>GWR Workgroup</i>) 3745-81-41 to 3745-81-45, 3745-81-60 and new rule 3745-81-61: Revise to unify approach to significant deficiencies with RTCR and other rules in Chapter 3745-81. (<i>RTCR Workgroup</i>)	Started interested party review. Next step is to review comments.
Capability & Asset Management	All of Chapter 3745-92 3745-87-01 3745-87-02 New rule in Chapter 3745-87	03/17/16 03/09/17 03/09/17	03/17/16	Consider amendments to existing capability and escrow requirements, and potential new rules regarding asset management. Consider adding new rule Chapter 3745-87 to require water projections every five years and appropriate planning to address any projected shortages. Align general plan requirements with provisions in 3745-91-02 (<i>Capability Workgroup</i>)	Legislation proposed to require implementation of asset management plans and expand escrow requirements. In process of evaluating existing rules and drafting asset management rules.

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Approval Criteria for Treatment Technologies and General Planning	New rule in Chapter 3745-91 3745-91-02 Possible new rule in Chapter 3745-83	03/09/17	TBD	Clarify process and requirements for approving treatment technologies, including chloramination Clarify requirements for general plan approval in 3745-91-02 Clarify operational requirements for chloramination	In process of drafting rules and rule revisions.
2016 No Changes to Secondary Drinking Water Standards and Emergency Loans	3745-82-01 3745-82-03 3745-86-01	03/17/16 03/17/16 03/17/16	03/17/16	File with 'no changes' rules re: secondary contaminant standards and emergency loans	Plan to begin drafting rule filing documents in July 2015.
Contingency Plans	3745-85-01	03/17/16	03/17/16	Revise contingency plan rules to be protective of public health, acceptable to the director and be followed by the PWS. Consider requiring limited-scope contingency plan for noncommunities. (<i>Andy Barienbrock</i>)	Plan to begin drafting rule revisions in May 2015.
Operator Certification Rules	3745-7-04 3745-7-05 3745-7-06 3745-7-07 3745-7-09 3745-7-10 3745-7-11	11/30/16 11/30/16 11/30/16 11/30/16 11/30/16 11/30/16 11/30/16	11/30/16	Chapter 3745-7: Amend or file as 'no change' as determined appropriate during rule review. Revisions considered include: <ul style="list-style-type: none"> adjust/eliminate grace period for certification expiration 	Plan to begin drafting rule filing documents in July 2015.

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	3745-7-12 3745-7-13 3745-7-15 3745-7-17 3745-7-18 3745-7-19 3745-7-20	11/30/16 11/30/16 11/30/16 11/30/16 11/30/16 10/10/17 10/10/17		<ul style="list-style-type: none"> clarify authority to deny certification renewal require electronic submission of exam applications, renewal applications, contact hour requests, and training provider applications clarify requirements for Approved Contact Hour Training Providers require minimum staffing information to be reported monthly clarify requirements for contract operators 	
Yard Hydrants	3745-95-09	03/09/17	03/09/17	Amend or file as 'no change' as determined appropriate during rule review. Consider following: <ul style="list-style-type: none"> revise requirement that weep holes be sealed on yard hydrants used for human consumption to address potential problem with hydrant warranty address federal lead free provision and hydrants 	Plan to begin drafting rule filing documents in September 2015.
Consecutive System Amendments	3745-81-29	None	TBD	3745-81-29: Clarify requirements for consecutive systems that void the exemption solely due to billing for	Began drafting rule revisions in 2014, but have placed on hold pending

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				water or install secondary disinfection (e.g. hospitals that install treatment for Legionella) (<i>Beth Messer, John Arduini, Jose Quinones, Jeff Davidson</i>)	upcoming additional guidance from U.S. EPA on legionella treatment.

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