



**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

September 22, 2015

Public Notice: Proposed Rulemaking Establishing Monitoring and Reporting of Harmful Algal Blooms in Public Water Systems and Amendments to Laboratory Certification Rules.

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) drafted rules in the new Chapter, 3745-90 and amendments to rules in Chapter 3745-89 of the Ohio Administrative Code (OAC). The new and amended rules in these Chapters focus on the following:

- Establishes action levels for cyanotoxin microcystins.
- Sets forth cyanobacteria screening, and microcystins monitoring and reporting requirements for surface water public water systems (PWSs).
- Requires increased monitoring based on detections of microcystins above 5 µg/L in the raw water or exceedances of action levels in drinking water.
- Requires PWSs submit written cyanotoxin treatment optimization protocols if microcystins are detected in raw or finished drinking water. Additionally, PWSs may be required to submit a cyanotoxin general plan with one or a combination of source water protection activities, reservoir management and in-plant treatment technologies.
- Requires public notification in cases of monitoring violations and exceedances of action levels in drinking water, as well as consumer confidence reports.
- Establishes requirements for laboratory certification, analytical techniques and reporting deadlines.

The draft new and amended rules in this package are as follows:

<u>Rule Number</u>	<u>Rule Title</u>
3745-90-01	Harmful algal blooms - definitions.
3745-90-02	Harmful algal blooms - applicability and action levels.
3745-90-03	Harmful algal blooms - monitoring.
3745-90-04	Harmful algal blooms - analytical methods and reporting.
3745-90-05	Harmful algal blooms - treatment techniques.
3745-90-06	Harmful algal blooms - Tier 1 public notification and consumer confidence reports.
3745-90-07	Harmful algal blooms - recordkeeping.
3745-89-01	Laboratory certification definitions.

3745-89-02	Analyses reporting laboratory certificate of approval.
3745-89-03	Procedure for laboratory certification.
3745-89-04	Renewal of laboratory certification.
3745-89-05	Maintenance of a laboratory certification.
3745-89-06	Director's actions for laboratory certification.
3745-89-08	Reporting of analytical results.

In addition to the rules, draft revisions to two documents are included for interested party review comment.

- Ohio EPA Total (Extracellular and Intracellular) Microcystins – ADDA by ELISA Analytical Methodology. Revisions to this document are minor clarifications.
- DDAGW Policy WQ-06-002, Limited Distribution of Public Notice. Revisions to this policy address circumstances where chlorine degradation of microcystins is confirmed by sample results.

The Agency will be hosting an informational webinar on October 7, 2015 to provide an overview of these rules. Please register at the following web link to attend this webinar.

<https://ohioepa.webex.com/ohioepa/onstage/g.php?d=633771176&t=a>

As part of the rulemaking process, the Agency is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by these rules. Additionally, the Agency is working with the Common Sense Initiative (CSI) Office. The Agency is offering you and your organization the opportunity to comment on the draft rules and CSI Business Impact Analysis (BIA) Form, before the division formally proposes them.

To obtain a copy of the proposed rules, contact Susan Kramer at Ohio EPA at (614) 644-2752 or email at Susan.Kramer@epa.ohio.gov. Please request the "HAB Chapter 3745-90" and be sure to include your name, telephone number, and complete mailing address. There is no charge for the copies. The draft rules will be available on the Agency web page until they are formally proposed with the Joint Committee on Agency Rule Review (JCARR). They can be found at <http://epa.ohio.gov/ddagw/rules.aspx> on the "Interested Party Review" tab.

Comments can be submitted in hard copy to the following address: "Ohio Environmental Protection Agency, Division of Drinking and Ground Waters, P.O. Box 1049, Lazarus Government Center, Columbus, Ohio 43216-1049, Attn: Susan Kramer" or by email to ddagw_rulecomments@epa.ohio.gov. **Comments should be received at the above address by close of business, October 23, 2015.**