



**Public Water System (PWS) Harmful Algal Bloom (HAB) Rules  
Summary of revisions following Interested Party comment period, Dec. 2015**

The following substantive revisions were made to draft new rules in Chapter 3745-90 and amendments to Chapter 3745-89 after the interested party comment period concluded. Bold text indicates major revisions. Minor clarifications and editorial corrections were also made, but are not included in this summary.

3745-90-01 - Harmful algal blooms – definitions

- Clarified definitions of “Action level” and “Cyanobacteria”
- Added definitions for “detection”, “week” and “weekly”

3745-90-02 - Harmful algal blooms – applicability and action levels

- Clarified microcystins action level is based in part on U.S. EPA 10-day health advisory

3745-90-03 - Harmful algal blooms – monitoring

- Clarified that seasonal systems monitor during operating season
- Clarified requirements for consecutive systems that purchase water from out of state
- **Reduced requirements for cyanobacteria screening to once every two weeks instead of weekly (year-round)**
- Require cyanobacteria screening sample to be collected at same time as microcystins sample
- **Reduced requirements for microcystins monitoring during lower-risk months of November to April to once every two weeks in raw water only (instead of weekly in both raw and finished water)**
  - **Weekly monitoring of raw and finished water must be initiated within 24 hours of a detection in raw water and continue until two consecutive weeks of nondetects in both raw and finished water**
- Clarified that increased sampling to 3 times per week begins the week following microcystins greater than 5.0 ug/L in raw water
- **Clarified and broadened provision for revised schedule**
  - **Include potential revised schedule (decrease, increase or discontinue) of both cyanobacteria screening and microcystins requirements**
  - **Will consider grandfathered microcystins data, other screening tools (e.g. phycocyanin sensors), and treatment information**
  - **Struck language limiting use of this provision to one year after the effective date of the rule (it remains Ohio EPA’s intention to wait until a year of monitoring is completed to consider revised monitoring schedules; however, we do not want to limit our ability to respond more quickly, if determined appropriate)**
- **Revised timeline for analysis of daily, resamples, repeat and distribution samples to be within 24 hours of collection (instead of collect and analyze within 24 hours)**
- **Allow case-by-case extensions for collection of daily, resamples, repeat and distribution samples**
- **Removed requirements for reanalysis of initial finished water exceedances**

3745-90-03 - Harmful algal blooms – monitoring (*continued from Page 1*)

- Clarified resamples and repeat samples count towards daily sampling requirements
- Clarified public notification requirements

3745-90-04 - Harmful algal blooms – analytical methods and reporting

- For microcystins analysis, allowed labs acceptable to the director for one year (certified labs will be required after one year)

3745-90-05 - Harmful algal blooms – treatment techniques

- Revised list of strategies to be considered in developing treatment protocols to be informative rather than directive
- **Revised trigger for cyanotoxin general plan to be more than one raw sample greater than 1.6 ug/L over a 12-month period (rather than a single raw sample greater than 1.6 ug/L)**
- **Added provision indicating treatment protocols and cyanotoxin general plans are not public records pursuant to section 149.433 of the Revised Code**

3745-90-06 - Harmful algal blooms – Tier 1 public notification and consumer confidence reports

- Allow director to require public notice based on the results of daily samples, in addition to resample and distribution samples
- Require Tier 1 public notification for failure to collect resamples (in addition to failure to collect repeats)
- Allow director to grant an extension or waiver to public notice requirement for failure to conduct resampling or repeat sampling
- Clarified public notices must contain all applicable content in accordance with OAC rule 3745-81-32
- Minor revisions to standard health effects language

3745-90-07 – Harmful algal blooms - recordkeeping

- Added requirement to keep records of treatment protocols, cyanotoxin general plans, public notices and consumer confidence reports

3745-89-02 - Analyses requiring laboratory certification

- Broadened provision for accepting data from out of state labs (may be used to satisfy entry point monitoring requirements for consecutive systems which buy from out of state - not HAB related)

Ohio EPA Total (Extracellular and Intracellular) Microcystins - ADDA by ELISA Analytical Methodology

- Clarified which deviations from the method still result in acceptable data that may be reported with qualifiers, and which result in unacceptable data (need to recollect/reanalyze or receive a monitoring violation)
- Clarified sample preparation requirements for oxidant quenching
- Removed requirements for field and laboratory duplicates

Policy WQ-06-002 “Limited Distribution of Public Notice”

- Clarified policy addresses action level exceedances (not just violations of OAC Chapter 81)
- Provided additional specificity on distribution sampling locations
- Allowed for evaluation criteria used to identify areas which can be isolated, and description of how these areas would be identified during any particular water emergency, to be included in contingency plan