BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

February 4, 2016
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) is proposing rules in new Chapter 3745-90 and amendments to Chapter 3745-89 of the Ohio Administrative Code (OAC). This is a revised public notice from January 19, 2016 and corrects the dates inaccurately referenced as 2015 instead of 2016.

The proposed new rules and amendments in these chapters focus on the following:

- Establishes action levels for 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 greater than 5 µg/L in the raw water or exceedances of action levels in drinking water.
- Requires PWSs to 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.

A summary of the major revisions made to the draft new rules and amendments to existing rules, along with the proposed rules, can be found on the DDAGW rules webpage at http://epa.ohio.gov/ddagw/rules.aspx.

A public hearing pursuant to §106.03 of the Ohio Revised Code will be conducted on February 24, 2016, beginning at 9:30 a.m. in Conference Room A at the Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio. All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rulemaking. A presiding officer will be present until all interested persons have been heard.

To facilitate scheduling of oral presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by February 23, 2016, 5:00 p.m. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. Oral testimony may be limited to five minutes depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rulemaking. **All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitors are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.** To provide notice of intent to give oral comments at the public hearing, contact Susan Kramer by mail at Ohio EPA, DDAGW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43215, or by phone at (614) 644-2752.

In order to ensure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by the close of business February 24, 2016. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Susan Kramer at the address above, or sent by email to the following address ddagw_rulecomments@epa.ohio.gov. All testimony received at the hearing or by the close of business on February 24, 2016, will be considered by Ohio EPA prior to final action on this rulemaking proposal.

To obtain a copy of the proposed rules or for questions about this rules package, 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 proposed rules. The proposed rules will be available on the Agency webpage until their adoption or withdrawal. They can be found at http://epa.ohio.gov/ddagw/rules.aspx on the "Proposed Rules" tab.