



Early Stakeholder Outreach — Revised Total Coliform Rule, 2020

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What does the proposed rules package cover?

Ohio EPA's Division of Drinking and Ground Waters (DDAGW) is reviewing and considering revisions of Rules 3745-81-50 through 3745-81-55 of the Ohio Administrative Code (OAC) to satisfy the five-year rule review requirements of section 106.03 of the Ohio Revised Code (ORC). These rules set forth regulations for monitoring requirements for total coliform bacteria and how public water systems (PWSs) must respond when samples show that total coliform bacteria are present within a water supply.

Why are these rules being sent out for Early Stakeholder Outreach?

In response to Executive Order 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

DDAGW is considering the following rule to be filed with no changes: OAC Rule 3745-81-54

DDAGW is considering rescinding the following rules:
OAC Rules 3745-81-14 and 3745-81-21

Potential revisions to OAC Rules 3745-81-50, 3745-81-51, 3745-81-52, 3745-81-53 and 3745-81-55 include the following:

- Adding a new paragraph to 3745-81-50 to reiterate that total coliform samples collection must be collected under "normal operating conditions." PWSs cannot disinfect prior to collecting routine and repeat samples.
- Clarify the start-up resamples for seasonal systems under 3745-81-51 Appendix A section 5.2.1 must be 2 consecutive samples at least 30 minutes apart since the only way for these small noncommunities to disinfect their PWS is to feed chlorine into their well and pull it through their entire PWS into the distribution system. This also aligns with the well disinfection requirements in 3745-9-08.
- Remove the "5 days prior to serving water to the public" requirement in 3745-81-51 Appendix A section 6.1 and 3745-81-55(A)(5) and replace with "submit on or before the first day of the primary operating season."
- Change the name of the Start-Up checklist in 3745-81-51 Appendix A from "Seasonal Public Water System Start-Up Requirements and Checklist" to the shorter version of seasonal start-up checklist.

How can I provide input?

The Agency is seeking stakeholder input on proposed changes to Revised Total Coliform Rules found in OAC 3745-81-50 through OAC 3745-81-55. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business **11/10/20**. Please submit input to:

DDAGW_RULECOMMENTS@epa.ohio.gov

Please include "RTCR ESO" in the subject line of the email.

What if I have questions?

Questions on this rule package and the process for submitting comments may be forwarded to:

DDAGW_RULECOMMENTS@epa.ohio.gov or
by phone at (614)-644-2752.

Current effective rules can be found on DDAGW's rulemaking webpage at:

<https://www.epa.ohio.gov/ddagw/rules>

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- Move 3745-81-14 paragraph (H) to 3745-81-50 then rescind 81-14 to minimize duplicated language.
- Clarify definitions for seasonal systems and each type of seasonal system in 3745-81-01 and 3745-81-51(B)(5)(c) to mimic terms on the DME language found in the survey letters. Specifically use and define the terms fully-pressurized year-round seasonal system, partially-depressurized seasonal system, depressurized seasonal system and primary operating season.
- Clarify the monitoring requirements of fully-pressurized seasonal systems in 3745-81-51(B)(5)(d).
- Correct minor spelling and grammatical errors.
- Clarify language throughout the Rules for consistency.

Who will be regulated by these rules?

All PWSs in the State of Ohio will be regulated by these rules.

What is the rulemaking schedule?

DDAGW will evaluate feedback from the early stakeholder outreach process and then prepare a draft version of the rules for interested party review. After incorporating interested party comments, Ohio EPA will start the rule filing process required by the Joint Committee on Agency Rule Review (JCARR). Visit JCARR's website for meeting dates and agenda items at <http://www.jcarr.state.oh.us>.

What input is the Agency seeking?

DDAGW wants to hear from interested stakeholders who may be impacted by these rules. The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept?
- Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

Contact

There is not an official written response to input received during the early stakeholder outreach phase of rule development. However, your input is very important to Ohio EPA and it will be considered when rules are being drafted. There will be additional opportunities to comment on specific rule language later in the process.

For more information, contact Emma Brown at Emma.Brown@epa.ohio.gov or (614) 728 - 1219.