



**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

3/30/2022

Public Notice: Proposed Rulemaking: Harmful Algal Blooms

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) proposed revisions to rules in Chapter 3745-90 of the Ohio Administrative Code. DDAGW has reviewed the Harmful Algal Bloom rules to satisfy the five-year rule review requirements of section 106.03 and 106.031 of the Ohio Revised Code. OAC Chapter 3745-90 describes harmful algal bloom monitoring, reporting, analysis, and public notification for public water systems.

Proposed revisions to OAC Rules 3745-90-01, 3745-90-02, 3745-90-03, 3745-90-05, 3745-90-06, 3745-90-07 include the following:

- Defining the parameters of harmful algal bloom (HAB) season and off-season that adjust seasonal period (HAB season June through November, off-season December through May).
- Modify definition of cyanobacteria screening.
- Ending the same day requirement for total microcystin and cyanobacteria screening in 3745-90-03(A)(1)
- Remove monitoring requirement (sampling three times per week) when raw water microcystins exceed five micrograms per liter.
- Reduce monitoring requirement from daily to three times per week when microcystins are detected in finished water.
- Removal of the reporting violation issued in 3745-90-04(E) to public water systems and removal of the requirement to issue a Tier 3 notification if results are not reported in accordance with 3745-89-08.
- Adding written treatment optimization protocol requirements (requiring an annual review and requiring protocol submission to the director for review within 30 days of substantial change) for all Surface Water Public Water Systems (PWS).
- Adding requirements for PWS response to Ohio EPA comments regarding cyanotoxin general plan within 30 days of the comment date or other schedule provided by the director.
- Clarification of PN limited distribution requirements

The public comment period will run until May 4th, 2022. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. Ohio EPA will be holding an in-person and virtual public hearing on the rules on May 4th, 2022, at 10:30 am. The in-person hearing will be at the same time and date and will be located at Ohio EPA, Suite 700, 50 W. Town Street, Columbus, Ohio 43215. During the hearing, the public may submit written comments on the record about the proposed rules if participating virtually and verbally if participating in

person. To facilitate the scheduling of oral presentations, persons intending to give testimony in-person at the hearing should notify the Ohio EPA Public Interest Center, mary.mccarron@epa.ohio.gov or (614) 644- 2160.

Citizens who want to participate virtually must register in advance for the meeting at <https://attendee.gotowebinar.com/register/2752405680825725453>

Comments can be submitted by email to ddagw_rulecomments@epa.ohio.gov. Comments should be received at the above address by close of business, May 4th, 2022.

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 May 3rd, 2022. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. To provide notice of intent to give oral comments at the public hearing, contact Colin White by mail at Ohio EPA, DDAGW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43215, or by phone at (614) 644-2759.

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 May 4th, 2022. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Zach Winoker at the address above, or sent by email to the following address: ddagw_rulecomments@epa.ohio.gov.

To obtain a copy of the proposed rules, contact Zach Winoker at Ohio EPA at (614) 644-3387 or email at Zachary.Winoker@epa.ohio.gov. Please request the "Harmful algal Blooms Amended Rules" and be sure to include your name, telephone number, and complete mailing address. There are amendments to the proposed rules. The proposed rules will be available on the Agency web page until their adoption or withdrawal. These rules and associated documents are available on DDAGW's Web page for electronic downloading here: <https://epa.ohio.gov/wps/portal/gov/epa/divisions-and-offices/drinking-and-ground-waters/regulations/proposed-rules>

Comments can be submitted in hard copy to the following address: "Ohio Environmental Protection Agency, DDAGW, P.O. Box 1049, Lazarus Government Center, Columbus, Ohio 43216-1049, Attn: Zach Winoker" or by email to ddagw_rulecomments@epa.ohio.gov. Comments should be received at the above address by close of business, May 4th, 2022.