



Early Stakeholder Outreach — Primary Drinking Water Standards

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.

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

The Division of Drinking and Ground Waters (DDAGW) has reviewed rules in the Ohio Administrative Code (OAC) Chapter 3745-81 to satisfy the five-year rule review requirements of section 106.03 and 106.031 of the Ohio Revised Code. Due to the comments received regarding the original proposed changes to 3745-81-24, the division has placed this rule in its own rule amendment package to allow the division to further detail proposed changes to stakeholders. These rules set forth Primary Drinking Water Standards for organic contaminants. A quarter of all consecutive systems in Ohio have been impacted by an exceedance of the maximum contaminant level for disinfection byproducts.

What changes are being considered?

Based on the comments received in the primary October 3rd 2018 ESO, DDAGW has revised its approach to amending 3745-81-24. The division has removed the proposed requirement of meeting 70% of the MCL for TTHM and HAA5 at all points of connection and is now proposing the rule to be filed with the following revisions:

- Updating OAC 3745-81-24 to correct grammatical errors, correct rule citations, and require wholesale public water systems (PWSs), as defined by 3745-81-01, to monitor for Disinfection Byproducts (DBPs) at or near the point of connection to a consecutive system who has exceeded the Operational Evaluation Level (OEL) and complete a joint OEL Report. In addition, requiring wholesalers to provide water to consecutive systems which meets the maximum contaminant levels (MCLs) of Total Trihalomethanes (TTHMs) and Haloacetic Acids 5 (HAA5) at these points of connection based on a Locational Running Annual Average (LRAA). In the event the wholesaler has two quarters of individual results at the consecutive connection sampling point above the MCL, before an LRAA can be sufficiently calculated, Ohio EPA may require a Comprehensive Performance Evaluation (CPE) to be conducted by the wholesale system to address the high DBP levels leaving the system.
- The consecutive system, upon exceeding the OEL a second time in a 12 month period will be responsible for completing a Distribution System Optimization Plan (DSOP) which shall be submitted to the Director for review or added to their asset management plan when applicable.

How can I provide input?

The Agency is seeking stakeholder input on revisions to Ohio Administrative Code rules. 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 **February 1, 2019**. Please submit input to:

DDAGW_RULECOMMENTS@epa.ohio.gov. Please include, "Primary Drinking Water Standards" in the subject line of the email.

What if I have questions?

Questions on this rules package and the process for submitting comments may be forwarded by email to

Emma.Brown@epa.ohio.gov or by phone at (614) 728-1219. You can find the most current draft and proposed rules, as well as currently effective rules on DDAGW's rulemaking web page at www.epa.ohio.gov/ddagw/rules.aspx.

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Who will be regulated by these rules?

Community public water systems and nontransient noncommunity public water systems that treat their water with any combination of primary or residual disinfectant, other than ultraviolet light, or delivers water that has been treated with any combination of primary or residual disinfectant, other than ultraviolet light.

What is the rulemaking schedule?

DDAGW will evaluate feedback from the early stakeholder outreach process and then prepare a draft version of 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 <https://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, and would like input on the following specific areas:

- Would this regulatory program impact your contract and/or relationship with your wholesale system (if a consecutive) or consecutive system (if a wholesaler)? If so, please explain.
- Would this regulatory program have a positive impact on your business? Please explain.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, completing a joint OEL report, DSOP compliance, fines, etc.).

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.