



Early Stakeholder Outreach — Iron and Manganese Treatment

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 considering revising 3745-91-09 of the Ohio Administrative Code (OAC) to establish treatment requirements related to manganese in public water systems (PWS). DDAGW is also considering adopting a new rule for monitoring compliance with iron and manganese.

DDAGW will adopt these rules under the authority of Ohio Revised Code (ORC) section 6109.04. ORC section 6109.04 grants the director authority to adopt rules governing public water systems in order to protect public health.

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

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 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?

Amendments DDAGW is considering making to OAC 3745-91-09 include the following:

- Requirement for all existing public water systems to install treatment if the water entering the distribution system exceeds the secondary maximum contaminant levels (SMCL) for iron or manganese.
- Requirement for new Non-transient Non-community water systems to install treatment if raw water iron or manganese exceeds the SMCLs.

DDAGW is considering adopting new rules related to monitoring compliance with iron and manganese and would like input on the following specific areas:

- What is the appropriate monitoring framework for both raw and finished water?
- How should treatment installation requirements be triggered based on compliance data (e.g. running annual average, single exceedance, etc)?
- What should be done if finished water concentrations are confirmed to exceed the SMCLs?
- What should be done if finished water concentrations are confirmed to exceed a U. S. EPA Health Advisory value?
- Treatment requirement for Transient Non-community water systems that exceeds the SMCLs.
- Impact of requiring a Class I operator and corresponding staffing requirements for iron and manganese treatment.

How can I provide input?

The Agency is seeking stakeholder input on the Iron and Manganese Treatment 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 July 2, 2018. Please submit input to:

DDAGW_RULECOMMENTS@epa.ohio.gov.

Please include, "Iron and Manganese Treatment Rules" 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 Colin White or by phone at (614) 644-2752. You can find the most current draft and proposed rules, as well as currently effective rules on DDAGW's

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Who will be regulated by these rules?

All public water systems that have iron or manganese above the SMCL in their source water or water entering the distribution system, provide treatment for iron or manganese, or use a permanganate compound during treatment.

What is the rulemaking schedule?

There currently is not a schedule for when these rules will be proposed with the Joint Committee on Agency Rule Review (JCARR). Prior to filing with JCARR, a drafts of new and amended rules will be sent out for interested party comment.

What input is the Agency seeking?

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 by the new program.

- Would revisions and the adoption of a new rule have a positive impact on your business? Please explain how.
- Would revisions and the adoption of a new rule 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 Colin White at colin.white@epa.ohio.gov or (614) 644-2752.