

**State of Ohio**  
**Environmental Protection Agency**

July 10, 2009

**Notice of Final Rule-making**

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Drinking and Ground Waters (DDAGW) has adopted revisions to rules of the Ohio Administrative Code (OAC) which establish lead and copper rules, and consumer confidence report requirements for public water systems. The revisions are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

This rulemaking package includes revisions to Chapters 3745-81 and 3745-96 of the Administrative Code to incorporate the 2007 Lead and Copper Rule Short-Term Revisions and Clarifications promulgated by U.S. Environmental Protection Agency (EPA). The rulemaking also includes corrections to the lead and copper rules in Chapter 3745-81 of the OAC, previously identified by U.S. EPA. Additionally, some provisions of the federal Stage 2 Disinfectants/Disinfection Byproducts Rules (Stage 2) and the Long Term 2 Enhanced Surface Water Treatment Rules (LT2) which affect rules 3745-81-01, 3745-96-01 and 3745-96-02 are consolidated in this rulemaking package.

The proposed rules incorporating the Lead and Copper Rule Short-Term Revisions and Clarifications include the following major revisions:

- Requirements for all community and non-transient non-community public water systems (PWS) to provide notice of tap water lead monitoring results to all served by the sampling site, regardless of whether the sample exceeds the lead action level. This notice is referred to as “consumer notification of tap water lead results” and is different from public notification and public education.
- All community PWSs will be required to include specific information about lead in their consumer confidence reports regardless of lead sample levels.
- Mandatory language, content and delivery of public education, which are required when the lead action level is exceeded, are all changing in the rule revisions. Mandatory language has been shortened to consist of an opening statement, new health effects language and sources of more information.
- Additional changes and/or clarifications are also being made to the lead line replacement reevaluation, notification requirements for treatment and source changes and monitoring revisions for systems with less than five taps for human consumption.

The Director of Environmental Protection, after considering public comment, adopted these rules in final form, pursuant to Section 6109.04 of the Ohio Revised Code. The Director's order of adoption was issued on July 10, 2009. The effective date of these new rules will be July 24, 2009, in accordance with Section 119.04(A) of the Revised Code.

A copy of the rules may be obtained, at cost, by contacting the Hearing Clerk, Ohio EPA, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, Ohio 43216-1049, or (614) 644-2129. These rules are also available electronically at the following internet address: <http://www.epa.state.oh.us/ddagw/oac.html>.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, OH 43215