

State of Ohio
Environmental Protection Agency

PUBLIC NOTICE

April 20, 2009

Notice of Proposed Rule-making and Public Hearing

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) is proposing revisions to Chapters 3745-81 and 3745-96 of the Ohio Administrative Code (OAC), which sets forth the primary drinking water standards and requirements for consumer confidence reports. The proposed rules 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 drafted revisions to the Administrative Code 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.

As part of the rule-making process, the Agency is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The Agency is offering you and your organization the opportunity to comment on these rules before the division adopts them.

A public hearing pursuant to §119.03 of the Ohio Revised Code will be conducted on May 27, 2009, beginning at 10:00 a.m. in Conference Room C at the Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio. All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-making. A presiding officer will be present until all interested persons have been heard.

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 5:00 p.m. on May 26, 2009. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. **All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitors are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.** To provide notice of intent to give oral comments at the public hearing, contact Susan Baughman by mail at Ohio EPA, DDAGW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43215, or by phone at (614) 644-2752.

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 27, 2009. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Susan Baughman at the address above, or sent by email to the following address ddagw_rulecomments@epa.state.oh.us.

To obtain a copy of the proposed rules, contact Flo Sellu at Ohio EPA at (614) 644-2916 or email at Flo.Sellu@epa.state.oh.us. Please request the "**proposed lead and copper rules**" and, if a recorded message is left, be sure to include your name, telephone number, and complete mailing address. There is no charge for proposed rules. The proposed rules will be available on the Agency web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html#proposed>.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Susan Baughman at Ohio EPA, DDAGW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43215 or by phone at (614) 644-2752. Email can be sent to Susan.Baughman@epa.state.oh.us.