

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

December 20, 2007

**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 the rules of the Ohio Administrative Code (OAC) which establish total coliform monitoring and public notification 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.

The division has reorganized and revised compliance and monitoring requirements for total coliform. Rule 3745-81-14 of the OAC is comprised of compliance standards for microbiological contaminants in public drinking water. The division removed language from the rule indicating that failure to monitor with repeat samples is a maximum contaminant level violation. In this situation, a public water system will still accrue a monitoring and reporting violation that will require Tier I public notification. Language requiring such public notification can now be found in rule 3745-81-21 of the Administrative Code, where it is more applicable.

Additionally, revisions made to rule 3745-81-21 clarify that five routine total coliform bacteria samples are required in the month following a total coliform positive sample. This change in rule is consistent with federal requirements in section 141.21 of the National Primary Drinking Water Regulations.

The division also revised the public notification rule 3745-81-32 of the OAC. Language was added to Tier I public notifications to make it consistent with requirements established in rules 3745-81-21 of the Ohio Administrative Code. Specifically, language was added requiring systems who have failed to monitor and report repeat total coliform samples to issue public notification. Additionally, public water systems with an exceedance of turbidity and cannot meet the requirements of the Tier II notice, must elevate the type of public notification to a Tier I in accordance with 3745-81-32 of the OAC.

Rule 3745-81-32 of the OAC incorporates a new provision requiring public water systems that experience physical or operational disruptions with a significant loss in pressure and also have obtained bacteriological samples positive for *E. coli* or fecal coliform to issue a Tier I public notice.

Finally, rule 3745-81-32 was revised to require community public water systems to issue a Tier III public notice as soon as it would be practical, but no later than one year after they learn of a violation or situation. (Public water systems were previously required to issue public notification within 90 days.) This change in requirement is consistent with section 141.204 of the National Primary Drinking Water Regulations.

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 December 20, 2007. The effective date of these new rules will be January 1, 2008, 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