



Early Stakeholder Outreach — Public Water System Harmful Algal Bloom Rules

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 are Harmful Algal Blooms?

Harmful Algal Blooms (HABs) are large growths of cyanobacteria (also referred to as blue-green algae) that can produce a variety of cyanotoxins which can cause illness and death in humans and animals. These cyanotoxins include liver toxins, nerve toxins, and skin toxins.

The United States Environmental Protection Agency (U.S. EPA) recently issued national health advisory levels for two cyanotoxins, microcystin and cylindrospermopsin. The health advisory values are based on oral ingestion of drinking water at these levels for up to ten days; in other words, consuming water at these levels over the course of ten days is not expected to result in negative health impacts. Ohio EPA will incorporate these advisories in its Harmful Algal Bloom Strategy.

Cyanotoxin	10-day health advisory level	
	Bottle-fed infants and pre-school children	School-age children and adults
microcystins	0.3 µg/L	1.6 µg/L
cylindrospermopsin	0.7 µg/L	3 µg/L

What does the proposed rules package cover?

Ohio EPA’s Division of Drinking and Ground Waters (DDAGW) is considering adopting new rules in the Ohio Administrative Code (OAC) establishing monitoring and reporting requirements for public water systems (PWS) that are susceptible to harmful algal blooms (HABs) in their source waters.

DDAGW will adopt these new rules under the authority of Ohio Revised Code (ORC) sections 3745.50(C) and 6109.04. Ohio Senate Bill 1, recently passed by the Ohio legislature, enacted ORC section 3745.50(C) which requires the director of Ohio EPA to develop and implement protocols and actions for cyanotoxin testing in public water systems. ORC section 6109.04 grants the director authority to adopt rules governing public water systems in order to protect public health.

How can I provide input?

The Agency is seeking stakeholder input on the PWS HAB rules package. 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, June 30, 2015. Please submit input to:

DDAGW_RULECOMMENTS@epa.ohio.gov.

Please include, “PWS HAB rules” in the subject line of the email.

What if I have questions?

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

Susan.Kramer@epa.ohio.gov 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 rulemaking web page at

www.epa.ohio.gov/ddagw/rules.aspx

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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 Executive Order 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, if any, are being considered?

DDAGW is considering adopting new rules requiring all public water systems which use surface water as a source to sample and analyze for cyanotoxins and report the data to Ohio EPA.

DDAGW is seeking input on the following specific areas:

- Which cyanotoxins should be included?
- What is the appropriate monitoring framework for both raw and finished water, including routine frequency and increased frequency following raw and/or finished water detections?
- What analytical methods should be used?
- How can we ensure reliable data is reported?
- What reporting deadlines are appropriate?
- What should be done if finished water concentrations exceed a U.S. EPA Health Advisory value for a single sample?
- What should be done if finished water concentrations are confirmed to exceed a U.S. EPA Health Advisory value?

Who will be regulated by these rules?

Public water systems which use surface water as a source will be regulated by these rules.

What is the rulemaking schedule?

Ohio EPA intends to adopt final rules prior to the 2016 HAB season. DDAGW will evaluate feedback from the early stakeholder outreach process and will then prepare a draft version of rules for interested party review. After incorporating interested party comments, Ohio EPA will start the rules 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.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program 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

For more information, contact Susan Kramer at Susan.Kramer@epa.ohio.gov or (614) 644-2752.