



**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**July 25, 2016**

**Public Notice: Final Rulemaking Governing Secondary Maximum Contaminant Levels.**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) has rescinded rule 3745-82-03 and adopted new rules 3745-82-03 and 3745-82-04 of the Ohio Administrative Code (OAC). These rules have been reviewed pursuant to the five-year rule review requirements of Section 106.03 of the Revised Code.

The new rules replace the rescinded rule. The purpose of this change is to separate the fluoride-specific requirements from the general requirements. The new version of OAC Rule 3745-82-03 contains the general requirements from paragraph (A) of the rescinded rule. The other new rule, OAC Rule 3745-82-04, contains the fluoride-specific requirements from paragraphs (B) through (D) of the rescinded rule.

There were also revisions to the fluoride-specific language in OAC Rule 3745-82-04. The revisions allow public water systems to operate with fluoride levels closer to 0.7 mg/L, which is the new optimal fluoride level recommended by the Centers for Disease Control and Prevention (CDC), but still maintain compliance with the fluoride range of 0.8 mg/L to 1.3 mg/L through an overall monthly average.

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 25, 2016. The effective date of the amended rules will be **August 5, 2016** 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://epa.ohio.gov/ddagw/rules.aspx>.

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, made payable to "Treasurer, State of Ohio," 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  
77 South High Street, 17<sup>th</sup> Floor  
Columbus, OH 43215