



**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**April 27, 2016**

**Public Notice: Final Rulemaking Establishing Monitoring and Reporting of Harmful Algal Blooms in Public Water Systems and Amendments to Laboratory Certification Rules.**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) adopted amendments to rules in Chapter 3745-89 and new rules in Chapter 3745-90 of the Ohio Administrative Code (OAC).

The proposed new rules and amendments in these chapters cover the following:

- Establishes action levels for microcystins.
- Sets forth cyanobacteria screening, and microcystins monitoring and reporting requirements for surface water public water systems (PWSs).
- Requires increased monitoring based on detections of microcystins greater than 5 µg/L in the raw water or exceedances of action levels in drinking water.
- Requires PWSs to submit written cyanotoxin treatment optimization protocols if microcystins are detected in raw or finished drinking water. Additionally, PWSs may be required to submit a cyanotoxin general plan with one or a combination of source water protection activities, reservoir management and in-plant treatment technologies.
- Requires public notification in cases of monitoring violations and exceedances of action levels in drinking water, as well as consumer confidence reports.
- Establishes requirements for laboratory certification, analytical techniques and reporting deadlines.

In addition to these rules, revisions to the following documents were made and finalized:

- Ohio EPA Total (Extracellular and Intracellular) Microcystins – ADDA by ELISA Analytical Methodology.
- DDAGW Policy WQ-06-002, Limited Distribution of Public Notice.

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 April 27, 2016. The effective date of these rules will be June 1, 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