

3745-81-61 **Treatment technique requirements for significant deficiencies.**

A significant deficiency, as defined in rule 3745-81-01 of the Administrative Code, may be identified any time a qualifying condition exists at a public water system. The primary means for identifying significant deficiencies are a sanitary survey conducted in accordance with rule 3745-81-60 of the Administrative Code, source water monitoring conducted in accordance with rule 3745-81-42 of the Administrative Code and a level one or level two assessment conducted in accordance with rule 3745-81-53 of the Administrative Code. A public water system shall respond to a significant deficiency as required by this rule to ensure it is corrected in a timely manner and the public is appropriately notified. The director may require specific corrective action to correct an identified significant deficiency. The requirements of this rule are treatment technique requirements.

- (A) Whenever feasible, a public water system shall correct a significant deficiency within thirty days of becoming aware of or being notified of the deficiency. Notification may occur through, but is not limited to, the following methods:
 - (1) Notification to a system using a ground water source in accordance with rule 3745-81-42 of the Administrative Code, including notification by a certified laboratory of fecal contamination in a ground water source sample.
 - (2) Notification in accordance with rule 3745-81-60 or 3745-81-64 of the Administrative Code for significant deficiencies identified during a sanitary survey or limited scope site visit.
 - (3) Identification by the public water system as a result of conducting a level one assessment in accordance with rule 3745-81-53 of the Administrative Code, or notification of significant deficiencies identified during a level one or level two assessment conducted in accordance with rule 3745-81-53 of the Administrative Code.

- (B) When a public water system is not able to complete a corrective action for a significant deficiency within thirty days of becoming aware of or being notified of the deficiency, the system shall comply with the following to establish an approved schedule for completing corrective actions:
 - (1) The public water system shall submit a plan with a schedule for completing corrective actions, which may be part of a level one or level two assessment report, within thirty days of becoming aware of or being notified of the deficiency. Consultation with the director prior to submitting a plan is encouraged.
 - (2) The director shall review the corrective action plan. If the director finds that the proposed corrective actions or schedule are not acceptable, the director shall notify the public water system in writing and may consult with the system regarding necessary modifications. The director may specify interim measures for protection of public health. The director shall consider appropriate interim measures whenever the corrective actions cannot be completed within one hundred twenty days of the system becoming aware of or being notified of the significant deficiency. After consultation with the director, the public water system shall submit a modified plan for corrective

actions and schedule that are acceptable to the director.

(C) Corrective actions.

- (1) Ground water systems that have a significant deficiency identified under rule 3745-81-42 of the Administrative Code shall implement one or more of the following corrective action alternatives in accordance with paragraph (A) or (B) of this rule:
 - (a) Correct all significant deficiencies.
 - (b) Provide an alternate source of water.
 - (c) Eliminate the source of contamination.
 - (d) Provide treatment that reliably achieves at least 4-log treatment of viruses (using inactivation, removal, or a director-approved combination of 4-log virus inactivation and removal) before or at the first customer for the ground water source.
- (2) The public water system shall complete all corrective actions in accordance with paragraph (A) or (B) of this rule and in compliance with all applicable plan review processes.
- (3) The public water system shall notify the director when each scheduled corrective action is completed.

(D) At any time during the assessment, plan review or corrective action phase, either the public water system or the director may request a consultation with the other party to determine the appropriate actions to be taken. The system may consult with the director on all relevant information that may impact the system's ability to comply with rules 3745-81-41 to 3745-81-45, 3745-81-50 to 3745-81-55, 3745-81-60 or 3745-81-64, including the method of accomplishment, an appropriate time frame and other relevant information.

(E) Special notice to the public of significant deficiencies or source water fecal contamination.

- (1) In addition to the applicable public notification requirements in paragraph (B)(1)(i) of rule 3745-81-32 of the Administrative Code, a community ground water system that receives notice from the director of a significant deficiency or notification of a fecal indicator-positive ground water source sample that is not invalidated by the director under paragraph (D) of rule 3745-81-42 of the Administrative Code shall, in accordance with paragraph (F)(8) of rule 3745-96-02 of the Administrative Code, inform the public served by the water system of the fecal indicator-positive source sample or of any significant deficiency that has not been corrected. The system shall continue to inform the public annually until the significant deficiency is corrected or the fecal contamination in the ground water source is determined by the director to be corrected in accordance with paragraphs (A) and (B) of this rule.
- (2) In addition to the applicable public notification requirements in paragraph (B)(1)(i) of rule 3745-81-32 of the Administrative Code, a noncommunity ground water system that receives notice from the director of a significant deficiency shall inform the

public served by the water system in a manner acceptable to the director of any significant deficiency that has not been corrected within twelve months of being notified, or earlier if required by the director. The system shall continue to inform the public annually until the significant deficiency is corrected. The information shall include all of the following:

- (a) The nature of the significant deficiency and the date the significant deficiency was identified.
 - (b) The director-approved plan and schedule for correction of the significant deficiency, including interim measures, progress to date and any interim measures completed.
 - (c) For systems with a large proportion of non-English speaking consumers, defined as ten per cent or more of the residents speaking the same non-English language, information in the appropriate language regarding the importance of the notice or a telephone number or address where consumers may contact the system to obtain a translated copy of the notice or assistance in the appropriate language.
- (3) If required by the director, a noncommunity water system with significant deficiencies that have been corrected shall inform its customers of the significant deficiencies, how the deficiencies were corrected and the dates of correction in accordance with paragraph (E)(2) of this rule.

Effective: 04/01/2016

Five Year Review (FYR) Dates: 04/01/2021

Promulgated Under: 119.03
Statutory Authority: 6109.04
Rule Amplifies: 6109.03, 6109.04