AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #333185

# Ohio Administrative Code

## Rule 3745-90-06 Harmful algal blooms - tier 1 public notification and consumer confidence reports.

Effective: November 1, 2022

This rule applies to all public water systems,including consecutive water systems.

(A) Tier 1 public notification.

(1) A public water system shall issue tier 1 public notification in accordance with rule 3745-81-32 of the Administrative Code when any of the following occur:

(a) A microcystins action level established paragraph (A)(1) or (A)(2) in rule 3745-90-02 of the Administrative Code is exceeded in a repeat sample collected at the finished water sampling point in accordance with rule 3745-90-03 of the Administrative Code, unless the director agrees in writing that the timeline for notification may be extended or public notification is not necessary, based on extenuating circumstances, until additional results are received.

(b) If required by the director based on the results of resamples, distribution system samples or other samples collected in accordance with paragraph (A)(4), (B) or (C)(2) of rule 3745-90-03 of the Administrative Code.

(c) Failure to conduct resampling or repeat sampling in accordance with paragraph (A)(4)(a), (A)(4)(b), (C)(2)(a) or (C)(2)(b) of rule 3745-90-03 of the Administrative Code, unless the director agrees in writing that the timeline for notification may be extended or public notification is not necessary.

(2) The public notification shall include applicable content in accordance with paragraph (E) of rule 3745-81-32 of the Administrative Code, the action level exceeded and the standard health effects language in paragraph (C) of this rule.

(3) If a community public water system has an action level exceedance of microcystins in a portion of the distribution system that is physically or hydraulically isolated from other parts of the

distribution system as documented in the map of the distribution system required by Chapter 3745-85 of the Administrative Code, the director may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission for limited distribution shall be granted in writing by the director.

(4) Unless otherwise specified by the director based on public health and safety considerations, tier 1 public notification shall remain in effect until microcystins concentrations are below the action level in two consecutive samples collected a minimum of twenty-four hours apart at the finished water sampling point.

(B) Consumer confidence report.

Each community public water system which has a microcystins detection in a sample collected at a finished water sampling point or a distribution sampling point collected within their own water system in accordance with rule 3745-90-03 of the Administrative Code shall include the following in the consumer confidence report required by Chapter 3745-96 of the Administrative Code:

(1) The microcystins action level.

(2) The range of levels detected and highest single measurement of microcystins concentration in samples collected at finished water sampling points and distribution sampling points.

(3) Information regarding the major source of the contaminant: "Produced by some naturally occurring cyanobacteria, also known as blue-green algae, which under certain conditions (i.e., high nutrient concentration and high light intensity) may produce microcystins."

(4) Standard health effects language in paragraph (C) of this rule, when there is an exceedance of action level established in paragraph (A)(1) or (A)(2) of rule 3745-90-02 of the Administrative Code.

(C) Standard health effects language.

The following standard health effects language shall be used in public notification and consumer confidence reports: "Consuming water containing concentrations of microcystins over the action

level may result in abnormal liver function, diarrhea, vomiting, nausea, numbness or dizziness. Children younger than school age, pregnant women, nursing mothers, the elderly, immune-compromised individuals, those with pre-existing liver conditions and those receiving dialysis treatment may be more susceptible than the general population to the health effects of microcystins."