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Ohio Administrative Code

Rule 3745-96-02 Consumer confidence report - required content.

Effective: July 24, 2023

(A) Each community water system shall provide to customers an annual report that contains the information specified in this rule and rule 3745-96-03 of the Administrative Code.

(B) All of the following information on the source of the water delivered:

(1) Each report shall identify the sources of the water delivered by the community water system by providing information on each of the following as applicable:

(a) The type of the water (e.g., surface water, ground water, purchased).

(b) The commonly used name (if any) and location of the body or bodies of water.

(2) When a source water assessment has been completed, the report shall notify consumers of the availability of this information and the means to obtain it. Where a community water system has received a source water assessment summary from the director, the report shall include a brief summary of the community water system's susceptibility to potential sources of contamination, using language provided by the director or equivalent language acceptable to the director.

(C) Report definitions.

(1) Each report shall include the following definitions:

(a) "Maximum contaminant level goal" or "MCLG" means the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

(b) "Maximum contaminant level" or "MCL" means the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

(2) A report that contains data on contaminants the state regulates shall include the following definitions as applicable:

(a) "Treatment technique," as defined in rule 3745-81-01 of the Administrative Code..

(b) "Action level" means the concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system shall follow.

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(c) "Maximum residual disinfectant level goal" or "MRDLG" means the level of drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

(d) "Maximum residual disinfectant level" or "MRDL" means the highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

(e) "Lead threshold level," as defined in rule 3745-81-01 of the Administrative Code.

(f) "Master meter" means the meter that connects a wholesale public water system to consecutive public water system. This type of meter monitors the amount of water being sent to the consecutive system and can also be used to determine the quality of water being delivered to the consecutive system.

(3) A report that contains information regarding a level one or level two assessment required under rules 3745-81-50 to 3745-81-55 of the Administrative Code shall include the following definitions as applicable:

(a) "Level one assessment": A level one assessment is a study of the water system to identify potential problems and determine, if possible, why total coliform bacteria have been found in the water system.

(b) "Level two assessment": A level two assessment is a very detailed study of the water system to identify potential problems and determine, if possible, why an Escherichia coli (E. coli) maximum contaminant level violation has occurred or why total coliform bacteria have been found in the water system on multiple occasions.

(D) Information on detected contaminants.

(1) This paragraph specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except Cryptosporidium) and applies to all of the following:

(a) Contaminants subject to an MCL, action level, maximum residual disinfectant level or treatment technique (regulated contaminants) in accordance with Chapter 3745-81 of the Administrative Code.

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(b) Contaminants for which monitoring is required by 40 C.F.R. 141.40 (May 2, 2012), (unregulated contaminants).

(c) For any public water system required to conduct disinfection byproduct sampling at a master meter location under rule 3745-81-24 of the Administrative Code, include, at a minimum, a description of the master meter monitoring conducted, the wholesale/consecutive system name and identification information, and a table containing the master meter data from the calendar year of the report.

(2) The data relating to these contaminants shall be displayed in one table or in several adjacent tables. Any additional monitoring results which a community water system chooses to include in the report shall be displayed separately.

(3) The data shall be derived from data collected to comply with U.S. EPA and state monitoring and analytical requirements during the previous calendar year with the following exception:

Where a system is allowed to monitor for regulated contaminants less often than once a year, the table shall include the date and results of the most recent sampling and the report shall include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. No data older than five years shall be included.

(4) For detected regulated contaminants (listed in the appendix to this rule), the tables shall contain all of the following information:

(a) The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in the appendix to this rule).

(b) The MCLG for that contaminant expressed in the same units as the MCL.

(c) If there is no MCL for a detected contaminant, the table shall indicate that there is a MRDL, MRDLG, treatment technique or specify the action level applicable to that contaminant, and the lead threshold level. The report shall include the definitions for MRDL, MRDLG, treatment technique or action level, as applicable, or lead threshold level specified in paragraph (C)(2) of this rule.

(d) For contaminants subject to an MCL or MRDL, except turbidity, and E. coli, the highest contaminant level used to determine compliance with state primary drinking water rules and the range of detected levels, as follows:

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(i) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL. Beginning one year after the applicable compliance date identified in rule 3745-81-24 of the Administrative Code, for the MCLs for TTHM and HAA5 in paragraphs (B) and (C) of rule 3745-81-12 of the Administrative Code, systems shall include the highest locational running annual average for TTHM and HAA5 and the range of individual sample results for all monitoring locations expressed in the same units as the MCL. If more than one location exceeds the TTHM or HAA5 MCL, the system shall include the locational running annual averages for all locations that exceed the MCL.

(ii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points: the average and range of detection expressed in the same units as the MCL.

(iii) When compliance with the MCL is determined by any other method: the highest value used to determine compliance with state primary drinking water rules and the range of detected levels.

(e) For turbidity, report the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in rule 3745-81-73 of the Administrative Code for the filtration technology being used. The report shall include an explanation of the reasons for measuring turbidity.

(f) For lead and copper, the ninetieth percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level, and the individual results above the lead threshold level.

(g) The likely sources of detected contaminants to the best of the operator's knowledge. If the operator lacks specific information on the likely source, the report shall include one or more of the typical sources for that contaminant listed in the appendix to this rule which are most applicable to the system.

(h) For E. coli analytical results under rules 3745-81-50 to 3745-81-55 of the Administrative Code, the total number of positive samples.

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(5) If a community water system distributes water to customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table should contain a separate column for each service area and the report should identify each separate distribution system. Alternatively, a community water system may produce separate reports tailored to include data for each service area.

(6) The table shall clearly identify any data indicating violations of MCLs, MRDLs or treatment techniques and the report shall contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects and actions taken by the system to address the violation. To describe the potential health effects, the community water system shall use the relevant language for the particular contaminant as specified in the appendix to this rule.

(7) For detected unregulated contaminants (without an MCL) for which monitoring is required (except Cryptosporidium), the table shall contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.

(E) Information on Cryptosporidium, radon and other contaminants:

(1) If the system has performed monitoring for Cryptosporidium, which indicates that Cryptosporidium may be present in the source water or the finished water, the report shall include:

(a) A summary of the results of the monitoring.

(b) An explanation of the significance of the results.

(2) If the community water system has performed any monitoring for radon which indicates that radon may be present in the finished water, the report shall include both of the following:

(a) The results of the monitoring.

(b) An explanation of the significance of the results.

(3) For a community water system that has performed additional monitoring which indicates the presence of other contaminants in the finished water, the director recommends the water system include in the report any results which may indicate a health concern. To determine if results may indicate a health concern, the director recommends the community water system find out if U.S. EPA has proposed a national primary drinking water regulation or issued a health

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advisory for that contaminant by calling the safe drinking water hotline (800-426-4791). The director considers detects above a proposed MCL or health advisory level to indicate possible health concerns. For such contaminants, the report may include the following information:

(a) The results of the monitoring, including the average and range of values.

(b) An explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.

(F) Compliance with state primary drinking water rules. In addition to the requirements set forth in paragraph (D)(6) of this rule, the report shall note any violation that occurred during the year covered by the report of any of the following, and include a clear and readily understandable explanation of the violation, any potential adverse health effects and the steps the community water system has taken to correct the violation:

(1) Monitoring and reporting of compliance data.

(2) Filtration and disinfection prescribed by rules 3745-81-71 to 3745-81-75 of the Administrative Code. For systems which have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation, the report shall include the following language as part of the explanation of potential adverse health effects: "Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches".

(3) Lead and copper control requirements prescribed by rules 3745-81-80 to 3745-81-89 of the Administrative Code. For systems which fail to take one or more actions prescribed by paragraph (D) of rule 3745-81-80 and rule 3745-81-81, 3745-81-82, 3745-81-83 or 3745-81-84 of the Administrative Code, the report shall include the applicable language of the appendix to this rule for lead, copper or both.

(4) Treatment techniques for acrylamide and epichlorohydrin prescribed by rule 3745-81-17 of the Administrative Code. For systems which violate the requirements of rule 3745-81-17 of the Administrative Code, the report shall include the relevant language from the appendix to this rule.

(5) Recordkeeping of compliance data as required by rule 3745-81-33 of the Administrative Code.

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(6) Special monitoring requirements for organic and inorganic contaminants as prescribed by 40 C.F.R. 141.40 (May 2, 2012) and for sodium as prescribed by 40 C.F.R. 141.41 (December 5, 1994).

(7) Violation of the terms of an administrative or judicial order.

(8) Any ground water system that receives notice from the director of a significant deficiency or notice from a laboratory of an E. coli-positive ground water source sample that is not invalidated under rule 3745-81-42 of the Administrative Code shall inform customers of any significant deficiency that is uncorrected at the time of the next report or of any E. coli-positive ground water source sample in the next report. The system shall continue to inform the public annually until the director determines that particular significant deficiency is corrected or the E. coli contamination in the ground water source is addressed in accordance with rule 3745-81-61 of the Administrative Code. If required, a system with significant deficiencies that have been corrected before the next report is issued shall inform customers of the significant deficiency, how the deficiency was corrected and the date of correction in accordance with this paragraph. Each report shall include all of the following elements:

(a) The nature of the particular significant deficiency or the source of the E. coli (if the source is known) and the date the significant deficiency was identified by the director or the dates of the E. coli-positive ground water source samples.

(b) If the E. coli in the ground water source has been addressed under rule 3745-81-61 of the Administrative Code and the date of such action.

(c) For each significant deficiency or E. coli in the ground water source that has not been addressed under rule 3745-81-61 of the Administrative Code, the director-approved plan and schedule for correction, including interim measures, progress to date and any interim measures completed.

(d) If the system receives notice of a E. coli-positive ground water source sample that is not invalidated by the director, the potential health effects using the health effects language in the appendix to this rule.

(G) Additional information.

(1) The report shall contain a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water, including bottled water. This explanation shall include the following language:

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(a) "The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

(b) Contaminants that may be present in source water include the following:

(i) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations and wildlife.

(ii) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining or farming.

(iii) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff and residential uses.

(iv) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff and septic systems.

(v) Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.

(c) In order to ensure that tap water is safe to drink, U.S. EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. Food and drug administration regulations establish limits for contaminants in bottled water which shall provide the same protection for public health.

(d) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling U.S. EPA's safe drinking water hotline (800-426-4791). "

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(2) The report shall include the telephone number of the owner, operator or designee of the community water system as a source of additional information concerning the report.

(3) In community water systems that serve a large proportion of non-english speaking residents, defined as ten per cent or more of the residents speak the same non-english language, the report shall include one of the following:

(a) Information in the applicable language or languages regarding the importance of the report.

(b) A telephone number or address where such residents may contact the community water system to obtain a translated copy of the report or assistance in the applicable language.

(4) The report shall include information about opportunities for public participation in decisions that may affect the quality of the water when such opportunities are routinely scheduled by the community water system (e.g., time and place of regularly scheduled board meetings).

(5) The report shall include information on the status of the system's license to operate issued pursuant to Chapter 3745-84 of the Administrative Code.

(6) The community water system may include additional information as it deems necessary for public education consistent with, and not detracting from, the purpose of the report.

(7) Compliance information for the U.S. EPA revised total coliform rule.

(a) Any public water system required to comply with the level one assessment requirement or level two assessment requirement in accordance with rule 3745-81-53 of the Administrative Code that is not due to an E. coli MCL violation shall include in the report the following text, as applicable, filling in the blanks accordingly:

(i) "Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessments to identify

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problems and to correct any problems that were found during these assessments.

(ii) During the past year we were required to conduct [insert number of level one assessments] level one assessments. [insert number of level one assessments] level one assessments were completed. In addition, we were required to take [insert number of corrective actions] corrective actions and we completed [insert number of corrective actions] of these actions.

(iii) During the past year [insert number of level two assessments] level two assessments were required to be completed for our water system. [insert number of level two assessments] level two assessments were completed. In addition, we were required to take [insert number of corrective actions] corrective actions and we completed [insert number of corrective actions] of these actions."

(iv) Any system that has failed to complete all the required assessments or correct all identified significant deficiencies, is in violation of the treatment technique requirement and shall also include one or both of the following statements, as applicable:

(a) "During the past year we failed to conduct all of the required assessments."

(b) "During the past year we failed to correct all identified deficiencies that were found during the assessments."

(b) Any system required to conduct a level two assessment due to an E. coli MCL violation shall include in the report the following text, filling in the blanks accordingly, and shall include the text in paragraph (G)(7)(b)(iii) of this rule if applicable:

(i) "E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches or other symptoms. They may pose a greater health risk for infants, young children, the elderly and people with severely compromised immune systems. We found E. coli bacteria, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessments to identify problems and to correct any problems that were found during these assessments."

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(ii) "We were required to complete a level two assessment because we found E. coli in our water system. In addition, we were required to take [insert number of corrective actions] corrective actions and we completed [insert number of corrective actions] of these actions."

(iii) Any system that has failed to complete the required assessment or correct all identified significant deficiencies, is in violation of the treatment technique requirement and shall also include one or both of the following statements, as applicable:

(a) "We failed to conduct the required assessment."

(b) "We failed to correct all significant deficiencies that were identified during the assessment that we conducted."

(c) If a public water system detects E. coli and has violated the E. coli MCL, in addition to completing the table as required in paragraph (D) of this rule, the system shall include one or more of the following statements to describe any noncompliance, as applicable:

(i) "We had an E. coli-positive repeat sample following a total coliform-positive routine sample."

(ii) "We had a total coliform-positive repeat sample following an E. coli-positive routine sample."

(iii) "We failed to collect all required repeat samples following an E. coli-positive routine sample."

(iv) "We failed to test for E. coli when a repeat sample tested positive for total coliform."

(d) If a public water system detects E. coli and has not violated the E. coli MCL, in addition to completing the table as required in paragraph (D) of this rule, the system may include a statement that explains that although they have detected E. coli, they are not in violation of the E. coli MCL.

[Comment: The 40 C.F.R. 141.40 and 141.41 refers to the "Code of Federal Regulations" published on May 2, 2012 and December 5, 1994. Copies of these codes may be obtained from the "U.S. Government Bookstore" toll-free at (866) 512-1800 or https://www.gpo.gov/fdsys, or from "Ohio EPA Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, OH 43215," (614) 644-2752. The code is available for review at, "Ohio EPA, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, OH 43215."]