

Except as follows, the definitions in rule 3745-81-01 of the Administrative Code shall apply to this chapter:

(A) "Action level," for the purposes of this chapter, is the concentration of a cyanotoxin which, if exceeded, will require additional monitoring, and potentially other actions as described in this chapter of the Administrative Code.

(B) [Reserved.]

(C)

(1) "Consecutive samples" means successive samples that are collected on separate calendar days.

(2) "Cyanobacteria" means photosynthesizing bacteria, also called blue-green algae, which naturally occur in marine and freshwater ecosystems, and may produce cyanotoxins which at sufficiently high concentrations can pose a risk to public health.

(3) "Cyanobacteria screening" means quantitative polymerase chain reaction (qPCR) for the detection of genes unique to cyanobacteria and genes associated with the production of cyanotoxins, a method for phytoplankton identification, or a semiquantitative method of cyanotoxin analysis acceptable to the director.

(4) "Cyanotoxin" means a toxin (such as microcystins) produced by cyanobacteria, which include liver toxins, nerve toxins and skin toxins.

(D)

(1) "Detected" or "detection" means an analytical result that is equal to or greater than the reporting limit for the analytical method being used.

(2) "Distribution sampling points" means representative points in the distribution system.

(E) [Reserved.]

(F) "Finished water sampling point" means each entry point to the distribution system which is representative of the water intended for distribution and consumption

without further treatment, except as necessary to maintain water quality in the distribution system (e.g., booster disinfection, addition of corrosion control chemicals.)

(G) [Reserved.]

(H) "Harmful algal bloom season" means period beginning the first full week of June until the beginning of off-season (first full week of December) of the same calendar year.

(I) [Reserved.]

(J) [Reserved.]

(K) [Reserved.]

(L) [Reserved.]

(M) "Microcystins" means total microcystins: the combination of all the variants of the cyanotoxin microcystin, which is produced by a number of cyanobacteria.

(N) [Reserved.]

(O) "Off-season" means period beginning the first full week of December until the beginning of harmful algal bloom season (first full week of June) of the following calendar year.

(P) "Phytoplankton" means free-floating photosynthesizing microscopic organisms that inhabit almost all bodies of water, and include cyanobacteria, diatoms, green algae and dinoflagellates.

(Q) [Reserved.]

(R)

(1) "Raw water sampling point" means each plant intake in use prior to any treatment, or another raw water sampling point acceptable to the director.

(2) "Resample" means the first sample required after a microcystins action level

exceedance in a sample collected at the finished water sampling point.

- (3) "Repeat sample" means the second sample required after a microcystins action level exceedance in a sample collected at the finished water sampling point.

(S) [Reserved.]

(T) [Reserved.]

(U) [Reserved.]

(V) [Reserved.]

(W)

- (1) "Week" means a period of seven days beginning with Sunday and ending with Saturday.
- (2) "Weekly" means once during the period of seven days beginning with Sunday and ending with Saturday.

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- (A) The following action levels for microcystins are based, in part, on the United States environmental protection agency's "Drinking Water Health Advisory for the Cyanobacterial Microcystin Toxins," dated June, 2015 and apply to all public water systems, including consecutive water systems:
- (1) 0.3 micrograms per liter (ug/L) for people under the age of six, pregnant women, nursing mothers, those receiving dialysis treatment and those with pre-existing liver conditions.
 - (2) 1.6 ug/L for all individuals.
- (B) Exceedance of these action levels in samples collected at a finished water sampling point will require additional monitoring, and potentially other actions as described in this chapter of the Administrative Code.

[Comment: This rule references the United States environmental protection agency's "Drinking Water Health Advisory for the Cyanobacterial Microcystin Toxins," dated June, 2015 (designated "EPA 820R15100"). This document may be obtained from the "National Service Center for Environmental Publications (NSCEP)" by mail at "U.S. EPA/NSCEP, P.O. Box 42419, Cincinnati, OH, 45242-0419," by telephone at (800) 490-9198, or online at <http://www2.epa.gov/nscep>. This document is also available for review at "Ohio EPA, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, OH, 43215" or by contacting the division of drinking and ground waters at (614) 644-2752.]

[Comment: The United States environmental protection agency's health advisory levels describe concentrations of drinking water at or below which adverse health effects are not expected to occur if consuming water containing microcystins at this concentration for up to ten days.]

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This rule applies to all surface water systems and consecutive water systems receiving water from a surface water source. Seasonal systems shall monitor in accordance with this rule during the system's operating season.

(A) Surface water systems.

(1) Cyanobacteria screening.

Surface water systems shall monitor with a minimum of one sample at least once every two weeks for cyanobacteria screening during harmful algal bloom season.

(2) Routine microcystins monitoring.

(a) Requirements during harmful algal bloom season (June through November).

(i) Surface water systems shall monitor for microcystins analysis with a minimum of one sample from each raw water sampling point once every two weeks and on the alternate week of cyanobacteria screening sample.

(ii) If microcystins are detected at a raw water sampling point, weekly monitoring at that raw water sampling point and the finished water sampling point shall be conducted beginning no later than twenty-four hours following the detection. When microcystins are not detected in at least two consecutive weekly samples from both the raw water sampling point and the finished water sampling point, then monitoring once every two weeks may resume in accordance with paragraph (A)(2)(a)(i) of this rule.

(iii) If cyanobacteria screening results indicate microcystin production genes greater than five gene copies per microliter and concurrent weekly data for microcystins are not available for raw or finished water samples, the water system must collect a sample at the finished water sampling point within twenty-four hours of notification of the detection for microcystins analysis. If microcystins are not detected in raw and/or finished water samples, then monitoring once every two weeks may resume in accordance with paragraph (A)(2)(a)(i) of this rule.

(b) Requirements during off-season (December through May).

Surface water systems shall monitor with a minimum of one sample from each finished water sampling point at least once every two weeks for microcystins analysis.

(3) Revised cyanobacteria screening or routine microcystins monitoring.

The required cyanobacteria screening or routine microcystins monitoring may be revised (decreased, increased or discontinued) at the discretion of the director. When establishing the revised schedule, the director may consider cyanobacteria screening data collected in accordance with this rule, microcystins data, and other information provided by the public water system including data from other screening tools (such as phycocyanin sensors or phytoplankton enumeration) and treatment information. Surface water systems shall monitor in accordance with the revised cyanobacteria screening or microcystins monitoring schedule established by the director.

(4) Response to microcystins action level exceedance.

If microcystins exceed an action level established in paragraph (A)(1) or (A)(2) of rule 3745-90-02 of the Administrative Code in routine samples collected at the finished water sampling point, the public water system shall do the following:

- (a) As soon as possible, but no later than twenty-four hours after receiving the results of the initial action level exceedance, collect one resample from each raw water sampling point and one resample from each finished water sampling point. Analysis of resamples must be completed within twenty-four hours of collection. These resamples satisfy the requirement for increased microcystins monitoring samples as set forth in paragraph (A)(4)(d) of this rule.
- (b) Within twenty-four hours of collecting the resamples, collect one repeat sample from each raw water sampling point and one repeat sample from each finished water sampling point. Analysis of repeat samples must be completed within twenty-four hours of collection. These repeat samples satisfy the requirement for increased monitoring samples as set forth in paragraph (A)(4)(d) of this rule.
- (c) If the microcystins concentration exceeds the action level in the resample or repeat sample collected at any finished water sampling point in accordance with paragraph (A)(4)(a) or (A)(4)(b) of this rule, as soon as practical but no later than three hours after receiving the resample or repeat sample results, the surface water system shall notify all

consecutive systems served by the water system. If a water system collects samples at representative distribution sampling points in accordance with procedures developed as part of the contingency plan required by rule 3745-85-01 of the Administrative Code, the director may allow the system to limit distribution of the public notice in accordance with rule 3745-85-01 of the Administrative Code. Distribution system monitoring may be required by the director based on sampling results and other relevant circumstances.

(d) Conduct increased microcystins monitoring of three times per week.

The frequency of microcystins monitoring shall be one day per week at raw water sampling points and increased to three days per week at finished water sampling points. Increased monitoring (three days per week) shall include analysis within twenty-four hours of sample collection. The resample and repeat samples collected in accordance with paragraphs (A)(4)(a) and (A)(4)(b) of this rule satisfy the requirement for increased monitoring.

Routine microcystins monitoring may resume in accordance with paragraphs (A)(2)(a) and (A)(2)(b) of this rule, once microcystins are not detected in finished water in two consecutive samples collected on separate calendar days.

(e) Conduct public notification in accordance with rule 3745-90-06 of the Administrative Code.

(B) Consecutive water systems receiving water from an in-state surface water system.

In accordance with paragraph (A)(4)(c) of this rule, consecutive water systems served by in-state surface water systems shall be notified by the parent system if microcystins concentration exceeds the action level in resample or repeat samples collected at any finished water sampling point. If a water system collects samples at representative distribution sampling points in accordance with procedures developed as part of the contingency plan required by rule 3745-85-01 of the Administrative Code, the director may allow the system to limit distribution of the public notice in accordance with rule 3745-81-32 of the Administrative Code. Distribution system monitoring may be required by the director based on sampling results and other relevant circumstances. Water systems shall conduct public notification in accordance with rule 3745-90-06 of the Administrative Code.

(C) Consecutive water systems receiving water from an out-of-state surface water source.

(1) Routine microcystins monitoring.

- (a) Requirements during harmful algal bloom season (June through November).

Consecutive water systems receiving water from an out-of-state surface water source shall monitor with a minimum of one sample from each finished water sampling point at least weekly for microcystins analysis.

- (b) Requirements during off-season (December through May).

Consecutive water systems receiving water from an out-of-state surface water source shall monitor with a minimum of one sample from each finished water sampling point at least once every two weeks for microcystins analysis.

- (c) Revised routine microcystins monitoring.

The required microcystins monitoring may be revised (decreased, increased or discontinued) at the discretion of the director. When establishing the revised schedule, the director may consider microcystins data, and other information provided by the public water system including data from screening tools (such as phycocyanin sensors or phytoplankton enumeration) and treatment information. Consecutive water systems shall monitor in accordance with the revised routine microcystins monitoring schedule established by the director.

(2) Response to microcystins action level exceedance.

If microcystins exceed an action level established in paragraph (A)(1) or (A)(2) of rule 3745-90-02 of the Administrative Code in routine samples collected at the finished water sampling point, the public water system shall do the following:

- (a) As soon as possible, but no later than twenty-four hours after receiving the results of the initial action level exceedance, collect one resample from each finished water sampling point. Analysis of resamples must be completed within twenty-four hours of collection. This resample satisfies the requirement for increased microcystins monitoring samples as set forth in paragraph (C)(2)(d) of this rule.
- (b) Within twenty-four hours of collecting the resamples, collect one repeat sample from each finished water sampling point. Analysis of repeat

samples must be completed within twenty-four hours of collection. This repeat sample satisfies the requirement for increased microcystins samples as set forth in paragraph (C)(2)(d) of this rule.

- (c) If the microcystins concentration exceeds the action level in the resample or repeat sample collected at any finished water sampling point in accordance with paragraph (C)(2)(a) or (C)(2)(b) of this rule, as soon as practical but no later than three hours after receiving the resample or repeat sample results, the public water system shall notify all consecutive systems served by the water system. If a water system collects samples at representative distribution sampling points in accordance with procedures developed as part of the contingency plan required by rule 3745-85-01 of the Administrative Code, the director may allow the system to limit distribution of the public notice in accordance with rule 3745-81-32 of the Administrative Code. Distribution system monitoring may be required by the director based on sampling results and other relevant circumstances.

- (d) Conduct increased microcystins monitoring of three days per week.

The frequency of microcystins monitoring at finished water sampling points shall be increased to three times per week. Increased monitoring shall include analysis within twenty-four hours of sample collection. The resample and repeat samples collected in accordance with paragraphs (C)(2)(a) and (C)(2)(b) of this rule satisfy the requirement for increased monitoring.

Routine microcystins monitoring may resume in accordance with paragraph (C)(1)(a) or (C)(1)(b) of this rule once microcystins are not detected in two consecutive samples collected on separate calendar days at the finished water sampling point.

- (e) Conduct public notification in accordance with rule 3745-90-06 of the Administrative Code.

(D) Monitoring extension.

Upon a request from a public water system, the director may agree to extend the twenty-four hour monitoring requirement for increased, resample, repeat or distribution samples required pursuant to this rule on a case-by-case basis when the public water system has a logistical problem collecting samples within twenty-four hours or analyzing samples in accordance with the requirements of this chapter. When an extension is agreed to by the director, the director shall specify in writing

how much time the public water system has to monitor. Examples of potential logistical problems include, but are not limited to:

- (1) Extreme weather conditions create unsafe travel or on-site conditions for the person collecting the sample.
- (2) Limited certified laboratory capacity on weekends and holidays.

(E) Violations.

Failure to comply with monitoring requirements in paragraph (A)(1), (A)(2), (A)(3), or (A)(4)(d) (C)(1), or (C)(2)(d) of this rule is a monitoring violation and requires the public water system to provide tier 3 public notification in accordance with rule 3745-81-32 of the Administrative Code. Failure to comply with resample and repeat sample requirements in paragraph (A)(4)(a), (A)(4)(b), (C)(2)(a) or (C)(2)(b) of this rule is a monitoring violation and requires the public water system to provide a tier 1 public notification accordance with rule 3745-81-32 of the Administrative Code.

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- (A) Microcystins analysis shall be performed by a laboratory certified by the director pursuant to Chapter 3745-89 of the Administrative Code. However, if a laboratory found to be acceptable submits a complete application for certification in accordance with rule 3745-89-04 of the Administrative Code, the laboratory may continue to perform microcystins analysis until action is taken on the application.
- (B) Cyanobacteria screening required by this chapter shall be performed by a laboratory certified by the director pursuant to Chapter 3745-89 of the Administrative Code.
- (C) In addition, analysis required by this chapter shall be conducted in accordance with the following analytical methods and time frames:
- (1) Cyanobacteria screening: "Ohio EPA DES method 705.0, Ohio EPA quantitative Polymerase Chain Reaction (qPCR) Multi-Plex Molecular Assay for Determination of Cyanobacteria and Cyanotoxin-Producing Genes Analytical Methodology" version 1.0 (September 2018) or another method accepted by the director in writing. Samples must be analyzed within seven days of collection.
 - (2) Microcystins: "Ohio EPA DES method 701.0, Ohio EPA Total (Extracellular and Intracellular) Microcystins - ADDA by ELISA Analytical Methodology" version 2.4 (November 2021) or another method accepted by the director in writing. Except where otherwise noted in this chapter and notwithstanding the holding time specified in the method, samples must be analyzed within five days of collection.
- (D) Reporting of analytical data for determining compliance with this chapter shall be completed in accordance with rule 3745-89-08 of the Administrative Code.

[Comment: This rule incorporates the "Ohio EPA DES method 701.0, Ohio EPA Total (Extracellular and Intracellular) Microcystins - ADDA by ELISA Analytical Methodology" version 2.4 (November 2021) and "Ohio EPA DES method 705.0, Ohio EPA quantitative Polymerase Chain Reaction (qPCR) Multi-Plex Molecular Assay for Determination of Cyanobacteria and Cyanotoxin-Producing Genes Analytical Methodology" version 1.0 (September 2018) by reference. Copies are available at www.epa.ohio.gov/ddagw/HAB.aspx and from the "Ohio EPA Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, OH 43215." Copies can also be obtained by contacting the laboratory certification office at (614) 644-4245.]

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This rule applies to all public water systems receiving water from a surface water source except consecutive water systems.

(A) A public water system shall develop and submit to the director written treatment optimization protocols for harmful algal blooms. The protocols shall be in a form that is acceptable to the director and include detailed information on the public water system, water sources, existing treatment processes with schematic, and treatment adjustments that will be made under various raw and finished water conditions. In developing the protocols, the public water system shall review and optimize existing treatment for microcystins, considering effective strategies for cyanotoxin treatment such as avoiding lysing cyanobacterial cells, optimizing removal of intact cells, optimizing barriers for extracellular cyanotoxin removal or destruction, optimizing sludge removal and discontinuing or minimizing backwash recycling.

- (1) The treatment optimization protocols shall be submitted to the director within thirty days of the initial detection of microcystins in raw or finished water sampling points.
- (2) If a public water system was not required to submit written treatment optimization protocols under paragraph (A)(1) of this rule, treatment optimization protocols shall be submitted to the director within six months of the effective date of this rule.
- (3) New public water systems shall submit treatment optimization protocols within one year from activation unless otherwise required by paragraph (A)(1) of this rule.
- (4) The treatment optimization protocols required by this chapter shall be reviewed and updated as necessary, but at least annually, and made available to Ohio EPA upon request.
- (5) Treatment optimization protocols shall be submitted to the director for review within thirty days of substantial change to the protocol or substantial change to treatment or source water as defined in rule 3745-91-01 of the Administrative Code.
- (6) In the event the treatment optimization protocols are deemed inadequate or incomplete by Ohio EPA, the public water system shall revise the protocol in accordance with a schedule acceptable to the director.

(B) A public water system shall comply with all of the following when monitoring

conducted in accordance with rule 3745-90-03 of the Administrative Code indicates microcystins concentrations exceed 1.6 micrograms per liter in a sample collected at the raw water sampling point more than once within a consecutive twelve-month period, or when microcystins are detected in a sample collected at a finished water sampling point or a distribution sampling point:

- (1) Within one hundred and twenty days, the public water system shall submit an approvable cyanotoxin general plan to the director for approval in accordance with paragraph (C) of rule 3745-91-02 of the Administrative Code. The cyanotoxin general plan shall include both short-term and long-term actions to prevent exceedances of the microcystins action levels established in paragraph (A)(1) or (A)(2) of rule 3745-90-02 of the Administrative Code in finished water. The cyanotoxin general plan may include one or a combination of source water protection activities, avoidance strategies, reservoir management and in-plant treatment technologies. The cyanotoxin general plan shall include a schedule for implementation or a demonstration that existing practices are sufficient to prevent exceedances of the microcystins action levels established in paragraph (A)(1) or (A)(2) of rule 3745-90-02 of the Administrative Code in finished water. The cyanotoxin general plan may be approved by the director with or without conditions or disapproved in accordance with the provisions of Chapter 3745-91 of the Administrative Code.
 - (2) The public water system shall respond to and address comments from Ohio EPA regarding the cyanotoxin general plan within thirty days of the comment date or other schedule provided by the director.
 - (3) Implement the approved cyanotoxin general plan in accordance with the approved schedule for substantial or required components of the plan.
 - (4) Continue to monitor for microcystins in accordance with rule 3745-90-03 of the Administrative Code to demonstrate treatment effectiveness.
- (C) If the system does not comply with paragraph (B)(3) of this rule, the public water system is in violation of the treatment technique requirements of this rule and shall issue tier 2 public notification in accordance with rule 3745-81-32 of the Administrative Code using the standard health effects language in paragraph (C) of rule 3745-90-06 of the Administrative Code.
- (D) Written treatment protocols and cyanotoxin general plans submitted under paragraphs (A) and (B) of this rule are not public records pursuant to section 149.433 of the Revised Code.

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Harmful algal blooms - tier 1 public notification and consumer confidence reports.

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."

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- (A) Any owner or operator of a public water system shall retain, on its premises or at a convenient location near its premises, records of cyanobacteria screening and microcystins analyses made pursuant to this chapter for not less than ten years.

Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

- (1) The date, place and time of sampling, and the name of the person who collected the sample.
 - (2) Identification of the sample as to whether it was a routine, resample or repeat sample and whether it was collected at a raw, finished or distribution sampling point.
 - (3) Date of analysis.
 - (4) Laboratory and person responsible for performing analysis.
 - (5) The analytical technique and method used.
 - (6) The results of the analysis.
- (B) Any owner or operator of a public water system shall retain, on its premises or at a convenient location near its premises, records of treatment optimization protocols and cyanotoxin general plans developed and approved in accordance with this chapter and public notices issued in accordance with this chapter and rule 3745-81-32 of the Administrative Code, for not less than ten years.

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