



Early Stakeholder Outreach — Water Quality Standards Program Rule OAC 3745-1-34

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What does OAC 3745-1-34 cover?

Ohio EPA's water quality standards program rule Ohio Administrative Code (OAC) 3745-1-34 contains the human health and wildlife water quality criteria for the Ohio River drainage basin.

In 2008, Ohio EPA released a draft version of this rule as "to be rescinded" for interested party review and comment because the criteria in the rule were being reorganized and placed into draft new rules in Chapter 3745-1. The interested party comment period closed on June 6, 2011. This rule and 21 others were filed as proposed rules on December 28, 2011; however, the entire rule package was withdrawn from the rulemaking process on February 1, 2012.

Due to delays in completing this larger rule package, the Agency has decided to move forward with one revision to this rule. The Agency expects to complete additional human health criteria reviews in a future separate rulemaking.

Why is this rule being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

The Agency is considering removing the thallium nondrinking human health criteria of 6.3 ug/l from the Ohio River basin water quality standards rule. Sources of thallium in the environment include leaching from ore-processing sites and discharge from electronics, glass and drug factories. Human health impacts from thallium exposure may include hair loss, changes in blood, kidney, intestine or liver problems.

How can I provide input?

The Agency is seeking stakeholder input on the rule OAC 3745-1-34. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business on **February 18, 2014**.

Please submit input to:

Rule Coordinator
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1019
dsw_rulecomments@epa.ohio.gov

What if I have questions?

This fact sheet is available on the Division of Surface Water website at www.epa.ohio.gov/dsw. For more information about the rulemaking, please contact daniel.dudley@epa.ohio.gov.

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In 2009, U.S. EPA conducted a toxicological review of thallium and concluded that the study, upon which the previous oral reference dose (RfD) was based, contained critical limitations and there were difficulties in the selection of appropriate endpoints, therefore an RfD was not estimated. Since an RfD is no longer available for thallium, the nondrinking human health criteria upon which it is based is no longer valid. Human health nondrinking criteria may be replaced in the future when valid research studies are available to determine an oral RfD. For additional information on thallium, see U.S. EPA's Integrated Risk Assessment System (IRIS) summary at: <http://www.epa.gov/iris/subst/1012.htm>.

Other thallium water quality standards (aquatic life criteria, human health drink criteria, Lake Erie basin criteria and Ohio River criteria) are not being revised at this time.

Who will be regulated by these rules?

This rule contains human health and wildlife water quality criteria for the Ohio River drainage basin. These criteria are used in Clean Water Act programs such as the National Pollutant Discharge Elimination System (NPDES) permitting program. Entities regulated under this program include municipalities and industries within the Ohio River basin. There are 15 active NPDES permits in the Ohio River basin with total recoverable thallium discharge monitoring/effluent limits. Facilities located in the Lake Erie basin or with direct discharges to the Ohio River are not affected by this rulemaking.

What is the rulemaking schedule?

The Agency intends to make a draft rule available for interested party review and comment in the spring of 2014.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept?
- Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).