



## Early Stakeholder Outreach — Water Quality Standards (OAC Chapter 3745-1)

*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 Chapter 3745-1 cover?

Ohio Administrative Code (OAC) Chapter 3745-1 contains Ohio's standards for water quality. Water quality standards are state regulations or rules that protect lakes, rivers, streams and other surface water bodies from pollution. These rules contain: beneficial use designations such as warmwater aquatic life habitat, public water supply and primary contact recreation; numeric levels and narrative statements (water quality criteria) protective of the beneficial use designations; and procedures for applying the water quality criteria to wastewater discharges.

### Why are these rules 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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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?

Ohio EPA is considering amendments to the following five rules in OAC Chapter 3745-1. Amendments under consideration include formatting revisions and updates to citations and references.

- 3745-1-03 Analytical methods and availability of documents.
- 3745-1-33 Water quality criteria for the lake Erie drainage basin.
- 3745-1-35 Site-specific methods to criteria and values.
- 3745-1-37 Methodology for deriving bioaccumulation factors.
- 3745-1-39 Methodology for development of wildlife criteria for the lake Erie drainage basin.

No changes are under considering for another two rules in OAC Chapter 3745-1. These rules are:

### How can I provide input?

The Agency is seeking stakeholder input on the rules. 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 April 13, 2015.**

Please submit your comments in one of the following ways:

- By email:  
[dsw\\_rulecomments@epa.ohio.gov](mailto:dsw_rulecomments@epa.ohio.gov)
- By fax: (614) 644-2745
- By postal mail: Rule Coordinator, Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, OH 43216-1049

### What if I have questions?

For more information about the rulemaking, please contact: Dan Dudley at (614) 644-2876 or [daniel.dudley@epa.ohio.gov](mailto:daniel.dudley@epa.ohio.gov).

## Early Stakeholder Outreach — Water Quality Standards

- 3745-1-31 Lake Erie standards.
- 3745-1-36 Methodologies for development of aquatic life criteria and values.

### Who will be regulated by these rules?

Water quality standards are used in the implementation of Clean Water Act programs such as the National Pollutant Discharge Elimination System (NPDES) permits, Section 401 Water Quality Certifications and Total Maximum Daily Load (TMDL) reports. Potentially impacted entities may include facilities that discharge or plan to discharge wastewater or entities seeking permission to physically impact water bodies.

### What is the rulemaking schedule?

At the close of the Early Stakeholder Outreach comment period, the Agency will consider input provided by stakeholders and then draft revisions to the rules. These draft revisions will be released for another comment period called Interested Party Review, which the Agency anticipates occurring in spring 2015.

### What input is the Agency seeking?

Please review the existing rules in OAC Chapter 3745-1, available at: [http://epa.ohio.gov/dsw/rules/3745\\_1.aspx](http://epa.ohio.gov/dsw/rules/3745_1.aspx). The Agency strongly encourages interested stakeholders to provide comments now; at this early step in the rulemaking process so that the Agency can draft revised language in response to those comments and make the draft revisions available for comment during the next rule review step.

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).

### How can I get more information?

Additional information is available on the Ohio EPA Division of Surface Water website:

- This fact sheet is available on the Division of Surface Water website at [www.epa.ohio.gov/dsw/dswrules.aspx](http://www.epa.ohio.gov/dsw/dswrules.aspx).
- For additional background information on water quality standards, please visit the Water Quality Standards Program web page at: [www.epa.ohio.gov/dsw/wqs/index.aspx](http://www.epa.ohio.gov/dsw/wqs/index.aspx).
- The existing rules in OAC Chapter 3745-1 are available at: [www.epa.ohio.gov/dsw/rules/3745\\_1.aspx](http://www.epa.ohio.gov/dsw/rules/3745_1.aspx).