



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

August 6, 2009

**Re:** Proposed amendments addressing Water Quality Standards rules in Ohio  
Administrative Code (OAC) Chapter 3745-1

Dear Interested Party:

This letter is to make you aware of, and solicit your input on, the Agency's proposed revisions to the following rules in OAC Chapter 3745-1.

Rule #	Rule Title	Action
3745-1-05	Antidegradation.	Amend
3745-1-07	Water use designations and statewide criteria.	Amend

This rulemaking consists of a few of the changes that were made available for review in other draft rule packages, specifically the water quality standards rulemaking ([www.epa.state.oh.us/dsw/rules/draft\\_wqs\\_aug08.html](http://www.epa.state.oh.us/dsw/rules/draft_wqs_aug08.html)) and the antidegradation rulemaking ([www.epa.state.oh.us/dsw/rules/draft\\_antidegradation\\_oct08.html](http://www.epa.state.oh.us/dsw/rules/draft_antidegradation_oct08.html)). Those two rule packages are part of four interrelated rule packages (water quality standards, 401 water quality certification, antidegradation, and stream mitigation).

Because of delays in completing the draft stream mitigation rule package, Ohio EPA is peeling a few time-sensitive items out of the water quality standards/antidegradation rule packages and proceeding with targeted changes in a separate stand alone rulemaking. This separate stand alone rulemaking is proceeding through the rulemaking process ahead of the remainder of the rule changes, which will continue to proceed but be linked to the stream mitigation rules as previously planned.

The draft version of this stand alone rulemaking, made available for public comment in March 2009, also included revisions to rule 3745-1-31 (Lake Erie standards) that would restrict disposal of dredge material in Lake Erie. The Agency has decided to delay proposal of the rule 3745-1-31 revisions to allow more time to discuss them with stakeholders.

The proposed rule changes consist of:

- Making submittal, public notice and public hearing requirements for Section 401 water quality certification projects consistent with Ohio Revised Code section

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

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6111.30 (Application for federal water quality certification – hearing, effective 09-29-2005);

- Revising the definitions of the recreation use designations;
- Removing fecal coliform water quality criteria and revising E. coli water quality criteria; and
- Small grammatical changes that don't substantively change the rules.

Enclosed is the Notice of Proposed Rulemaking. A public hearing is scheduled in Columbus at **2:00 p.m. on September 10, 2009**, as described in the enclosed notice. The enclosed notice also explains how to submit comments. The Agency welcomes your comments on the proposed rule revisions. Please note the comment period ends at **5:00 p.m. on September 10, 2009**.

The proposed amended rules and a fact sheet explaining the rule revisions are posted on the Ohio EPA Web page at [www.epa.state.oh.us/dsw](http://www.epa.state.oh.us/dsw). If you are unable to access the Web page, contact Bob Heitzman, Division of Surface Water, at (614) 644-3075 or by email at [bob.heizman@epa.state.oh.us](mailto:bob.heizman@epa.state.oh.us) to request a copy.

Please contact Mr. Heitzman at the email address or telephone number above if you have any questions.

Sincerely,



George Elmaraghy, P.E., Chief  
Division of Surface Water

GE:bh  
enclosure