

**Summary of Revisions, Deletions and Additions to References Cited in OAC  
3745-1-03  
October 2015**

**(Organized as the documents appear in the draft rule)**

**Revised References**

Paragraph (B)(1)(a) 40 C.F.R. 124.8

- No revisions from July 1, 2007 to June 30, 2014

Paragraph (B)(1)(b) 40 C.F.R. 124.56

- No revisions from July 1, 2007 to June 30, 2014

Paragraph (B)(1)(c) 40 C.F.R. 131

- No revisions pertinent to Ohio from July 1, 2007 to June 30, 2014

Paragraph (B)(1)(e) 40 C.F.R. 136

- **May 18, 2012 40 CFR Parts 136, 260, 423, 430 and 435**

SUMMARY: This rule modifies the testing procedures approved for analysis and sampling under the Clean Water Act. EPA proposed these changes for public comment on September 23, 2010. The changes adopted in this final rule fall into the following categories: New and revised EPA methods and new and revised methods published by voluntary consensus standard bodies (VCSB), such as ASTM International and the Standard Methods Committee; updated versions of currently approved methods; methods reviewed under the alternate test procedures (ATP) program; clarifications to the process for EPA approval for use of alternate procedures for nationwide and Regional use; minimum quality control requirements to improve consistency across method versions; corrections to previously approved methods; and revisions to sample collection, preservation, and holding time requirements. Finally, EPA makes changes to three effluent guideline regulations.

Paragraph (B)(1)(f) 40 C.F.R. 230.10

- No revisions from July 1, 2007 to June 30, 2014

Paragraph (B)(1)(g) 40 C.F.R. 400 to 471

Major revisions include:

- **December 1, 2009 40 C.F.R. Part 450 Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category**

Summary: The Environmental Protection Agency is publishing final regulations establishing Clean Water Act (CWA) technology-based Effluent Limitations Guidelines and New Source Performance Standards for the Construction and Development (C&D) point source category. EPA expects compliance with this regulation to reduce the amount of sediment and other pollutants discharged from construction and development sites by approximately 4 billion pounds per year. <http://www.gpo.gov/fdsys/pkg/FR-2009-12-01/pdf/E9-28446.pdf>

- **March 8, 2010 40 C.F.R. Part 450 Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category**

SUMMARY: The Environmental Protection Agency (EPA) is correcting a date in a final rule that appeared in the Federal Register on December 1, 2009, 74 FR 62995, due to a date calculation error. The final rule established Clean Water Act technology-based Effluent Limitations Guidelines and New Source Performance Standards for the Construction and Development point source category. <http://www.gpo.gov/fdsys/pkg/FR-2010-03-08/pdf/2010-4823.pdf>

- **November 5, 2010 40 C.F.R. Part 450 Direct Final Rule Staying Numeric Limitation for the Construction and Development Point Source Category**

SUMMARY: EPA is taking direct final action to stay the numeric effluent limitation of 280 NTU and associated monitoring requirements for the Construction and Development Point Source Category. This action is necessary so that EPA can reconsider the record basis for calculating the numeric effluent limitation. EPA expects to move expeditiously with its reconsideration, and will remove the stay when such reconsideration is completed. <http://www.gpo.gov/fdsys/pkg/FR-2010-11-05/pdf/2010-28033.pdf>

- **May 18, 2012 40 CFR Parts 136, 260, 423, 430 and 435**

SUMMARY: This rule modifies the testing procedures approved for analysis and sampling under the Clean Water Act. EPA proposed these changes for public comment on September 23, 2010. The changes adopted in this final rule fall into the following categories: New and revised EPA methods and new and revised methods published by voluntary consensus standard bodies (VCSB), such as ASTM International and the Standard Methods Committee; updated versions of currently approved methods; methods reviewed under the alternate test procedures (ATP) program; clarifications to the process for EPA approval for use of alternate procedures for nationwide and Regional use; minimum quality control requirements to improve consistency across method versions; corrections to previously approved methods; and revisions to sample collection, preservation, and holding time requirements. Finally, EPA makes changes to three effluent guideline regulations.

- **March 6, 2014 40 C.F.R. Part 450 Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category**

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing changes to the effluent limitations guidelines and standards for the Construction and Development point source category. EPA is promulgating these changes pursuant to a settlement agreement to resolve litigation. This final rule withdraws the numeric discharge standards, which are currently stayed, and changes several of the non-numeric provisions of the existing rule.

<http://www.gpo.gov/fdsys/pkg/FR-2014-03-06/pdf/2014-04612.pdf>

Paragraph (B)(1)(h) 50 C.F.R. Part 17

- Numerous revisions were made to Endangered and Threatened Wildlife and Endangered and Threatened Plants lists from July 1, 2007 to September 30, 2014. Please see the following link for additional information: <http://www.fws.gov/endangered/laws-policies/federal-register-notice.html>.

Paragraph (B)(2)(a) Clean Water Act Amendments 33 USC Sections 1251-1387

- Pub. L. 110-365 Oct 8, 2008 Great Lakes Legacy Reauthorization Act of 2008  
[http://www.epa.gov/glla/GLLA\\_REAUTH2008.pdf](http://www.epa.gov/glla/GLLA_REAUTH2008.pdf)
- Pub. L. 110-288 July 29, 2008 Clean Boating Act of 2008  
<http://www.gpo.gov/fdsys/pkg/PLAW-110publ288/html/PLAW-110publ288.htm>
- Pub. L. 112-141 July 6, 2012 Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012  
<http://www.gpo.gov/fdsys/pkg/PLAW-112publ141/pdf/PLAW-112publ141.pdf>
- Pub. L. 113-121 2014 Water Resources Reform and Development Act of 2014  
<http://www.gpo.gov/fdsys/pkg/PLAW-113publ121/pdf/PLAW-113publ121.pdf>

Paragraph (B)(2)(b) Endangered Species Act 16 USC Sections 1531 to 1544

- Pub. L. 110-246 June 18, 2008 Food, Conservation, and Energy Act of 2008  
<http://www.gpo.gov/fdsys/pkg/PLAW-110publ246/pdf/PLAW-110publ246.pdf>

Paragraph (B)(2)(c) Federal Insecticide, Fungicide and Rodenticide Act 7 USC Section 136

- Pub. L. 110-94 October 9, 2007 Pesticide Registration Improvement Renewal Act  
<http://www.gpo.gov/fdsys/pkg/PLAW-110publ94/html/PLAW-110publ94.htm>
- Pub. Law 110-246 June 18, 2008 Food, Conservation, and Energy Act of 2008  
<http://www.gpo.gov/fdsys/pkg/PLAW-110publ246/pdf/PLAW-110publ246.pdf>
- Pub. L. 112-177 September 28, 2012 Pesticide Registration Improvement Extension Act of 2012  
<http://www.gpo.gov/fdsys/pkg/PLAW-112publ177/pdf/PLAW-112publ177.pdf>

Paragraph (B)(2)(d) Safe Drinking Water Act 42 USC Sections 300F to 300j-26

- Pub. L. 111-380 January 4, 2011 Reduction of Lead in Drinking Water Act  
<http://www.vdh.state.va.us/ODW/documents/2013/pdf/Public%20Law-111publ380.pdf>
- Pub. L. 113-64 December 20, 2013 Community Fire Safety Act of 2013

<http://www.gpo.gov/fdsys/pkg/PLAW-113publ64/pdf/PLAW-113publ64.pdf>

Paragraph (B)(3)(a)(iii) Biological Criteria for the Protection of Aquatic Life

Volume III - Standardized Biological Field Sampling and Laboratory Methods for Assessing Fish and Macroinvertebrate Communities

- June 26, 2015. SUMMARY: This document is the third volume of a three part series that provides the supporting documentation for setting and using biological criteria in Ohio. All were prepared in 1987 (and updated in 1988 and 1989) when Ohio EPA first adopted numeric biological criteria in rule OAC Chapter 3745-1. Collectively the three volumes are used by Ohio EPA and outside parties consistently apply biological criteria.

While basic field and laboratory standard operating procedures for the collection of macroinvertebrate and fish samples by Ohio EPA have remained essentially unchanged since bioassessments began back in the 1970s, the 2015 revision to Volume III (Field and Laboratory Methods) of the Biological Criteria documents updates and modernizes the procedures for the field collection, field and laboratory processing, and laboratory analysis of collections of these two indicator groups from Ohio streams and rivers. It consolidates the 1989 version of the document with the updated document which has been provided several times since then. Relevant updates to macroinvertebrates and fish include the following.

Macroinvertebrates – More detailed descriptions are included for:

- Internal field and laboratory training for full-time macroinvertebrate biologists and part-time macroinvertebrate collectors, and annual QA/QC requirements for both.
- The field procedures for setting and retrieving artificial substrate samplers and the preservation and transport of samples to the laboratory.
- The collection of the “qualitative” multi-habitat composite sample including pointers on the collection of macroinvertebrates in various habitat types.
- The initial laboratory processing of the artificial substrate samplers including dismantling of the samplers, “scraping” the artificial substrate plates, rinsing and sieving the organisms collected, and final storage and preservation of the samples prior to laboratory analysis.
- Sorting, counting (including subsampling techniques), and identifying organisms in the quantitative artificial substrate and qualitative natural substrate samples.
- Initial data assessment procedures using the Invertebrate Community Index for artificial substrate samples and narrative assessment protocols for the qualitative natural substrate samples.

Fish – More detailed descriptions are included for:

- Internal training for new full-time fish crew leaders and training and calibration of part-time district fish crew leaders, and annual QA/QC requirements for both.

- Sampling site assessment and selection of appropriate electrofishing gear type.
- Electrofishing gear types including discussion of new methods (i.e., tote barge/roller pram) and those types not now being used or recommended.
- Field techniques to efficiently sample aquatic habitats using boat and wading electrofishing methods.
- Handling, identifying, and weighing live specimens in the field.
- Assessment of external anomalies on live specimens in the field.
- Handling, identification, verification, and disposition of preserved specimens returned to the laboratory.

Paragraph (B)(3)(l) Standard Guide for Conducting Bioconcentration tests with Fishes and Saltwater Bivalve Molluscs ASTM E1022-94

- This standard was originally adopted in 1984 and revised in 1994. The last reapproval was in 2013. A summary of the revisions is not available.

Paragraph (B)(3)(o) Water Quality Standards Handbook revisions

In 2007 and 2012, the EPA updated the online version of the Handbook to incorporate minor enhancements including links to additional information and resources that the EPA developed subsequent to 1994. However, the text of the chapters did not change from the 1994 Handbook.

In 2014, the EPA updated certain chapters of the online version of the Handbook to reflect guidance that the EPA has already publicly articulated in other forms of documentation and streamlined the text to make the document more user friendly.

The 2014 update also utilizes current technology that allows the Handbook to serve as an online "living document." As such, the EPA will update the online Handbook as new guidance becomes available and will not publish a new printed edition.

A summary of the revisions made to Chapter 7 in January 2015 is not available.

**Deletions**

- Ohio EPA's Manual of Ohio EPA Laboratory Standard Operating Procedures
  - Every laboratory develops and maintains their own Standard Operating Procedures (SOPs) to run the analytical procedures described in 40 C.F.R. 136 or other published sources. SOPs may need to be periodically updated to reflect new analytical equipment or to address other factors unique to the laboratory. Therefore, a reference in rule to a manual of SOPs with a fixed date is not appropriate.
- Ohio EPA's Manual of Ohio EPA Surveillance Methods and Quality Assurance Practices
  - This manual has been replaced by Ohio EPA's Surface Water Field Sampling Manual for water quality parameters and flows.

- Standard Methods for the Examination of Water and Wastewater
  - No longer used by Ohio EPA's Division of Environmental Services in the analysis of samples. Procedures in 40 C.F.R. 136, EPA Method 445.0 and ASTM D7237-10 are currently in use.

### **Additions**

- 40 C.F.R. 132 Water Quality Guidance for the Great Lakes System
  - These regulations provide the foundation for numerous Lake Erie specific requirements throughout OAC Chapter 3745-1.
- Ohio EPA's Methods for Assessing Habitat in Lake Erie Shoreline Waters Using the Qualitative Habitat Evaluation Index Approach (Version 2.1)
  - The assessment methodology developed by Ohio EPA for the Lake Erie nearshore waters.
- Ohio EPA's Inland Lakes Sampling Procedure Manual
  - The methodology the Division of Surface Water uses in the assessment of inland lakes.
- U.S. EPA's Method 445.0 In Vitro Determination of Chlorophyll a and Pheophytin a in Marine and Freshwater Algae by Fluorescence
  - The methodology Ohio EPA's Division of Environmental Services uses in the analysis of samples for Chlorophyll a.
- ASTM's Standard Test Method for Free Cyanide with Flow Injection Analysis Utilizing Gas Diffusion Separation and Amperometric Detection, Standard D7237-10.
  - The methodology Ohio EPA's Division of Environmental Services uses in the analysis of samples for cyanide.
- Ohio EPA's Surface Water Field Sampling Manual for water quality parameters and flows
  - This manual replaces the Manual of Ohio EPA Surveillance Methods and Quality Assurance Practices.