



Draft Rule – Water Quality Criteria

Water Quality Standards Program (OAC Chapter 3745-1)

What are water quality standards?

Water quality standards are state regulations or rules that protect lakes, rivers, streams and other surface water bodies from pollution. The rules are in Chapter 3745-1 of the Ohio Administrative Code (OAC). 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 use designations; and procedures for applying the water quality criteria to wastewater dischargers.

Which water quality standards rule is under review at this time?

This rulemaking is limited to a single amendment to one rule, OAC 3745-1-34, Water Quality Criteria for the Ohio River Drainage basin. This rule contains the numeric criteria protective of wildlife and human health.

Why is this rule being amended, what types of change is being considered?

The rule is being revised to remove the thallium nondrink human health criterion of 6.3 ug/l. Human health nondrink criteria are applicable to all surface waters. These criteria are protective of the human consumption of sport caught fish and the incidental water intake and exposure that may occur during recreation in surface waters.

In 2009, U.S. EPA conducted a toxicological review of thallium and concluded that the study, upon which the current criterion is based, contained critical limitations and there were difficulties in the selection of appropriate endpoints, therefore an oral reference dose was not estimated. Since the reference dose is no longer available for thallium, the nondrink human health criterion upon which it is based is no longer valid. Human health nondrink criteria may be replaced in the future when valid research studies are available to determine an oral reference dose. 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, 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 17 active NPDES permits in the Ohio River basin with thallium discharge monitoring/effluent limits. Facilities located in the Lake Erie basin or with a direct discharge to the Ohio River are not affected by this rulemaking.

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What additional information is the Agency seeking?

The Agency is seeking comments from interested stakeholders (public, local officials, and National Pollutant Discharge Elimination System [NPDES] permit holders, industry sectors, other state agencies, consultants and environmental organizations) who may be impacted by this rule revision. General comments and specific factual information are welcome.

In addition to the draft rule amendment, Ohio EPA is also seeking comments and feedback on the draft Common Sense Initiative (CSI) Business Regulation Impact Analysis form, which is being released with this draft rule during interested party review.

How are the amendments formatted in the draft rule?

Text that is considered for deletion is identified in strikeout font; new text is underlined.

What is the rulemaking schedule?

At this time, the Agency is soliciting input on this draft rule revision. Ohio EPA is required by section 121.39(D) of the Revised Code to contact potentially affected parties prior to adopting rule changes.

At the close of the draft rule comment period, the Agency will review the comments and make any necessary changes to the rule. The Agency will then file a proposed rule with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State.

At that point, another comment period, including one or more public hearings, will be scheduled. After the close of the comment period, the Agency will review the comments, make any necessary changes and then adopt the final rule.

How can I comment on the draft rule?

Please submit your comments in one of the following ways:

- By email: 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

Comments on the draft rule must be received no later than 5:00 p.m. on March 19, 2014.

How can I get more information?

Copies of this fact sheet, CSI form and the draft rule are on the Division of Surface Water website at www.epa.ohio.gov/dsw/dswrules.aspx.

For more information about this draft rule, please contact:

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