



---

## Proposed Rules – Surface Water Quality

### *Water Quality Standards (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; numeric levels and narrative statements (water quality criteria) protective of the use designations; procedures for applying the water quality criteria to wastewater dischargers and Antidegradation procedures.

#### **Which water quality standards rules are under review at this time?**

The rulemaking includes the five year review of selected water quality standards rules pertaining to documents referenced in OAC Chapter 3745-1, water quality criteria and methodologies used to develop water quality criteria. Specifically, the Agency is proposing revisions to the following five rules:

- 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 modifications 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.

The Agency has also reviewed the following two water quality standards rules. No changes are proposed for these rules in a separate but concurrent rulemaking.

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

#### **What changes are being proposed?**

The rules are being amended as part of the five year rule review requirements in Ohio Revised Code section 106. Amendments under consideration are limited to formatting revisions and updates to citations and references. A summary of what has changed in the referenced documents 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).

#### **Are there changes from the October 2015 draft rule revisions?**

No.

#### **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. This rulemaking does not change existing requirements and should have no additional impact on stakeholders.

#### **What additional information is the Agency seeking?**

The Agency wants to hear 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 these rule revisions and additions. General comments and specific factual information are welcome.

# Proposed Rule – Surface Water Quality February 2016

## How are the amendments formatted in the proposed rules?

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

## What is the rulemaking schedule?

A public hearing on the proposed rule will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at the Ohio EPA Conference Center, Room A, 50 West Town Street, Suite 700, in Columbus, Ohio at 10:30 a.m. on April 5, 2016. The purpose of the public hearing is to give interested persons the opportunity to present oral or written comments on the proposed rules.

At the close of the public comment period, the Agency will review the comments, make any necessary changes to the rules, and then adopt the rules. This is roughly a two-month process from the close of the comment period. A responsiveness summary will be prepared and sent to everyone who comments on the proposed rules. Final rules could be adopted in spring 2016.

## How can I comment on the proposed rules?

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

**Comments on the proposed rules must be received no later than 5:00 p.m. on April 5, 2016.**

## How can I get more information?

- Copies of this fact sheet and proposed rule are 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 and beneficial uses, 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).

For more information about these proposed rules, please contact:

Dan Dudley (614) 644-2876 or [daniel.dudley@epa.ohio.gov](mailto:daniel.dudley@epa.ohio.gov)