

## **Early Stakeholder Outreach** *for DSW's Water Quality Standards Rule*

**OAC 3745-1-35**

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### **What rulemaking is Ohio EPA considering?**

Ohio EPA's water quality standards rule in Ohio Administrative Code (OAC) 3745-1-35 contains the procedural requirements for developing site-specific modifications to water quality criteria and values in other rules within Chapter 3745-1.

In 2008, Ohio EPA released a draft version of this rule for interested party review and comment with minor amendments. The interested party comment period closed on June 6, 2011. This rule and 20 others were filed as proposed rules on December 28, 2011; however, the entire rule package was withdrawn from the rulemaking process on February 1, 2012. Ohio EPA is now considering re-filing this single rule.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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

In the course of reviewing a study submitted by a permittee in support a site specific criteria Ohio EPA and U.S. EPA identified procedural deficiencies in rule 3745-1-35. These deficiencies must be corrected to enable U.S. EPA approve all future site specific criteria. Ohio EPA is working to draft new language that will: 1) specify the basic scientific methods to be followed (for example, water effect ratio studies, the species re-calculation protocol, etc.); 2) clarify the means of public notification and participation regarding the adoption of site specific criteria; and 3) establish, publish and periodically update a complete list of approved site specific criteria.

### **Who will be regulated by this rulemaking?**

This rule provides an opportunity for an entity with a permit based on water quality standards in Chapter 3745-1 to pursue a site-specific modification to a criterion upon which a permit limit may be based.

### **What is the rulemaking schedule?**

The Agency is planning to release a draft version of the rule for interested party review and comment in 2012.

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

The Agency wants to hear from interested stakeholders who may be impacted by this rulemaking. General comments and specific factual information are welcome. Ohio EPA is asking stakeholders to identify the following:

- Does this rulemaking impact your business?
- Does this rulemaking have an adverse impact on your business? If so, please identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance).
- Is there an alternative rulemaking (or specific provisions within the rule) that the Agency should consider?
- What are the benefits of the rulemaking?

### **What should I consider as I prepare my comments?**

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.

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4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline.

### **How can I provide input on the rulemaking?**

Please submit your comments in one of the following ways:

- By email: [dsw\\_rulecomments@epa.state.oh.us](mailto:dsw_rulecomments@epa.state.oh.us)
- 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 rule must be received no later than 5:00 p.m. on July 13, 2012.**

### **How can I get more information?**

This fact sheet is available on the Division of Surface Water website at [www.epa.ohio.gov/dsw/Home.aspx](http://www.epa.ohio.gov/dsw/Home.aspx).

For more information about the rulemaking, please contact:

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