



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

April 17, 2013

**Re:** Availability of rule for comment  
OAC Chapter 3745-1, Water Quality Standards

Dear Interested Parties:

The Division of Surface Water (DSW) is providing interested parties opportunity to review and comment on the following rule in Ohio Administrative Code (OAC) Chapter 3745-1:

Rule #	Rule Title	Draft Action
3745-1-54	Wetland antidegradation.	Amend

On June 5, 2012, the Governor signed into law Senate Bill 294, the Agency's Omnibus Bill. Included in this bill were revisions to Ohio Revised Code (ORC) sections pertaining to wetlands. In general, the revisions allow the state or any other approved entity, to create an in-lieu-fee mitigation program and allow in-lieu-fee to be used as required mitigation for Section 401 Water Quality Certifications and Isolated Wetlands permits. The revisions also set a defined mitigation hierarchy preference for Section 401 Water Quality Certifications and Isolated Wetlands permits and require the Agency to adopt this hierarchy in rule. This rulemaking will implement the above statute revisions.

In addition to the draft rule amendments, Ohio EPA is also seeking comments and feedback on the draft Common Sense Initiative (CSI) Business Impact Analysis Form, which is being released with this rule for review.

This draft rule, the CSI Form, and supporting documentation are available electronically for review at: <http://epa.ohio.gov/dsw/dswrules.aspx>. We request that you provide us with any comments you may have on the changes that have been recommended by **May 17, 2013**.

Please submit your comments or suggestions in one of the following manners.

By e-mail: [dsw\\_rulecomments@epa.ohio.gov](mailto:dsw_rulecomments@epa.ohio.gov)

By mail: Rule Coordinator  
Ohio EPA, Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049

By fax: (614) 644-2745

Sincerely,

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

GE:mh