



**Environmental
Protection Agency**

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

September 22, 2011

Re: Interested Party Review
Water Quality Trading Rules
Ohio Administrative Code (OAC) Chapter 3745-5

Dear Interested Parties:

This letter is to make you aware of, and solicit your input on, the Agency's draft revisions to the following rules in OAC Chapter 3745-5, Water Quality Trading.

Rule #	Rule Title	Draft Action
3745-5-01	Definitions: as used in this chapter.	Amend
3745-5-02	Purpose and applicability.	Amend
3745-5-03	Prohibitions and restrictions.	Amend
3745-5-04	Water quality trading: general requirements.	Amend
3745-5-05	Water quality trading: general requirements for a water quality trading management plan application.	No Change
3745-5-06	Water quality trading: requirements for a water quality trading management plan application.	Amend
3745-5-07	Requirements for water quality credits.	No Change
3745-5-08	Water quality credits and pollutant loading calculations.	No Change
3745-5-09	Determining water quality baselines.	No Change
3745-5-10	Water quality trading: trading ratios.	No Change
3745-5-11	Water quality trading: incorporating trades into individual NPDES permits and general permits.	Amend
3745-5-12	Record keeping, reporting requirements, compliance, enforcement, and oversight.	Amend
3745-5-13	Public participation requirements.	No Change
3745-5-14	Ambient water quality monitoring requirements.	Amend

Water quality trading is a tool for achieving water quality improvements, and under the right circumstances, has the potential to yield both environmental and economic benefits, while promoting increased interaction among watershed stakeholders.

Revisions are planned to eight of the rules in this chapter and no changes are planned to six of the rules. The draft rule changes consist of:

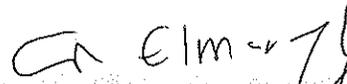
Rule	Draft rule changes
3745-5-01	<ul style="list-style-type: none"> Updating references, titles and Web links
3745-5-02	<ul style="list-style-type: none"> Updating references
3745-5-03	<ul style="list-style-type: none"> Revising rule to state that use of a water quality credit shall not cause or contribute to a violation of water quality standards. Adding provision that nonpoint source load reductions funded through Ohio EPA's Water Resource Restoration Sponsor Program are not eligible to generate water quality credits
3745-5-04	<ul style="list-style-type: none"> Adding date by which two existing trading programs must submit water quality trading management plans
3745-5-06	<ul style="list-style-type: none"> Changing the size of the hydrologic unit codes that must be used when identifying areas where nonpoint source projects might be located
3745-5-11	<ul style="list-style-type: none"> Identifying additional compliance-related provisions that will be included in NPDES permits when the permittee is participating in a water quality trading program
3745-5-12	<ul style="list-style-type: none"> Revised the word "his" to "the director's" in the first paragraph to provide for gender neutral language
3745-5-14	<ul style="list-style-type: none"> Revising language to include biological and stream habitat parameters in ambient water quality monitoring plans

The draft rules and a fact sheet explaining the rule revisions are posted on the Ohio EPA Website at www.epa.ohio.gov/dsw. If you are unable to access the Web page, contact Melinda Harris, Division of Surface Water, at (614) 728-1357 to request a copy. Comments on the rules are due to this Agency by **5:00 p.m. on October 25, 2011**. Comments should be forwarded to:

Ohio EPA, Division of Surface Water
 Attn: Rule Coordinator
 P.O. Box 1049
 Columbus, Ohio 43216-1049
 (email: dsw_rulecomments@epa.state.oh.us)

Please direct questions regarding the draft rules to **Gary Stuhlfauth** at **(614) 644-2026**.

Sincerely,


 George Elmaraghy, PE, Chief
 Division of Surface Water