



**Environmental
Protection Agency**

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

December 28, 2011

Re: Proposed amendments addressing 401 water quality certifications

Dear Interested Parties:

The Division of Surface Water (DSW) has reviewed Chapters 3745-32 and 3745-45 of the Ohio Administrative Code (OAC), governing the administrative and technical requirements for submitting a Section 401 water quality certification application to Ohio EPA's Division of Surface Water. DSW is proposing amended language for the following rules:

Rule #	Rule Title	Action
	OAC Chapter 3745-32 Section 401 Water Quality Certifications	
3745-32-01	Definitions	Rescind
3745-32-01	Definitions.	New
3745-32-02	Section 401 water quality certification required	Rescind
3745-32-02	Applicability	New
3745-32-03	Section 401 water quality certification exemptions	Rescind
3745-32-03	Individual state water quality permit application requirements and procedures	New
3745-32-04	Section 401 water quality certification applications	Rescind
3745-32-04	State water quality permit and isolated wetland permit antidegradation review requirements.	New
3745-32-05	Criteria for decision by director	Rescind
3745-32-06	Revocation of section 401 water quality certification	Rescind
3745-32-07	Procedure for decision by director	Rescind
	OAC Chapter 3745-45 Section 401 Water Quality Certification Fees	
3745-45-02	Certification fees	Rescind

Enclosed is the Notice of Proposed Rulemaking. A public hearing is scheduled in Columbus on February 1, 2012 as described in the enclosed notice. The enclosed notice also explains how to submit comments. The Agency welcomes your comments on the proposed rules. Please note the comment period ends on February 24, 2012.

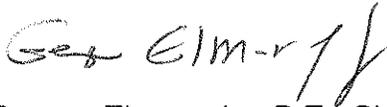
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In preparation for the implementation of Senate Bill 2, Ohio EPA is seeking comments and feedback on the draft Common Sense Initiative (CSI) Business Regulation Impact Analysis (BIA) form, which is being released with the proposed rules. The comment period for the BIA form ends on February 1, 2012. For more information on Senate Bill 2, please see: <http://www.lsc.state.oh.us/analyses129/11-sb2-129.pdf>.

If you would like a copy of the proposed rules, a fact sheet that describes the proposed rules, the draft BIA Form, or if you have any questions about the rulemaking, please contact Ric Queen at (614) 644-2872, or via e-mail at ric.queen@epa.state.oh.us. The proposed rules, fact sheet and draft CSI Form are also available on the Ohio EPA Division of Surface Water website at www.epa.ohio.gov/dsw/Home.aspx.

If you would prefer to receive Division of Surface Water rulemaking notices via e-mail, please sign up for electronic notification at: <http://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage>.

Sincerely,

A handwritten signature in black ink that reads "George Elmaraghy". The signature is written in a cursive style with a large, stylized initial "G".

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

GE:mh

Enclosure