

Draft Rules – Surface Water Quality Fact Sheet 2 of 3: Key Features OAC Chapters 3745-1 and 3745-32

This fact sheet summarizes the basic content and functions associated with four separate, but inter-related, water quality rule packages:

- 1) Water Quality Standards
- 2) Antidegradation
- 3) Section 401 Water Quality Certifications
- 4) Stream Mitigation

Each rule package has its own fact sheet with more information about that specific package. See the *Questions & Answers* fact sheet for more information.

Italicized rule numbers in the table below are new OAC rules.

Rule Package	OAC Chapter / Rule Numbers	Key Content	Key Functions
1) Water Quality Standards	3745-1 / 01, 02, 03, 04, 07, 31-39, 40-43	<ul style="list-style-type: none"> • Define beneficial use designations for surface waters (e.g., warmwater aquatic life habitat, public water supply, primary contact recreation). • Establish narrative, chemical and biological water quality criteria protective of the beneficial uses. 	<ul style="list-style-type: none"> • Serve as the water quality goals for water uses and cleanliness. • Serve as the benchmarks to measure and report on meeting Clean Water Act goals. • Serve as the water quality targets to meet when setting wastewater permit limits and total maximum daily loads.
2) Antidegradation	3745-1 / 05	<ul style="list-style-type: none"> • Establish protocol for permit application review and public involvement in any decision that would allow lower water quality. • Identify special high-quality waters. • Define additional restrictions on lowering water quality in special high-quality waters. • Define best available demonstrated control technology (BADCT) applicable to new sources that would lower water quality. 	<ul style="list-style-type: none"> • Keep clean waters clean. • Provide transparent review of any permitting decisions that would lower water quality. • Prevent losing existing beneficial uses.

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Rule Package	OAC Chapter / Rule Numbers	Key Content	Key Functions
3) Section 401 Water Quality Certifications	3745-32 / 01-07	<ul style="list-style-type: none"> Define application review criteria and permit review procedures for projects that would cause physical impacts to water bodies (e.g., construction, placing fill, grading, dredging, ditching, diverting streams). 	<ul style="list-style-type: none"> Ensure physical impacts to streams, lakes and wetlands are avoided, minimized or mitigated. Antidegradation provisions applicable to the Section 401 Program are moved from rule 3745-1-05 to draft rule 3745-32-04.
4) Stream Mitigation	3745-1 / 56	<ul style="list-style-type: none"> Establish a review process to ensure that projects that would cause physical impacts to water bodies provide appropriate mitigation for proposed impacts. 	<ul style="list-style-type: none"> Supplement the Section 401 antidegradation rule (draft rule 3745-32-04). Identify consistent and appropriate mitigation requirements.

The revisions in these four rule packages are intended to accomplish a number of important objectives including:

- 1) Improve clarity and understanding of the regulations;
- 2) Update surface water standards to reflect the most recent scientific information and U.S. EPA guidance;
- 3) Expand the number of beneficial uses of water recognized in the Ohio water quality standards to include drainage, navigation and primary headwater habitat;
- 4) Update the antidegradation rule to better protect high-quality waters;
- 5) Reduce the time and work needed to issue permits, especially Section 401 water quality certifications;
- 6) Establish a consistent, predictable method to implement protective stream mitigation requirements in Section 401 water quality certifications; and
- 7) Create a state water quality permit to allow authorization of impacts to “waters of the state” that no longer fall under Clean Water Act jurisdiction.

Most of these rule changes have been under evaluation by Ohio EPA for several years. In some cases, preliminary ideas and rule content have been discussed with external advisory groups comprised of the regulated community, environmental groups and technical experts. The draft rules represent our best effort to responsibly protect water quality through technically sound approaches and reasonable requirements. The Agency anticipates that comments offered during this review and comment period will improve the rules that are ultimately proposed and adopted.

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