

\*\*\* DRAFT - NOT YET FILED \*\*\*

3745-5-02

**Purpose and applicability.**

(A) The purpose of this chapter is to establish a voluntary statewide water quality trading program that:

- (1) Facilitates watershed-based approaches to improving water quality;
- (2) Improves water quality and minimizes the costs of achieving and maintaining water quality standards;
- (3) Provides economic incentives for voluntary pollutant reductions from point sources and nonpoint sources; and
- (4) Achieves additional environmental benefits beyond pollutant reductions.

(B) This chapter applies to any person that participates in water quality trading activities.

~~[Comment: Pursuant to section 119.032 of the Revised Code, every five years state agencies are required to review each of their rules to determine if the rules should continue without change, be amended or be rescinded. In reaching such a determination, the director must consider all of the following: (1) the purpose, scope, and intent of the statute under which the rule was adopted; (2) is additional flexibility required at the local level; (3) does the rule result in unnecessary paperwork; and (4) does the rule duplicate, overlap, or conflict with other rules. In making this review, the director must consider the continued need for the rule, the nature of any complaints or comments received, and any relevant factors that may have changed in the subject matter affected by the rule. The above information is found at the website of the joint committee on agency rule review, [http://www.jcarr.state.oh.us/man\\_five.cfm](http://www.jcarr.state.oh.us/man_five.cfm).]~~

(C) The director may consider whether water quality trading activities have met the purpose of this chapter when determining if the rules should continue without change, be amended or be rescinded.

[Comment: Pursuant to section 119.032 of the Revised Code, every five years state agencies are required to review each of their rules to determine if the rules should continue without change, be amended or be rescinded. In reaching such a determination, the director must consider all of the following: (1) the purpose, scope, and intent of the statute under which the rule was adopted; (2) is additional flexibility required at the local level; (3) does the rule result in unnecessary paperwork; and (4) does the rule duplicate, overlap, or conflict with other rules. In making this review, the director must consider the continued need for the rule, the

nature of any complaints or comments received, and any relevant factors that may have changed in the subject matter affected by the rule. The above information is found in the joint committee on agency rule review procedures manual available at <http://www.jcarr.state.oh.us/images/stories/manual.pdf>.]

(D) Incorporation by reference.

[Comment: Incorporation by reference. This chapter includes references to certain acts and regulations in which the text of the specified act or regulation is not included. Those statutes and regulations are hereby incorporated by reference into this chapter and made a part of this chapter as if fully rewritten therein. For statutes and regulations subject to change, only the specific version specified in the rule are incorporated. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.

(1) Availability. The acts and regulations incorporated by reference are available as follows:

- (a) Acts of the United States Government. Information and copies may be obtained by writing to: "Superintendent of Documents. Attn: New Orders, PO Box 37954, Pittsburgh, PA 15250-7954." The full text is also available in electronic format at <http://www.epa.gov/water/laws.html#laws>. A copy of federal acts are also available for inspection and copying at the state library of Ohio and most public libraries. The laws listed in this chapter are those effective through July 1, 2011.
- (b) Federal regulations ("Code of Federal Regulations" or "C.F.R."). Information and copies may be obtained by writing to: "Superintendent of Documents. Attn: New Orders, PO Box 37954, Pittsburgh, PA 15250-7954." The full text is also available in electronic format at <http://www.epa.gov/water/laws.html#laws>. Compilations are also available for inspection and copying at the state library of Ohio and most public libraries. The regulations listed in this chapter are those effective through July 1, 2011.

Effective:

R.C. 119.032 review dates:

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Certification

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Date

Promulgated Under:	119.03
Statutory Authority:	6111.03, 6111.04
Rule Amplifies:	6111.03, 6111.04
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