

## ***Draft Rules – Surface Water Quality Credible Data Program (OAC Chapter 3745-4)***

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### **What is the credible data program?**

Local watershed organizations, school classes and citizen groups are all helping to identify problems and educate community residents about water quality in local streams through the collection of water quality data.

In 2003, Governor Taft signed into law House Bill 43. The law required Ohio EPA to develop a new surface water quality monitoring system and adopt rules that establish criteria for three levels of “credible data” related to surface water monitoring and assessment. The law also required that Ohio EPA define the purposes for which each level of credible data can be used.

The law specifically mentioned chemical, physical and biological water quality monitoring data concerning surface waters. The statute and the rules do not address ground water or finished drinking water.

Ohio EPA adopted the rules in Chapter 3745-4 of the Ohio Administrative Code (OAC) in 2006.

### **Why are these rules under review?**

Section 119.032 of the Ohio Revised Code (ORC) requires Ohio EPA to review its rules every five years to determine whether they should be changed. The Agency has reviewed these rules and has identified needed changes.

### **What is credible data?**

Credible data is gathered to answer a specific question or for a specific purpose. Scientifically valid or credible data should be sufficient to answer the question being posed.

Because the same data may not be sufficient to answer more complex questions, it may not be credible in other contexts.

### **What is the purpose of the credible data rules?**

The rules establish the necessary training and experience needed to submit credible data and requirements for sample collection, analytical methods,

data assessment and quality assurance/quality control (QA/QC) procedures for each of the three levels of credible data.

Each participating data collector increases the information base used to enhance, improve and maintain water resource quality in Ohio.

The rules also define training and experience requirements for qualified data collectors (QDCs); describe sampling protocols and field methods to ensure that the data collection and interpretation are reproducible, scientifically defensible and free from pre-conceived bias; and require Ohio EPA to establish and maintain a computerized database of all credible water quality data submitted to the Agency.

### **What are credible data levels?**

The law establishes three levels of credible data based on the purpose for which the data is collected.

Level 3 credible data utilize the most stringent methods and procedures, Level 2 is less stringent than Level 3, and Level 1 employs the least stringent methods and procedures.

More specifically:

- Level 3 data is used to address specific regulatory issues cited in the statute and will be collected by the most stringent methods. It is the only data used for purposes such as setting use designations, developing statewide water quality inventories or establishing a total maximum daily load (TMDL) for water bodies.
- Level 2 data helps evaluate the effectiveness of pollution controls or is used to conduct initial screening of water quality conditions.
- Level 1 data is used to promote public awareness and education about surface waters of the state.

### **What changes are being considered?**

The significant draft rule changes are summarized below.

- The draft rules expand the recognized habitat assessment skill sets to include the headwater habitat evaluation index (HHEI). Level 2 and level 3 QDCs will

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be able to be approved for methods specific to those small watersheds.

- The draft rules add ORSANCO to the list of organizations recognized in the rule as providing credible data. This eliminates requirements for ORSANCO employees to obtain QDC status and submit study plans.
- The draft rules reflect new training and testing requirements for the chemical water quality assessment specialty.
- The draft rules include alternatives to formalized training requirements (e.g., apprenticeships and Director's consideration), a commitment to review and categorize submitted data within one year, and the authority to approve the use of updated versions of older sampling and analysis methods as part of the study plan approval process.
- The draft rules reflect an option for automatic approval of level 1 QDCs.
- The draft rules add an Ohio EPA Division of Environmental Services (DES) lab audit option.

The other changes in the draft rules are clarifications and corrections to current rule language.

## Who will be regulated by these rules?

Only individuals who voluntarily choose to submit data for consideration as credible data must qualify as a QDC and demonstrate compliance with the requirements in these rules.

## What additional information is the Agency seeking?

The Agency wants to hear from interested stakeholders who may be impacted by these rule revisions. General comments and specific factual information are welcome. The Agency is also seeking information on the costs the rule revisions would have on program participants.

## How are the amendments formatted in the draft rule?

Text being considered for deletion is struck through; new text being considered is underlined.

## What is the rulemaking schedule?

At this time, the Agency is soliciting initial input on these draft rule revisions. Ohio EPA is required by section 121.39(D) of the Revised Code to contact potentially affected parties prior to adopting rule changes.

At the close of the draft rules comment period, the Agency will review the comments and make necessary changes to the rules. The Agency will then file proposed rules with the Joint Commission on Agency Rule Review (JCARR), the Legislative Service Commission and the Secretary of the State.

At that point, a second comment period, including one or more public hearings, will be scheduled. After the close of the second comment period, the Agency will review the comments, make any necessary changes and then adopt the final rule.

Ohio EPA expects to file the proposed rules this winter. The final rules could be adopted by the middle of next year.

## How can I comment on the draft rules?

Please submit your comments in one of the following ways:

By email: [dsw\\_rulecomments@epa.state.oh.us](mailto:dsw_rulecomments@epa.state.oh.us)

By postal mail:

### Rule Coordinator

Ohio EPA, Division of Surface Water  
P.O. Box 1049  
Columbus, OH 43216-1049

By fax: (614) 644-2745

**Comments on the draft rules must be received no later than November 9, 2010.**

## How can I get more information?

Copies of this fact sheet and the draft rules are on the Division of Surface Water website at [www.epa.ohio.gov/dsw/Home.aspx](http://www.epa.ohio.gov/dsw/Home.aspx). For more information about the draft rules, please contact:

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