



Proposed Rules – Surface Water Quality

Water Quality Standards (OAC Chapter 3745-1)

What are water quality standards?

Water quality standards are state regulations or rules that protect lakes, rivers, streams and other surface water bodies from pollution. The rules are in Chapter 3745-1 of the Ohio Administrative Code (OAC). These rules contain: beneficial use designations; numeric levels and narrative statements (water quality criteria) protective of the use designations; procedures for applying the water quality criteria to wastewater dischargers and Antidegradation procedures.

Which water quality standards rules are under review at this time?

This rule making includes the five-year review of selected water quality standards rules pertaining to the purpose and applicability of OAC Chapter 3745-1 and narrative water quality criteria applicable to all surface waters. Specifically, the Agency is considering revisions to the following two rules:

- 3745-1-01 Purpose and applicability.
- 3745-1-04 Criteria applicable to all waters.

Why are these rules being amended and what types of changes are being considered?

The rules are being amended as part of the five-year rule review requirements in Ohio Revised Code section 106. Amendments proposed include the addition of criteria covering harbor or navigation maintenance activities in support of the law banning open lake disposal by 2020 and revision of language covering pesticide applications in rule OAC 3745-1-01. In rule OAC 3745-1-04, the Agency is proposing a different *E.coli* number to define a public health nuisance from raw or poorly treated sewage.

Are there changes from the December 2016 draft rule revisions?

Yes. In rule OAC 3745-1-04 the language dealing with a public health nuisance caused by manure in surface waters was removed because of questions and concerns about how the new standard would be implemented. No significant changes were made to rule OAC 3745-1-01.

Who will be regulated by these rules?

Water quality standards are used in the implementation of Clean Water Act programs such as the National Pollutant Discharge Elimination System (NPDES) permits, Section 401 Water Quality Certifications and Total Maximum Daily Load (TMDL) reports. Potentially impacted entities may include facilities that discharge or plan to discharge wastewater, or entities seeking permission to physically impact water bodies. This rulemaking reiterates existing statutory restrictions on open lake disposal, and therefore, contains no new impacts on the regulated community.

What additional information is the Agency seeking?

The Agency is seeking comments from interested stakeholders (public, local officials, industry sectors, other state agencies, consultants and environmental organizations) who may be impacted by these rule revisions. General comments and specific information are welcome.

How are the amendments formatted in the draft rules?

Text that is considered for deletion is identified in ~~strikeout font~~; new text is underlined.

What is the rulemaking schedule?

A public hearing on the proposed rules will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at the **Ohio EPA Conference Center, Room A, 50 West Town Street, Suite 700, in Columbus, Ohio at 10:30 a.m. on August 23, 2017**. The purpose of the public hearing is to give interested persons the opportunity to present oral or written comments on the proposed rules.

At the close of the public comment period, the Agency will review the comments, make any necessary changes to the rules, and then adopt the rules. This is roughly a two-month process from the close of the comment period. A responsiveness

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summary will be prepared and sent to everyone who comments on the proposed rules. Final rules could be adopted later in 2017.

How can I comment on the draft rules?

Please submit your comments in one of the following ways:

- By email: dsw_rulecomments@epa.ohio.gov
- By fax: (614) 644-2745
- By postal mail:

Rule Coordinator

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

Comments on the draft rules must be received no later than 5:00 p.m. on August 23, 2017.

How can I get more information?

Copies of this fact sheet, CSI form and the draft rules are on the Division of Surface Water website at www.epa.ohio.gov/dsw/dswrules.aspx.

For more information about these draft rules, please contact:

Dan Dudley at (614) 644-2876 or daniel.dudley@epa.ohio.gov.