



Proposed Rules — Credible Data Wave 2 (OAC 3745-4-02 to 3745-4-06)

What does OAC Chapter 3745-4 cover?

Ohio Administrative Code (OAC) Chapter 3745-4 contains Ohio's standards for the Credible Data Program. This program was designed to encourage and oversee the collection, analysis and use of surface water data collected by individuals and organizations who voluntarily want to submit such data to Ohio EPA.

Which rules are under review currently?

The following rules have proposed amendments:

- **3745-4-02:** Definitions.
- **3745-4-03:** Qualified data collectors.
- **3745-4-04:** Level 1 data requirements and reporting.
- **3745-4-05:** Level 2 data requirements and reporting.
- **3745-4-06:** Level 3 data requirements and reporting.

What changes are being proposed?

The Agency is proposing the following changes:

3745-4-02:

- Adding State Universities to the definition of "state environmental agency,"

3745-4-03:

- Removing QHEI as a stand-alone speciality from Level 3. Must coincide with a fish biological assessment,
- Adding Salamander Community Assessment as a Level 3 speciality,

3745-4-04:

- Extending the timeframe for the submission of data at Director's discretion,

3745-4-05:

- Extending the timeframe for the submission of data at Director's discretion,

3745-4-06:

- Extending the timeframe for the submission of data at Director's discretion,
- Updating the reference to *Surface Water Sampling Manual for water quality parameters and flows*,
- Updating the reference to *Inland Lakes Sampling Procedure Manual*, and
- Updating the reference to the *Field Methods for Evaluating Primary Headwater Streams in Ohio*.

Are there changes from the January 2019 draft rule revisions?

Yes. Based upon comments received during the Interested Party Review, changes were made from the last draft versions of the rules. QHEI, as a standalone certification speciality, has been removed from Level 3; it will remain only as a Level 3 evaluation tool when paired with a fish biological assessment. There have been additional revisions made to the Field Methods for Evaluating Primary Headwater Streams to revert back to the original nomenclature of primary headwater streams.

Who is regulated by these rules?

Participation in the Credible Data Program is voluntary. Those individuals choosing to participate in the program are governed by requirements and procedures specified within these rules.

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 factual information are welcome.

How are the amendments formatted in the proposed rules?

Draft Rules — Credible Data Wave 2

Text that is considered for deletion is identified in strikethrough 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. The purpose of the public hearing is to give interested persons the opportunity to present oral or written comments on the proposed rules.

Ohio EPA will hold a virtual public hearing on the proposed rules at **10:30 a.m. on October 8, 2020**. The hearing will be held exclusively online. During the virtual hearing the public can submit written comments through the webinar application that will be read into the record by the hearing host. The virtual hearing may be accessed through Ohio EPA's website at: <http://epa.ohio.gov/virtual>.

Written comments may be submitted during the virtual public hearing. In addition, written testimony can be emailed to the attention of Jennie Pugliese, Division of Surface Water, at the dsw_rulecomments@epa.ohio.gov. All comments received at the virtual hearing or via email by close of business on **October 8, 2020**, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

At the close of the public comment period, the Agency will review the comments, make any necessary revisions to the rules, and then adopt the rules; this is roughly a two-month process from the end of the comment period. A responsiveness summary will be prepared and sent to all parties that comment on the proposed rules. Final rules could be adopted in Winter 2020.

How can I comment on the proposed rules?

Due to COVID-19 the Agency is taking preventative safety measures and staff are not currently in the office to receive hard copies via fax or postal mail. Therefore, to assure your comments are received for consideration, **the Agency requests that you send your comments electronically to the email address posted below**. Additional hard copies may still be sent to the Agency, however, to be considered for this rulemaking, electronic copies must be received by the time and date below.

- Email: dsw_rulecomments@epa.ohio.gov
- Fax: (614) 644-2745
- Postal mail:
Rule Coordinator
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049

Comments on the proposed rules must be received no later than 5:00 p.m. October 8, 2020.

How can I get more information?

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

For additional background information on the Credible Data Program, please visit the Credible Data web page at: <http://www.epa.state.oh.us/dsw/credibledata/index.aspx>.

The existing rules in OAC Chapter 3745-4 are available at: http://www.epa.ohio.gov/dsw/rules/3745_4.aspx.

The draft version of the Field Methods for Evaluating Primary Headwater Streams in Ohio can be accessed at: https://epa.ohio.gov/Portals/35/rules/PHWHManual_2020_Ver_4_1_May_2020.pdf

For more information about these proposed rules, please contact:

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