



## Early Stakeholder Outreach — Water Quality Standards, Triennial Review

*Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to promote additional input and discussion before development of interested party draft rules.*

### What does OAC Chapter 3745-1 cover?

Ohio Administrative Code (OAC) Chapter 3745-1 contains Ohio's standards for water quality. Water quality standards (WQS) are state regulations or rules that protect lakes, rivers, streams and other surface water bodies from pollution. These rules contain: beneficial use designations such as warmwater aquatic life habitat, public water supply and primary contact recreation; numeric levels and narrative statements (water quality criteria) protective of the beneficial use designations; and procedures for applying the water quality criteria to wastewater discharges.

### Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information allows for early feedback before the rule language has been developed by the Agency.

### What is the triennial review?

Ohio EPA is undertaking a "triennial review" of its WQS as required by federal regulations (40 CFR 131.20). Those federal regulations are available online at:

<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=e47d88969d2c1ee17f098f238adf00a9&mc=true&r=PART&n=pt40.22.131#sp40.24.131.c>

States are required to invite public comment on all aspects of the WQS and we are doing so through this ESO notification, webinar, and public hearing. See "How can I get more information" below for specific information on the webinar and public hearing. States also need to review their standards and consider water quality criteria recommendations published by U.S. EPA pursuant to Section 304(a) of the Clean Water Act during the triennial review.

### What subject matter will be reviewed?

Ohio's human health water quality criteria and a number of aquatic life criteria need to be reviewed because U.S. EPA has published Section 304(a) national recommendations that have not previously been evaluated for adoption in Ohio's WQS. The Agency is also evaluating a number of other rule changes and additions; see the attached overview. The Agency seeks input on all aspects of the current rules and specifically requests feedback on the subject matter identified in the attachment.

### How can I provide input?

The Agency is seeking stakeholder input on the rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

**Written comments will be accepted through close of business on November 14, 2016.**

Please submit your comments in one of the following ways:

- By email:  
[dsw\\_rulecomments@epa.ohio.gov](mailto: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

### What if I have questions?

For more information about the rulemaking, please contact: Dan Dudley at (614) 644-2876 or [daniel.dudley@epa.ohio.gov](mailto:daniel.dudley@epa.ohio.gov).

# Early Stakeholder Outreach — Water Quality Standards

## 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 .

## What is the rulemaking schedule?

At the close of the Early Stakeholder Outreach comment period, the Agency will consider input provided by stakeholders and then draft the revised rules. The draft rules will be released for another comment period called Interested Party Review, which the Agency anticipates occurring in early 2017.

## What input is the Agency seeking?

Please review the existing rules in OAC Chapter 3745-1, available at: [http://epa.ohio.gov/dsw/rules/3745\\_1.aspx](http://epa.ohio.gov/dsw/rules/3745_1.aspx). The Agency strongly encourages interested stakeholders to provide comments now; at this early step in the rulemaking process so that the Agency can incorporate revisions based on comments and make the draft revisions available for comment during the next rule step.

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- Is there any information or data the Agency should be aware of when developing rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).
- How closely should we follow U.S. EPA national criteria recommendations for aquatic life and human health criteria?
- Are there other aspects of Ohio's WQS rule that you would like to see reviewed and changed?

## How can I get more information?

During this early stakeholder outreach comment period, the Agency will be holding a webinar to provide additional information on the triennial review and answer any questions to help inform stakeholder comments. The webinar is scheduled for September 28, 2016 at 10:00 a.m. The event address for attendees is:

<https://ohioepa.webex.com/mw3100/mywebex/default.do?siteurl=ohioepa&service=6>. You will need speakers or headphones connected to your computer to hear the audio portion of the webinar. You will be able to ask questions during the webinar using the chat feature in WebEx.

The Agency will also be holding a public hearing to give interested persons the opportunity to present oral and written comments on the triennial review. 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 November 9, 2016.

Additional information is available on the Ohio EPA Division of Surface Water website:

- This fact sheet is available on the Division of Surface Water website at [www.epa.ohio.gov/dsw/dswrules.aspx](http://www.epa.ohio.gov/dsw/dswrules.aspx).
- For additional background information on water quality standards, please visit the Water Quality Standards Program web page at: [www.epa.ohio.gov/dsw/wqs/index.aspx](http://www.epa.ohio.gov/dsw/wqs/index.aspx).
- The existing rules in OAC Chapter 3745-1 are available at: [www.epa.ohio.gov/dsw/rules/3745\\_1.aspx](http://www.epa.ohio.gov/dsw/rules/3745_1.aspx).
- Information on the federal WQS program is on line at: <https://www.epa.gov/wqs-tech/final-rulemaking-update-national-water-quality-standards-regulation>

## Contact

For more information, contact Dan Dudley at [daniel.dudley@epa.ohio.gov](mailto:daniel.dudley@epa.ohio.gov) or (614) 644-2876.