



Early Stakeholder Outreach — Application of Biological Survey Data to Development of Water Quality Based Effluent Limitations (OAC 3745-2-03)

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

What will this new rule OAC 3745-2-03 cover?

Ohio Administrative Code (OAC) rule 3745-2-03 is a new rule intended to replace and clarify Ohio's biocriteria narrative, currently found in OAC rule 3745-1-07, paragraph C.

Why is this rule 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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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 will allow for early feedback before the rule language has been developed by the Agency.

Why are we creating this rule?

This rule will provide clarification and additional details on when and how the biocriteria narrative should be used as well as what information is needed for Ohio EPA to evaluate a request to use the biocriteria narrative.

Who will be regulated by this rule?

The biocriteria narrative is implemented by the National Pollutant Discharge Elimination System (NPDES) program and is meant to provide regulatory flexibility, while still being environmentally protective.

What is the rulemaking schedule?

The Agency is planning to release a draft version of these rules for interested party review and comment in spring of 2019.

What input is the Agency seeking?

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

- Are there considerations the Agency should take into account when drafting this rule?

How can I provide input?

The Agency is seeking stakeholder input on the rule. 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 **February 4, 2019**. Please submit input to:

Rule Coordinator
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1019
dsw_rulecomments@epa.ohio.gov

What if I have questions?

For more information about the rulemaking, please contact Ashley Ward by email: Ashley.Ward@epa.ohio.gov

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• Is there any information or data the Agency should be aware of when developing program concepts or rule language? Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by this program.

- Will this regulatory effort have a positive impact on your business? Please explain how.
- Will this regulatory effort 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 can I get more information?

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: <http://www.epa.ohio.gov/dsw/dswrules.aspx>.
- The existing biocriteria narrative language is available in paragraph C of rule 3745-1-07, here: https://epa.ohio.gov/dsw/rules/3745_1.
- For additional background information on the NPDES Permit Program, please visit the NPDES web page at: <https://epa.ohio.gov/dsw/permits/index>.