



Draft Rules – Human Health Water Quality Criteria (OAC 3745-1-32, 33, 34)

Water Quality Standards – Human Health Criteria (OAC Chapter 3745-1)

What does OAC Chapter 3745-1 cover?

Ohio Administrative Code (OAC) Chapter 3745-1 contains Ohio’s standards for water quality. Water quality standards 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 values and narrative statements (water quality criteria) protective of the beneficial use designations; and procedures for applying the water quality criteria to wastewater discharges. This rulemaking involves numeric water quality criteria for the protection of public health.

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

This rulemaking includes the review of criteria dealing with human health in the following rules:

- 3745-1-32: Ohio river standards.
- 3745-1-33: Water quality criteria for water supply use designation.
- 3745-1-34: Water quality criteria for the protection of human health [fish consumption].

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

These rules are being amended as part of the Agency’s Triennial Water Quality Standards Review, as mandated in the Clean Water Act, and in order to be consistent with U.S. EPA’s 2015 updates to 94 human health water quality criteria, and ORSANCO’s 2015 pollution control standards (PCS). The changes being considered include: implementing maximum contaminant levels (MCLs) statewide, where they were previously only applied in the Ohio River Basin; and the following table:

RULE (OAC)		MCL	ORSANCO VALUE	U.S. EPA VALUE
3745-1-32:				
INTAKE	More stringent of...	X	X	X [fish + DW value]
ELSEWHERE	More stringent of...		X	X [fish + DW value]
3745-1-33:				
OHIO RIVER	More stringent of...	X	X	X [fish + DW value]
LAKE ERIE	More stringent of...	X		X [fish + DW value]
3745-1-34:				
OHIO RIVER	More stringent of...			X [fish only value]
LAKE ERIE	More stringent of...			X [fish only value]*

* 3745-1-34, Lake Erie values: U.S. EPA’s 1 route exposure values are only used if they are more stringent than the Great Lakes Initiative (GLI) numbers in 40 C.F.R. Part 132.

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 containing any of the specific chemicals listed in these rules.

Draft Rules – Human Health WQC

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.

In addition to the draft rule amendments, Ohio EPA is also seeking comments and feedback on the draft Common Sense Initiative (CSI) Business Regulation Impact Analysis form, which is being released with these draft rules during interested party review.

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?

At this time, the Agency is soliciting 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 rule 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 Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State.

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

Ohio EPA expects to propose these rules in spring 2019. Final rules could be adopted in summer 2019.

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 May 2, 2019.

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:

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