



# Proposed 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 human 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].

### What changes are being proposed?

Ohio EPA is proposing new criteria for the protection of human health 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). Proposed changes 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
<b>3745-1-32:</b>				
INTAKE	More stringent of...	X	X	X [fish + DW value]
ELSEWHERE	More stringent of...		X	X [fish + DW value]
<b>3745-1-33:</b>				
OHIO RIVER	More stringent of...	X	X	X [fish + DW value]
LAKE ERIE	More stringent of...	X		X [fish + DW value]
<b>3745-1-34:</b>				
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.

### Are there changes from the April 2019 draft rule revisions?

Yes, Ohio EPA removed the draft fish consumption value for Manganese and changed the units for Dioxin in the Ohio River standards rule.

### 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.

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### 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?

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 rule 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 December 4, 2019**. The purpose of the public hearing is to give interested persons the opportunity to present oral or written comments on the proposed rule.

At the close of the public comment period, the Agency will review the comments, make any necessary changes to the rule, and then adopt the rule. This is roughly a two-month process from the close of the comment period. A responsiveness summary will be prepared and sent to everyone who comments on the proposed rule. The final rules could be adopted in Spring 2020.

### How can I comment on the proposed rules?

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

**Comments on the proposed rules must be received no later than 5:00 p.m. on December 4, 2019.**

### How can I get more information?

Copies of this fact sheet and the proposed rules are on the Division of Surface Water website at [www.epa.ohio.gov/dsw/dswrules.aspx](http://www.epa.ohio.gov/dsw/dswrules.aspx).

For more information about these proposed rules, please contact:

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