



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-2745  
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

TO: Participants on Stream Mitigation Rules Workgroup

FROM: Dan Dudley, Manager, Standards and Technical Support Section

DATE: February 6, 2007

SUBJECT: Agenda and Homework in advance of next meeting, February 13, 2007

The purpose of this memo is to inform workgroup members of our plans for the February 13th meeting and to ask that attendees spend some time preparing, using the questions and pre-read materials provided in the attachments.

I will present and lead the primary morning discussion intended to provide all participants equal footing relative to key Water Quality Standard (WQS) and stream ecology fundamentals. In addition, we expect a conversation with participants about what parts of the WQS program "fundamentals" might be ripe for change or, put another way, perhaps a "sharpening of the tools" in our WQS toolbox of aquatic life uses, antidegradation, biocriteria, etc. Here are the major points covered in the morning:

- Current and desired situation
- Running water basics
- Limitations of biological sampling methods
- Antidegradation Tiers - Intrinsic values and lower water quality
- Beneficial Uses - Extrinsic values and the prohibition against loss of use
- Aligning legal interpretations with "program insights"

Please keep in mind that full scale discussion of possible "sharper WQS tools" is not the charge given to the Stream Mitigation Rules Workgroup. However, there were a number of comments made at the last meeting requesting some initial discussion of these fundamentals. There will be other venues beyond the Workgroup for fuller debate of the WQS fundamentals.

Paul Anderson will present the afternoon session that focuses on aspects of the stream mitigation that are separate from the underlying WQS fundamentals. We want to get your feedback on what rules should be in place to make the process of issuing Section 401 Water Quality Certifications on stream projects predictable, less burdensome and environmentally protective. See Attachment 2 for a proposal to be discussed at the meeting.

Attachments

1. Morning Session Pre-read Materials
2. Afternoon Session Pre-read Materials

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director