

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Environmental Protection Agency

Regulation/Package Title: Water Quality Standards (WQS)

Rule Number(s): 3745-1-01 to 3745-1-05, 3745-1-07, 3745-1-31 to 3745-1-34 and
3745-1-36 to 3745-1-43

Date: February 1, 2013

Rule Type:

New

5-Year Review

Amended

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

General Background Information

This rulemaking addresses the water quality standards (WQS) program rules found in Ohio Administrative Code (OAC) Chapter 3745-1. Amendments are being considered for nine rules, three rules are being rescinded and filed as new because more than 50% of the rule is being

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modified and four new rules are being added to the chapter, which will include reorganized content from existing rules.

Work began on this rule package in 2006 and this version is a focused, scaled back version compared to the 2008 and 2011 versions.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

Key Provisions – WQS serve the purpose of defining how clean our streams, rivers and lakes should be. States are required to have WQS under the Clean Water Act (CWA). The program is inherently flexible because there are no national standards and the state identifies specific beneficial uses best suited to their surface waters. For each beneficial use a state must adopt numeric or narrative criteria that protect the use. Broad categories of beneficial uses required under the CWA include drinking water, protection of fish and other aquatic life and recreation in and on the water. The last required element of WQS is a set of procedures used to evaluate decisions that could result in the lowering of water quality (referred to as the antidegradation policy or rule). Except for a few narrowly defined circumstances, the CWA and federal regulations prevent a state from setting and applying unreasonably lax standards that would fail to attain the broadly stated “fishable / swimmable” goals of the CWA. WQS are then used in other CWA programs such as the National Pollutant Discharge Elimination System (NPDES) permits, the 404/401 program and the establishment of Total Maximum Daily Loads. Any impacts to the business community are realized only through the implementation of WQS in these other regulatory programs.

Draft Amendments – Revisions to the rules in OAC Chapter 3745-1 will improve the clarity of certain presently effective requirements of the state’s WQS. This is accomplished through reorganizing existing rule content within the Chapter, renaming existing rule requirements and using more direct language to explain the requirements of the current rules. Other changes have been made to better protect drinking water supplies and to update chemical criteria for the protection of aquatic life. These and other changes in the draft rules are described below.

- The rules explicitly name three “new” beneficial uses to make the currently effective water quality criteria more transparent (lake habitat, sport fishing recreation use and base aquatic life use). In other words, we have simply named these beneficial uses of water that have been protected under the regulations for many years. The business

community will not see any impact that is not already in effect under the current rules as a result.

- Changes in water quality criteria include:
 - Application of human health criteria based on drinking water maximum contaminant levels within 500 yards of a public water supply intake statewide (requirement is currently applied only in the Ohio River basin). This will create parity between the level of protection currently provided to those living within the Ohio River drainage basin;
 - Inclusion of updated criteria adopted by Ohio River Valley Sanitation Commission (ORSANCO) under their Pollution Control Standards for the Ohio River mainstem as required by the compact agreement; and
 - New and revised aquatic life criteria for six chemicals based on U.S. EPA’s national recommendations and the most recent scientific literature.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

Rule Number	Authorizing Statute	Draft Action
3745-1-01	ORC 6111.041	Rescind
3745-1-01	ORC 6111.041	New
3745-1-02	ORC 6111.041	Amend
3745-1-03	ORC 6111.041	Amend
3745-1-04	ORC 6111.041	Amend
3745-1-05	ORC 6111.041, 6111.12	Amend
3745-1-07	ORC 6111.041	Rescind
3745-1-07	ORC 6111.041	New
3745-1-31	ORC 6111.041	Amend
3745-1-32	ORC 6111.041	Rescind
3745-1-32	ORC 6111.041	New
3745-1-33	ORC 6111.041	Rescind
3745-1-34	ORC 6111.041	Rescind
3745-1-36	ORC 6111.041	Amend
3745-1-37	ORC 6111.041	Amend

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3745-1-38	ORC 6111.041	Amend
3745-1-39	ORC 6111.041	Amend
3745-1-40	ORC 6111.041	New
3745-1-41	ORC 6111.041	New
3745-1-42	ORC 6111.041	New
3745-1-43	ORC 6111.041	New

- 3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.**

Yes, the regulations implement federal requirements. Under the 1965 Federal Water Pollution Control Act, States were directed to develop WQS establishing water quality goals for interstate waters. By the early 1970's, all the states had adopted such WQS. In the Federal Water Pollution Control Act Amendments of 1972 (known as the Clean Water Act or CWA), Congress established the National Pollutant Discharge Elimination System (NPDES) whereby each point source discharger to waters of the U.S. is required to obtain a discharge permit. The 1972 Amendments require EPA to establish technology based Effluent Limitations Guidelines that are incorporated into NPDES permits. In addition, the amendments extended the water quality standards program to intrastate waters and required NPDES permits to be consistent with applicable state WQS.

There are no national WQS, just recommendations from U.S. EPA. States' WQS must be as stringent as the federal recommendation or must provide rationale for alternative WQS, subject to U.S. EPA review and approval. U.S. EPA will promulgate standards in states that fail to adopt protective standards. U.S. EPA also must approve a States' WQS before they can be used in other CWA programs like NPDES or Total Maximum Daily Load reports. The CWA requires states to review and update their WQS at least every three years. Ohio EPA first adopted WQS in 1973. Ohio last completed a triennial review of its water quality standards in 2002.

- 4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

The following provisions within Ohio's rules are not specifically required by U.S. EPA's regulations:

- Variances – Authority to issue variances from meeting certain WQS to local businesses or local communities is an option, not a requirement, under federal NPDES program regulations. Ohio has adopted variance rules in OAC 3745-33-07. This may provide a measure of relief or flexibility to a business that cannot comply with WQS based effluent limits due to extreme economic hardship.
- Tiered Aquatic Life Uses – Federal regulations require that states adopt a beneficial use that is fully protective of the “fishable” goal of the CWA. Sub-categories or tiers of aquatic life uses are encouraged but not required. Ohio has had a tiered aquatic life use system since 1978 because it offers relief from the “one size fits all” approach of federal regulations. Tiered aquatic life uses help ensure that Ohio businesses meet the environmental standards that are tailored to the specific stream conditions at their place of business. In other words, business operations located on high quality streams must meet appropriately protective standards while operations located on average or lower quality streams might be subject to less restrictive standards.
- Imposition of Safe Drinking Water Act MCL values – This is not required under the CWA but makes common sense. These rule amendments extend human health water quality criteria based on drinking water maximum contaminant levels (MCLs) within 500 yards of a drinking water intake on a statewide basis (currently in effect only in the Ohio River basin). The Agency has taken the position that industries and sewage treatment plants should treat their wastewaters to levels that are deemed safe for public drinking water supplies with conventional drinking water treatment systems. In other words, local drinking waters utilities should not have to impose additional treatment costs on their customers to remove pollutants discharged by businesses or sewage treatment plants.
- ORSANCO Pollution Control Standards – This is not specifically part of the CWA, however Ohio is a member of the Ohio River Valley Sanitation Commission (ORSANCO) compact of states. ORSANCO relies on the member states for the primary enforcement of its standards.
- The establishment of antidegradation categories Superior High Quality Water and Outstanding State Water is a requirement of ORC 6111.12. These categories are Ohio’s unique implementation of the federal policy that aims to protect very high quality waters.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The value of clean water as a public resource is a well-established fact. The public purpose of the WQS program is to protect the public resource values of clean water, which includes economic and quality of life considerations. Ohio is an economically important and diverse state with strong manufacturing and agricultural industries that depend upon abundant and clean water. Ohio's economy also depends upon the tourism that its waters attract. The program ensures that Ohio's streams, rivers and lakes can be used for purposes such as industrial and agricultural production, boating, fishing, swimming and as a source of drinking water. The public's expectations regarding clean water supplies and recreational opportunities would be placed in jeopardy without these standards and the programs that ensure regulated activities are able to meet them.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Success can be measured in two ways: 1) tracking various administrative milestones in the programs that implement the WQS; and 2) monitoring the conditions of streams, rivers and lakes over time. The NPDES permit program and the 401 program routinely provide data and annual reports that describe the compliance performance of the regulated community. The Agency sets targets for achieving compliance with permit terms and conditions.

As described in the response to question # 11 the WQS regulations are performance based expectations regarding the quality of Ohio's surface water. Ohio EPA measures the success of the State's overall pollution control efforts through biological and chemical monitoring that determines whether or not a water body is attaining its designated uses. The status or health of Ohio's streams, rivers and lakes is reported every two years in the Integrated Water Quality Monitoring and Assessment Report, which is available on Ohio EPA's website at: <http://epa.ohio.gov/dsw/tmdl/OhioIntegratedReport.aspx>.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

Ohio EPA engaged stakeholders in two structured ad-hoc workgroups (see Table1 below) prior to crafting the initial set of cross-cutting rules (WQS, 401 and stream mitigation). The Agency consulted with personnel from Ohio Department of Transportation (ODOT) and Ohio Department of Natural Resources (Ohio DNR) at several points during the development

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of the draft rules. When WQS draft rules were written Ohio EPA sent electronic and hard copy interested party notification to the Division of Surface Water’s rulemaking interested party list on August 15, 2008. Notification for the draft Antidegradation rule (OAC 3745-1-05) was sent on October 15, 2008. Electronic notice was also sent to interested parties on December 8, 2010 through the Ohio Business Gateway Regulatory Reform eNotification System when an updated version of the draft rules was released with the stream mitigation rule. We held a two-day information session on the draft rule packages in May 2011 and the comment period ended in June 2011. We contacted some individuals or groups to discuss their comments on the draft rules released in 2010.

In April 2012 a workgroup was formed with representatives from trade and industry associations, Ohio Department of Transportation, environmental consulting firms, environmental organizations, CSI Office and Ohio EPA. The workgroup discussed the legal, technical and scientific aspects of the major features of the rules. The workgroup held five meetings from April 2012 through June 2012.

The most significant stakeholder interactions throughout the whole process are summarized in the following table.

Table 1(response to question 7). General summary of stakeholder participation and consultation with the regulated business community during the development of cross-cutting surface water rules including the WQS.

Date	Stakeholder Participants	Forum for Comments	Topic	Outcome
2006 – 2007	Ohio Federation of Soil and Water Conservation Districts, ODNR, ODA, Co. Engineers, OSU, Ohio Environmental Council, The Nature Conservancy, Ohio Land Improvement Contractors Association, Ohio Farm Bureau	Rural Drainage Advisory Committee (RDAC)	Ohio drainage law and WQS	Draft rules tied to recommendations of the RDAC; Holding this rule topic for further review and discussion
2009	ODNR, Division of Soil and Water Conservation	Comment letter	Drainage as a beneficial use	Modified draft rule based on comments; holding this rule topic for further review and discussion
2011	Co. Engineers, 3 Co SWCDs, Ohio Farm Bureau, Ohio Environmental Council, The Nature Conservancy	Comment letters	Drainage as a beneficial use	Holding this rule topic for further review and discussion

Date	Stakeholder Participants	Forum for Comments	Topic	Outcome
2006 - 2009	*See below	Stream Mitigation workgroup	Stream mitigation and cross-cutting issues (primary headwater streams)	Holding these rule topics for further review and discussion
2008-2011	Association of Ohio Metropolitan Wastewater Agencies	Meetings, Comment letters	Antidegradation (Nutrients BADCT)	Holding this rule topic for further review and discussion
2009	Governor's Office Ohio Chamber of Commerce, Ohio Environmental Council	Meetings	All aspects of rule packages	Negotiations on rule content never materialized because OCC would not agree to a 3-party process
2009 - 2011	ODOT	Review of draft comments, meetings	All aspects of rule packages	Substantially modified rule content addressing ODOT's major concerns
2011	~60 interested stakeholders	2-day Public Information Session	All aspects of rule packages	Explanation of rule content
2012	WQS / 401 Rule Workgroup	Meetings	All aspects of rule packages; focus on PHWH & 401 rules	Improved understanding of positions; ODOT and environmental groups support rules; business interests remain opposed; holding PHWH & 401 rules for further review and discussion

*Atwell-Hicks, Advanced Civil Design, AEP, Baker & Hostetler, BBC&M Engineering, Buckeye Mineral Services, Burgess & Niple, CH2M Hill, Chagrin River Watershed Partners, Chagrin Valley Engineering, Chester Willcox & Saxbe, Ohio Aggregate and Industrial Minerals Assoc., Ohio Coal Assoc., City of Columbus Recreation & Parks, Cleveland State University, Consol Energy, Cuyahoga River RAP, Davey Resource Group, Eco-Design, EMH&T, EnviroScience, Envirotech Consultants, FMSM Engineers, Friends of Alum Creek Tributaries, Friends of the Great Miami, Friends of Wetlands, Hull & Associates, HzW Environmental Consultants, Land Stewards, Mad Scientist, Mannik & Smith, Northeast Ohio Areawide Coordinating Agency, Office of Surface Mining (DOI), ODNR, ODOT, Ohio Environmental Council, Ohio EPA, Ohio Greenways, Ohio Home Builders Assoc., Ohio Wetlands Foundation, Oxbow River and Stream Restoration, Porter Wright Morris & Arthur, Ohio Chamber of Commerce, R.D. Zande & Associates, River Oaks Group, Roetzel & Andress, Shaw Environmental & Infrastructure, Shumaker, Loop & Kendrick, Ohio Utility Trade Group, The Nature Conservancy, TranSystems, Ulmer & Berne, USACE, Vorys, Sater, Seymour and Pease, and West Creek Preservation Committee

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8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

The general type of input by the interested parties is summarized in Table 1 (see question 7). The more important technical changes made to address specific concerns raised by members of the regulated community that are addressed in the current 2013 draft rules are summarized in Table 2. Changes were made to the draft rules in response to comments received from interested parties and in response to updated information upon which the rules are based.

Table 2 (response to question 8). A summary of significant technical concerns raised by the stakeholders and the resulting changes made in the draft rules.

Comment From	Major Concerns / Comments Raised	Changes Made in Re-draft Regulation
ODOT, Trade Association Coalition, Electric Utilities, Ohio Chamber Commerce	Questions and clarification needed regarding the definition for loss of stream use	Revised language regarding the stream size context on evaluating impact and loss of beneficial use.
ODOT, Trade Association Coalition, Electric Utilities, Ohio Chamber Commerce, Ohio Farm Bureau	Definition of new terms for several water body types (stream, lake) viewed as overreaching regulation; Are waste treatment lagoons, farm ponds, roadside ditches and water on agricultural field are subject to new regulation?	Language in WQS rules was revised to address potential wording problems in the initial draft rules; the intent is to regulate those water body types that have historically been regulated as a water of the State (this does include isolated streams).
Ohio Aggregates & Industrial Minerals Association, Ohio DNR	Concern that open pit mining subject to permitting by Ohio DNR may need additional permits or that the draft rule would impose unreasonable WQS criteria during the mining operation	Added an exclusion from water quality criteria when a surface mining activity is regulated under ORC Chapter 1514.
WQS / 401 Rule Workgroup	Focus of concerns on PHWH and 401 rules	Removed PHWH from the WQS rules and holding with 401 rules for further review and discussion.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

The documents listed in rule OAC 3745-1-03 provide the methods used to measure compliance with the criteria and other measurable outcomes regarding attainment of

beneficial uses. Scientific data supporting the establishment of the beneficial use categories and all the associated criteria that protect the beneficial uses include:

- U.S. EPA water quality aquatic life research
- U.S. EPA drinking water maximum contaminant levels
- USGS water quality aquatic life research on cadmium
- ORSANCO Pollution Control Standards

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

In the draft interested party version of the rules released in 2008 and the proposed version of the rules released in 2011, the Agency included numerous other items for consideration. We have determined not to move forward with these items at this time. This rule package contains a very limited and focused set of draft amendments.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

WQS function as a performance-based regulation because for each beneficial use defined in the rules there are measureable water quality criteria for determining if a water body meets its designated beneficial uses. Ohio's WQS include numeric criteria for many chemical substances to protect human health and aquatic life, bacteria indicators to protect water based recreation and biological criteria used to gauge attainment of certain aquatic life use designations. The inclusion of numeric biological criteria is an especially strong attribute of Ohio's rules, one that imparts flexibility and common sense into the listing of waters that fail to meet the standards.

The business community is not directly held accountable for these ambient water quality criteria, but any business that discharges pollutants or places fill or dredge materials into waters of the State must comply with permits designed to ensure the ambient standards are met. Businesses and the public have three distinctly different opportunities to comment on the regulations that may affect them: 1) a rule making such as this one where revisions are made to the descriptions of beneficial uses and where the ambient water quality criteria are updated based upon new information; 2) a different and separate rule making that assigns beneficial uses to specific water bodies; and 3) a draft permit issued to the business containing a fact sheet explaining if and how the terms of the permit were based upon WQS.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

Ohio EPA is the delegated state agency for the water quality standards program. Only a review of existing Ohio EPA rules was necessary and no duplication was found.

13. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The Agency will put the effective date of the adopted rules three months out from the date of adoption, which provides for U.S. EPA’s review and approval and gives the Agency time to conduct training on the revised standards, update web pages and update permit writing tools.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

- a. Identify the scope of the impacted business community;
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and
- c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

The WQS affect the business community indirectly through other regulatory programs that are designed to assure compliance with requirements based on meeting the WQS. These requirements take the form of effluent limits imposed by Ohio EPA through the NPDES permit program and the terms and conditions imposed through the 401 program for any activity that places dredge or fill materials into waters of the state. Though there is no direct cost associated with this WQS rulemaking, the Agency has evaluated potential costs the business community might incur through other CWA programs.

- a. The impacted business community might include those regulated through the NPDES or pretreatment programs.
- b. Adverse business impacts of WQS implemented through the NPDES program can be assessed in two primary categories: 1) increased compliance monitoring costs for selected parameters; and 2) the cost of meeting more stringent effluent limits (water quality based effluent limits, WQBELs).

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c. Assessing the incremental cost in dollars to the business community imposed by existing and revised WQS is difficult because many site-specific factors affect the calculation of WQBELs and when additional compliance monitoring is triggered. The following is a broad assessment of the impact of the draft rule revisions on businesses generating industrial wastewater. Ohio EPA has assessed the likelihood of the type of impact affecting the business sector as whole based upon over 20 years of operational experience with similar regulations.

WQS rules implemented through NPDES pollutant discharge permits		
<p>There are a handful of changes that potentially impact the regulated business sector. The four new water quality criteria are for chemicals rarely present in wastewater effluents: Chlorpyrifos, Diazinon, Nonylphenol, Tributyltin and should not create adverse business impacts. The impacts summarized below arise because: 1) recent scientific information supports the need for more stringent chemical water quality for the protection of aquatic life; or 2) policy or procedural changes are being implemented that are designed to more consistently apply human health based standards for the protection of drinking water.</p>		
Business Sector	Type of Impact	Quantification of Business Impact
<p>Metal plating industry</p> <p>(see additional text following table)</p>	<p>Aquatic life criteria for cadmium and lead</p> <p>Permit compliance monitoring cost</p> <p>Additional treatment</p>	<p>Amended criteria for cadmium more stringent than current Ohio criteria but less restrictive than federally recommended values; change in the lead criteria too small to have a significant impact.</p> <p>Likely. \$21.50 per sample for low level detection method; 12 to 52 samples per year per facility discharging Cd.</p> <p>Unlikely, see discussion in text following this table.</p>
<p>General industry and electric utilities located in Lake Erie Basin</p>	<p>Updated Maximum contaminant levels (MCLs) developed under the Safe Drinking Water Act</p> <p>Permit compliance monitoring cost</p>	<p>Amended criteria apply statewide instead of only in the Ohio River basin where these criteria have been effective for 10 years with no reported business hardships.</p> <p>Unlikely, see above.</p>

	Additional treatment	Unlikely, see above.
General industry and electric utilities discharging to Ohio River mainstem	More restrictive human health water quality criteria on Ohio River (new Pollution Control Standards adopted by ORSANCO in 2012)	Based on a screening of effluent data from 72 facilities and 304 outfalls discharging to the Ohio River, the Agency has concluded that adoption of these criteria will have no significant impact on NPDES permit limits and very little impact on monitoring requirements (a few facilities may see a small increase in compliance monitoring costs).

Metal Plating Industry

Over the past 30 years, the metal plating industry has adapted to increasingly stringent federal Effluent Limitations Guidelines and WQS criteria recommendations under the CWA. Cadmium, being one of the most toxic heavy metals, is no longer used in most plating operations. However, the aerospace industry and manufacturers of certain military equipment do rely upon cadmium’s special properties. Firms in business today are using plating operations that produce less waste through product substitution and re-cycling.

The Ohio Metal Plating Association was contacted regarding the intent to adopt new cadmium criteria and the need to address adverse business impacts using the CSI BIA form. The Association solicited input from member businesses. Respondents stated that their operation could meet the lower standard with no significant adverse business impact.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

Clean water is recognized as a valued resource worth protecting. The WQS and these draft revisions are the primary means of ensuring that the quality of water in Ohio’s streams, rivers and lakes is improved, maintained and remains suitable for swimming, drinking and fishing. The basic goal of meeting all beneficial uses and criteria established under the CWA is the normal requirement mandated by federal regulations. Deviation from that expectation is allowed in only a handful of extraordinary circumstances, one of which is imposition of widespread social and economic impact. Thus, it is incumbent upon states to establish the proper balance between the water quality goals (beneficial uses and criteria) and the costs to society of attaining those goals. The Agency believes the draft rules are supported by the need to protect water quality and are in the overall public interest.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

Yes. Flexibility has been built into certain aspects of the existing WQS and draft revisions. This flexibility applies to businesses of all sizes. Ohio's system of beneficial uses accounts for environmental and landscape factors in setting the tiered aquatic life use and the associated performance based water quality criteria. In short, the tiered aquatic life uses provide a hierarchy of stream performance measures (biological and chemical water quality criteria) ranging from exceptional quality waters to highly modified waters that cannot fully support the "fishable" goals of the CWA. This system ensures that businesses, through the terms of their NPDES discharge permits, are required to meet limits that most closely match the actual water quality requirements that protect the aquatic environment in their immediate location. In other words, Ohio standards do not impose a one-size fits all mandate. In addition the permitting rules in OAC Chapter 3745-33 provide options such as variances and schedules of compliance to assist wastewater dischargers of any size in meeting the applicable water quality standards.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The first time paperwork violation waiver is not applicable to this rule package. The rules in OAC Chapter 3745-1 contain standards for CWA permitting programs to enforce. No paperwork or permits are required by the standards themselves.

18. What resources are available to assist small businesses with compliance of the regulation?

- Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) is a non-regulatory program that provides information and resources to help small businesses comply with environmental regulations. OCAPP also helps customers identify and implement pollution prevention measures that can save money, increase business performance and benefit the environment. Services of the office include a toll-free hotline, on-site compliance and pollution prevention assessments, workshops/training, plain-English publications library and assistance in completing permit application forms. Additional information is available at:
<http://epa.ohio.gov/ocapp/ComplianceAssistanceandPollutionPrevention.aspx>
- Ohio EPA also has a permit assistance web page (http://epa.ohio.gov/dir/permit_assistance.aspx) that contains links to several items to

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- help businesses navigate the permit process, including the Permit Wizard, Answer Place, Ohio EPA's Guide to Environmental Permitting, and eBusiness Center.
- Ohio EPA maintains the Compliance Assistance Hotline 800-329-7518, weekdays from 8:00 a.m. to 5:00 p.m.
 - Ohio EPA, Division of Surface Water's Compliance Assistance Unit provides technical support to small (less than 0.5 million gallons per day) wastewater treatment plants. Additional information is available at: http://epa.ohio.gov/dsw/compl_assist/compasst.aspx
 - U.S. EPA Small Business Gateway also has information on environmental regulations for small businesses available at: <http://www.epa.gov/smallbusiness/> and a Small Business Ombudsman Hotline 800-368-5888.
 - The Division of Surface Water's Water Quality Standards program web page contains background information and direct links to sections of the regulations. Additional information is available at: <http://epa.ohio.gov/dsw/wqs/index.aspx>.
 - The Division of Surface Water's Antidegradation web page contains background information, support documents and guidance for rule implementation. Additional information is available at: http://epa.ohio.gov/dsw/rules/antidegguide_2003.aspx.