



Early Stakeholder Outreach – Use Designations

For DSW's Water Quality Standards Program OAC 3745-1-21

What rulemaking is Ohio EPA considering?

Ohio EPA is considering amendments to one rule that addresses beneficial use designations, Ohio Administrative Code (OAC) 3745-1-21, Great Miami River.

Why is the rule being reviewed; what types of changes are being considered?

Ohio EPA is considering two types of changes to this rule: 1) inclusion of site specific aquatic life chemical criteria for copper for two streams (Indian Creek and Jackson Center Creek), and 2) Updates to beneficial use designations in the Lower Great Miami River watershed based on findings from the 2010 biological and water quality survey of the lower Great Miami River and select tributaries. Revisions to designated aquatic life uses being considered include confirmation of warmwater habitat for 10 water body segments and the addition of one new warmwater habitat water body segment. For additional information, the lower Great Miami River biological and water quality study is available at: www.epa.ohio.gov/dsw/document_index/psdindx.aspx.

Why is this rulemaking 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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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 Executive Order (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 provides opportunity for early input before the rule language has been developed by the Agency.

Who will be regulated by this rulemaking?

The water quality standards use designations and water quality criteria, once adopted, will be implemented in Clean Water Act programs such as the National Pollutant Discharge Elimination System (NPDES) permits, Section 401 Water Quality Certifications and Total Maximum Daily Load reports. Entities impacted may include facilities that discharge or wish to discharge wastewater or entities seeking permission to physically impact these streams.

What is the rulemaking schedule?

The Agency is planning to release a draft version of the rule for interested party review and comment in early spring 2013.

What additional information is the Agency seeking?

The Agency wants to hear from interested stakeholders who may be impacted by this rulemaking. General comments and specific factual information are welcome. Ohio EPA is specifically asking for stakeholders to identify the following:

- Does this rulemaking impact your business?
- Does this rulemaking have an adverse impact on your business? If so, please identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance).
- Is there an alternative rulemaking (or specific provisions within the rule) that the Agency should consider?
- What are the benefits of the rulemaking?

Early Stakeholder Outreach for DSW's WQS Program OAC 3745-1-21

What should I consider as I prepare my comments?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline.

How can I provide input on the rulemaking?

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 rule must be received no later than 5:00 p.m. on January 29, 2013.

How can I get more information?

Additional 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 www.epa.ohio.gov/dsw/dswrules.aspx.
- For additional background information on water quality standards and beneficial uses, please visit the Water Quality Standards Program web page at: www.epa.ohio.gov/dsw/wqs/index.aspx.
- The existing rule OAC 3745-1-21 is available at: www.epa.ohio.gov/dsw/rules/3745_1.aspx.
- The lower Great Miami River biological and water quality study is available at: www.epa.ohio.gov/dsw/document_index/psdindx.aspx.

For more information about the rulemaking, please contact: Dan Dudley at (614) 644-2876 or dan.dudley@epa.ohio.gov.