



## Early Stakeholder Outreach — Wetland Water Quality Standards

*Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.*

### What does OAC 3745-1-50 to 3745-1-53 cover?

Ohio Administrative Code (OAC) 3745-1-50 to 3745-1-53 covers the water quality standards for wetlands. These rules protect wetlands from pollution. The rules consist of definitions, narrative criteria, numeric chemical criteria for wastewater discharges to wetlands and wetland use designations.

### Why are these rules 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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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 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 will allow for early feedback before the rule language has been developed by the Agency.

### What changes are being considered?

These rules are currently behind on their five year rule review. Limited revisions are being considered now to support another concurrent rulemaking. More extensive revisions to the rules may be considered in a future rule review. Comments submitted on broader revisions will be considered and used to develop the future rule review.

The Agency is considering the following revisions:

- 3745-1-50 – update of references and citations and inclusion/ revision of definitions as necessary to support concurrent rule review of the wetland antidegradation rule in OAC 3745-1-54.
- 3745-1-51 – update of references and citations.

The Agency has also reviewed rules 3745-1-52 and 3745-1-53 and has not identified changes at this time.

### Who will be regulated by these rules?

Anyone or any project that impacts wetlands and is subject to regulation under Clean Water Act programs, such as the National Pollutant Discharge Elimination System (NPDES) or Section 401 Water Quality Certifications, and state isolated wetland level 3 reviews may be regulated by these rules. This may include local and state governments, the federal government, businesses, industries and private property owners.

### How can I provide input?

The Agency is seeking stakeholder input on the rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

**Written comments will be accepted through close of business on October 13, 2015.**

Please submit input to:

Rule Coordinator  
Ohio EPA, Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
[dsw\\_rulecomments@epa.ohio.gov](mailto:dsw_rulecomments@epa.ohio.gov)

### What if I have questions?

This fact sheet is available on the Division of Surface Water website at [www.epa.ohio.gov/dsw](http://www.epa.ohio.gov/dsw). For more information about the rulemaking, please contact [harry.kallipolitis@epa.ohio.gov](mailto:harry.kallipolitis@epa.ohio.gov).

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## What is the rulemaking schedule?

At the close of the Early Stakeholder Outreach comment period, the Agency will consider input provided by stakeholders and draft revisions to the rules. These draft revisions will be released for another comment period called Interested Party Review, which the Agency anticipates occurring in summer 2015.

## What input is the Agency seeking?

Please review the existing rules in OAC Chapter 3745-1, available at: [http://epa.ohio.gov/dsw/rules/3745\\_1.aspx](http://epa.ohio.gov/dsw/rules/3745_1.aspx). Please look for rule language that is unclear, out-of-date, inconsistent with federal or other state regulations, etc. The Agency strongly encourages interested stakeholders to provide comments on the existing rule language now, at this step in the process so that the Agency can draft revised language in response to those comments and make the draft revisions available for comment during the next rule review step.

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules?
- Is there any information or data the Agency should be aware of when developing new or amended rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by this program.

- Does this regulatory program have a positive impact on your business? Please explain how.
- Does this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

## Contact

For more information, contact Harry Kallipolitis at [harry.kallipolitis@epa.ohio.gov](mailto:harry.kallipolitis@epa.ohio.gov) or (614) 644-2146.