



---

## Draft Rules – Surface Water Quality

### *Water Quality Standards (OAC Chapter 3745-1)*

#### **What are water quality standards?**

Water quality standards are state regulations or rules that protect lakes, rivers, streams and other surface water bodies from pollution. The rules are in Chapter 3745-1 of the Ohio Administrative Code (OAC). These rules contain: beneficial use designations; numeric levels and narrative statements (water quality criteria) protective of the use designations; procedures for applying the water quality criteria to wastewater dischargers and Antidegradation procedures.

#### **Which water quality standards rules are under review at this time?**

The rule making includes the five year review of selected water quality standards rules pertaining to documents referenced in OAC Chapter 3745-1, water quality criteria and methodologies used to develop water quality criteria. Specifically, the Agency is considering revisions to the following five rules:

- 3745-1-03 Analytical methods and availability of documents.
- 3745-1-33 Water quality criteria for the lake Erie drainage basin.
- 3745-1-35 Site-specific modifications to criteria and values.
- 3745-1-37 Methodology for deriving bioaccumulation factors.
- 3745-1-39 Methodology for development of wildlife criteria for the lake Erie drainage basin.

The Agency has also reviewed the following two water quality standards rules. No changes are under consideration for these rules.

- 3745-1-31 Lake Erie standards.
- 3745-1-36 Methodologies for development of aquatic life criteria and values.

#### **Why are these rules being amended, what types of changes are being considered?**

The rules are being amended as part of the five year rule review requirements in Ohio Revised Code section 106. Amendments under consideration are limited to formatting revisions and updates to citations and references. A summary of what has changed in the referenced documents is available on the Division of Surface Water website at [www.epa.ohio.gov/Portals/35/rules/Sum\\_of\\_Revs\\_to\\_Refs\\_3745-1-03\\_oct15.pdf](http://www.epa.ohio.gov/Portals/35/rules/Sum_of_Revs_to_Refs_3745-1-03_oct15.pdf).

#### **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 or entities seeking permission to physically impact water bodies. This rulemaking does not change existing requirements and should have no additional impact on stakeholders.

#### **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.

In addition to the draft rule amendments, Ohio EPA is also seeking comments and feedback on the draft Common Sense Initiative (CSI) Business Regulation Impact Analysis form, which is being released with these draft rules during interested party review.

#### **How are the amendments formatted in the draft rules?**

Text that is considered for deletion is identified in strikeout font; new text is underlined.

# Draft Rules – Surface Water Quality

## What is the rulemaking schedule?

At this time, the Agency is soliciting input on these draft rule revisions. Ohio EPA is required by section 121.39(D) of the Revised Code to contact potentially affected parties prior to adopting rule changes.

At the close of the draft rule comment period, the Agency will review the comments and make necessary changes to the rules. The Agency will then file proposed rules with the Joint Committee on Agency Rule Review, the Legislative Service Commission and Secretary of State.

At that point, another comment period, including one or more public hearings, will be scheduled. After the close of the comment period, the Agency will review the comments, make any necessary changes and then adopt the final rules.

Ohio EPA expects to file the proposed rules in the fall of 2015. The final rules could be adopted in early 2016.

## How can I comment on the draft 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 draft rules must be received no later than 5:00 p.m. on November 16, 2015.**

## How can I get more information?

Copies of this fact sheet, CSI form and the draft 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 draft rules, please contact:

**Dan Dudley**

(614) 644-2876

[daniel.dudley@epa.ohio.gov](mailto:daniel.dudley@epa.ohio.gov)