



Proposed Rules – Recreational Water Criteria

Water Quality Standards (OAC Chapter 3745-1)

What does OAC Chapter 3745-1 cover?

Ohio Administrative Code (OAC) Chapter 3745-1 contains Ohio's standards for water quality. Water quality standards are state regulations or rules that protect lakes, rivers, streams and other surface water bodies from pollution. These rules contain: beneficial use designations such as warmwater aquatic life habitat, public water supply and primary contact recreation; numeric levels and narrative statements (water quality criteria) protective of the beneficial use designations; and procedures for applying the water quality criteria to wastewater discharges. This rulemaking only involves recreational water criteria.

What are recreational water criteria?

A goal of the Clean Water Act is to achieve fishable and swimmable conditions in water bodies, wherever attainable. This rulemaking focuses on the swimmable portion of the goal. Recreational water criteria are designed to protect human health from illness while recreating in surface waters.

Ohio has three categories of recreational uses for its surface waters: bathing waters, primary contact and secondary contact. These recreational uses are described in paragraph (B)(4) of the Ohio water quality standards. Criteria are established for each category to protect users from unsafe levels of bacterial contamination. These criteria can be found in table 7-13 of Ohio Administrative Code (OAC) 3745-1-07.

What changes are being proposed?

The U.S. Environmental Protection Agency revised its national recommendations for recreational water quality criteria in November 2012. The revised recommendations are based on the latest research and science depicting a link between illness and fecal contamination in recreational waters. Please see the link to the U.S. EPA website at the end of this fact sheet for additional information. Ohio EPA is revising its criteria to incorporate these new recommendations. Revisions include:

- Ohio's water quality standards currently subdivide the primary contact recreation use into three separate classes. The 2012 federal recreation criteria document does not support the subcategorizations as currently found in Ohio's water quality standards. As a result, Ohio EPA is proposing to remove the primary contact recreation subdivisions and condense them into a single primary contact recreation use. Table 7-16, containing a list of Class A primary contact waters, would no longer serve a purpose and therefore is proposed to be removed in its entirety.
- In Ohio EPA's current rule, the geometric mean for sample results is calculated over the recreation season defined as, May 1 to October 31. Ohio EPA proposes to revise the geometric mean averaging period to 30-days, consistent with the federal guidelines.
- Ohio EPA proposes to replace the existing Single Sample Maximum terminology with the term "Statistical Threshold Value". This value approximates the 90th percentile of the water quality distribution and should not be exceeded by more than 10% of samples taken within a 30-day period.

Why is the Agency considering this rulemaking at this time?

Ohio conducts a monitoring and notification program of selected public and semi-public beaches along Ohio's Lake Erie coast. The Ohio Department of Health coordinates the state monitoring effort. Beach advisories are triggered by exceedances of the single sample maximum value of 235 E. coli colony forming units/100 ml for bathing waters. Ohio's beach monitoring program is funded by U.S. EPA's Beaches Environmental Assessment and Coastal Health Act (BEACH Act) grants. As a condition of the grant for federal fiscal year 2015, Ohio is required to adopt revisions consistent with the 2012 federal recreational water quality criteria by November 2015.

Are there changes from the March 2015 draft rule revisions?

No.

How will the changes affect controls placed on water pollution?

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July 2015

The recreational water criteria, once adopted, will be implemented in Clean Water Act programs such as the National Pollutant Discharge Elimination System (NPDES) permits and Total Maximum Daily Load (TMDL) reports. Entities impacted may include facilities that discharge or plan to discharge municipal wastewater.

Overall, the regulated community, i.e. those dischargers that have received coverage under an NPDES permit with bacteria limits or monitoring, will not experience a change in permit requirements. However, dischargers to Class B and Class C primary contact recreation waters will have a change in effluent limitations. It is anticipated that 30-day average limitations will change from 161 colony counts per 100ml and 206 colony counts per 100 ml, respectively, to 126 colony counts per 100 ml. This will likely occur during the typical five year permit renewal process.

What additional information is the Agency seeking?

The Agency wants to hear from interested stakeholders (public, local officials, and National Pollutant Discharge Elimination System [NPDES] permit holders, industry sectors, other state agencies, consultants and environmental organizations) who may be impacted by these rule revisions and additions. General comments and specific factual information are welcome.

How are the amendments formatted in the proposed rule?

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

What is the rulemaking schedule?

A public hearing on the proposed rule will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at the Ohio EPA Conference Center, Room A, 50 West Town Street, Suite 700, in Columbus, Ohio at 10:30 a.m. on August 11, 2015. The purpose of the public hearing is to give interested persons the opportunity to present oral or written comments on the proposed rule.

At the close of the public comment period, the Agency will review the comments, make any necessary changes to the rule, and then adopt the rule. This is roughly a two-month process from the close of the comment period. A responsiveness summary will be prepared and sent to everyone who comments on the proposed rule. A final rule could be adopted in autumn 2015.

How can I comment on the proposed rule?

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 proposed rule must be received no later than 5:00 p.m. on August 11, 2015.

How can I get more information?

- Copies of this fact sheet and proposed rule are 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.
- U.S. EPA's Recreational Water Quality Criteria is available at: <http://water.epa.gov/scitech/swguidance/standards/criteria/health/recreation/>.
- For additional information on Ohio Department of Health's Beach Monitoring program, please visit: <http://www.odh.ohio.gov/odhPrograms/eh/bbeach/beachmon.aspx>.

For more information about this proposed rule, please contact:

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