



Division of Surface Water Response to Comments

Rule: Water Quality Standards Program Rules
OAC Chapter 3745-1

Agency Contact for this Package

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Ohio EPA held an interested party comment period from February 25, 2016 to April 5, 2016 regarding the Water Quality Standards program rules. This document summarizes the comments and questions received during the associated comment period.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

Comment 1: **Section 3745-1-03(B)(2)(a)(ii) – Analytical methods and availability of documents – references the document “Biological Criteria for the Protection of Aquatic Life: Volume II: Users Manual for Biological Assessment of Ohio Surface Waters, Ohio EPA, Ecological Assessment Section, Division of Water Quality Planning & Assessment, October 30, 1987, updated January 1, 1988, amended September 30, 1989, updated November 8, 2006” (“Volume II”). Volume II was revised in 2015 and NEORSR recommends that Ohio EPA update this section to reflect the current version of the document. (Northeast Ohio Regional Sewer District (NEORSR))**

Response 1: The 2015 version of Volume II repeats all the same content that was published in 2006 and includes just two areas of new content. The Agency has decided to postpone the inclusion of this material so that these changes and possibly

additional revisions can be vetted thoroughly during the triennial water quality standards review scheduled to begin later in 2016. The material available on the Agency's webpage is reflected in the rule.

Comment 2: **Section 3745-1-03(B)(3)(a)(iii) references the document "Biological Criteria for the Protection of Aquatic Life: Volume III: Standardized Biological Field Sampling and Laboratory Methods for Assessing Fish and Macroinvertebrate Communities, Ohio EPA, Ecological Assessment Section, Division of Surface Water, June 26, 2015" ("Volume III"). The proposed revisions to this section reference the document as amended on June 26, 2015; however, Volume III was revised in September 2015 and NEORSR recommends that Ohio EPA update this section to reflect the current version of the document. (NEORSR)**

Response 2: The Agency acknowledges the comment. This volume contains the standardized field sampling and laboratory methods. These methods have intentionally stayed consistent over the years to ensure valid data comparability. The June 2015 revision of Volume III retains all the same basic methods and provides enhanced explanations of each sampling protocol, equipment preparation, maintenance and other standard operating procedures (SOPs). The edits made in September were minor and don't affect the basic SOPs. The Agency will revise the date for this reference during the triennial water quality standards review scheduled to begin later in 2016. The material available on the Agency's webpage is reflected in the rule.

Comment 3: **Alternatively, rather than updating the revision dates of the two documents, Ohio EPA could consider either removing the revision dates from the documents entirely or referencing the versions of Volumes II and III, as currently available on Ohio EPA's website, rather than referencing a specific, dated version. Volumes II and III are updated regularly to address changes to taxonomy and references, and updates to these documents occur far more regularly than every five years when the rules are subject to review. Users of these documents would benefit from not having a fixed revision date in the rule because they could use the most up-to-date version on Ohio EPA's website without having to refer to obsolete taxonomy listed in the document version referenced in the rules.**

NEORSD suggests that Ohio EPA amend sections 3745-1-03(B)(3)(a)(ii) and (a)(iii) as follows: (1) for section (a)(ii), “Biological Criteria for the Protection of Aquatic Life: Volume II: Users Manual for Biological Assessment of Ohio Surface Waters, Ohio EPA, Ecological Assessment Section, Division of Water Quality Planning & Assessment, October 30, 1987, updated January 1, 1988, amended September 30, 1989, updated and available at the internet address in 3745-1-03(B)(3)(a)”; (2) and for section (a)(iii): “Biological Criteria for the Protection of Aquatic Life: Volume III: Standardized Biological Field Sampling and Laboratory Methods for Assessing Fish and Macroinvertebrate Communities, Ohio EPA, Ecological Assessment Section, Division of Surface Water, updated and available at the internet address in 3745-1-03(B)(3)(a).” (NEORSD)

Response 3:

The Agency appreciates NEORSD’s rule revision suggestions, however, the Agency is required to “identify, and specify the date of, the particular edition or other version of the text or other material that is incorporated by reference” in accordance with Ohio Revised Code Section 121.72.

End of Response to Comments