

## ***Early Stakeholder Outreach for Voluntary Action Program Rules***

**OAC 3745-300-05**

**OAC 3745-300-09**

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### **What do OAC 3745-300-05 and OAC 3745-300-09 cover?**

OAC 3745-300-05 establishes criteria for the certification and standards of conduct for certified professionals within the Voluntary Action Program. OAC 3745-300-09 outlines the acceptable variances from generic numerical standards and property-specific risk assessment procedures used within the program.

### **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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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?**

Ohio EPA is considering modifying the VAP biocriteria training and certification requirements within both OAC 3745-300-05 and OAC 3745-300-09 to require VAP certification as a Division of Surface Water (DSW) qualified data collector for level 3 credible data for stream habitat assessment, fish community biology or, benthic macroinvertebrate biology in lieu of biocriteria certification through the VAP.

### **Who will be regulated by these rules?**

The rules are applicable statewide, and will affect certified professionals that are certified within the VAP and aquatic biology professionals that have received Biocriteria evaluator approval from the VAP.

### **What is the rulemaking schedule?**

Ohio EPA plans to submit these rules to the Joint Committee on Agency Rule Review (JCARR) no later than December 1, 2012.

### **What additional information is the Agency seeking?**

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

- Do these rules impact your business?
- Do these rules 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).
- Are there any alternative rules (or specific provisions within the rule) that the Agency should consider?

### **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.

## **Early Stakeholder Outreach for the Voluntary Action Program**

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7. Make sure to submit your comments by the comment period deadline.

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### **How can I provide input on the rules?**

Any questions or comments regarding rules OAC 3745-300-05 and/or OAC 3745-300-09 should be submitted no later than October 24, 2012, to Emily Patchen in the Division of Environmental Response and Revitalization at [Emily.Patchen@epa.state.oh.us](mailto:Emily.Patchen@epa.state.oh.us) or via mail at the address below:

Emily Patchen  
Ohio Environmental Protection Agency, DERR  
Columbus, Ohio 43216-1049  
P.O. Box 1049

### **How can I get more information?**

For more information on the Division of Environmental Response and Revitalization (DERR) rules, please visit our website at: <http://epa.ohio.gov/derr/derrrules.aspx>