



**John R. Kasich**, Governor  
**Mary Taylor**, Lt. Governor  
**Craig W. Butler**, Director

**September 22, 2016**

Re: Availability of rules for comment  
OAC Chapter 3745-1, Wetland Water Quality Standards

Dear Interested Parties:

The Division of Surface Water (DSW) is providing interested parties opportunity to review and comment on the following rules in Ohio Administrative Code (OAC) Chapter 3745-1:

Rule #	Rule Title	Draft Action
OAC Chapter 3745-1 Water Quality Standards		
3745-1-50	Wetland definitions.	Amend
3745-1-51	Wetland narrative criteria.	Amend
3745-1-52	Numeric chemical criteria for wastewater discharges to wetlands.	No Change
3745-1-53	Wetland use designation.	No Change
3745-1-54	Wetland antidegradation.	Amend

This is the five year review of these rules. On June 5, 2012, the Governor signed into law Senate Bill 294, the Agency's Omnibus Bill. On June 30, 2015, the Governor signed into law House Bill 64, the State's main operating budget bill. Included in these bills were revisions to Ohio Revised Code (ORC) sections pertaining to wetlands. In general, the revisions allow the state or any other approved entity, to create an in-lieu-fee mitigation program and allow in-lieu-fee to be used as require mitigation for Section 401 Water Quality Certifications and Isolated Wetlands permits. The revisions also set a defined mitigation hierarchy preference for Section 401 Water Quality Certifications and Isolated Wetlands permits and require the Agency to adopt this hierarchy in rule. The revisions also changed protection of mitigation projects from "perpetuity" to "long term".

Minor updates and style revisions are also being considered along with revisions that will align the Agency's regulations closer to U.S. Army Corps of Engineer's regulations. No changes are being considered for two rules, OAC 3745-1-52 and OAC 3745-1-53.

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

The draft rules, the CSI form and supporting documents are available electronically for review at: <http://epa.ohio.gov/dsw/dswrules.aspx>. We request that you provide us with any comments you may have on the changes that have been recommended by October 24, 2016.

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Please submit your comments or suggestions in one of the following manners.

By e-mail: [dsw\\_rulecomments@epa.ohio.gov](mailto:dsw_rulecomments@epa.ohio.gov)

By mail: Rule Coordinator  
Ohio EPA, Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049

By fax: (614) 644-2745

Sincerely,



Tiffani Kavalec  
Chief, Division of Surface Water

TK:mh