State of Ohio Environmental Protection Agency

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October 5, 2010

Re: Proposed amendments addressing the water quality standards antidegradation rule in Ohio Administrative Code (OAC) Chapter 3745-1

Dear Interested Parties:

This letter is to make you aware of, and solicit your input on, the Agency's proposed revisions to the following rule in OAC Chapter 3745-1.

Rule #	Rule Title	Draft Action
3745-1-05	Antidegradation.	Amend

This rulemaking consists of three of the changes that were already made available for review in another draft rule package, specifically the October 2008 antidegradation rulemaking. That rule package is part of four interrelated rule packages (water quality standards, 401 water quality certification, antidegradation, and stream mitigation).

Because of delays in moving forward with interested party review of the four interrelated rule packages and a commitment made to the Environmental Review Appeals Commission (ERAC), Ohio EPA has decided to proceed with the three changes to the rule in a separate stand alone rulemaking. This separate stand alone rulemaking will proceed through the rulemaking process ahead of the remainder of the rule changes identified as part of the 5-year review.

The proposed rule changes consist of:

- Clarification of rule applicability exemptions for existing sources discharging to waters of the state;
- Clarification on the allocation of the reserve portion of a water body's pollutant assimilative capacity for outstanding state waters and superior high quality waters; and
- Clarification of petition procedures for revising set aside percentages of a water body's pollutant assimilative capacity.

Enclosed is the Notice of Proposed Rulemaking. A public hearing is scheduled in Columbus at **2:00 p.m. on November 10, 2010**, as described in the enclosed notice. The enclosed notice also explains how to submit comments. The Agency welcomes your comments on the proposed rule revisions. Please note the comment period ends at **5:00 p.m. on November 10, 2010**.

The proposed amended rule and a fact sheet explaining the rule revisions are posted on the Ohio EPA website at www.epa.ohio.gov/dsw. If you are unable to access the website or have questions regarding the proposed rule to Mark Stump at (614) 644-2028 or via email at mark.stump@epa.state.oh.us.

Sincerely,

George Elmaraghy

George Elmaraghy, P.E., Chief
Division of Surface Water

GE:mh

enclosure