

For Interested Party Review – September 2010 Draft

3745-4-01 Purpose and applicability.

- (A) It is the purpose of these credible data rules, Chapter 3745-4 of the Administrative Code, to establish criteria for three levels of credible data for a surface water quality monitoring and assessment program established by the director and to establish the necessary training and experience for persons to submit credible data, thereby increasing the information base upon which to enhance, improve and maintain water resource quality in Ohio. Except as provided in paragraph (D) of this rule, persons collecting data and submitting it to Ohio EPA for consideration as credible data must have status as a qualified data collector (QDC) as provided in rule 3745-4-03 of the Administrative Code.
- (B) Participation in this program is voluntary except for the requirement under section 6111.54 of the Revised Code that each state agency in possession of surface water quality data shall submit the data to the environmental protection agency in a format designated by the director. State agencies shall submit surface water quality data to Ohio EPA by March thirty-first of each year, beginning in 2007. If surface water quality data submitted by state agencies were collected in accordance with this chapter, the data will be approved as credible.
- (C) This chapter establishes requirements for study plan design, sample collection, analytical methods, data assessment, and quality assurance and quality control procedures that are associated with credible data at level 1, level 2 and level 3.
 - (1) Level 1 data are collected and submitted to Ohio EPA for purposes of public awareness and educational activities. The specifications associated with level 1 data are commensurate with the training and methods associated with established science education programs and volunteer stream and lake monitoring programs.
 - (2) Level 2 data are collected and submitted to Ohio EPA for the purposes of evaluating the effectiveness of pollution controls for point sources and nonpoint sources and initial screening of water quality problems to determine if additional study is needed. It may also serve the purpose of public awareness and educational activities. The specifications associated with level 2 data are commensurate with a higher degree of training and more rigorous test methods than level 1.
 - (3) Level 3 is the highest level of credible data that are used for a variety of regulatory purposes specified in section 6111.52 of the Revised Code, and may also serve those purposes associated with level 1 and level 2 data. The specifications associated with level 3 data are commensurate with the training, skills and test methods used by Ohio EPA and by other professional environmental organizations. These high standards are necessary to ensure

that level 3 data are of the caliber necessary to make and defend regulatory and management decisions involving surface water resources in Ohio.

(D) Data not requiring collection by a qualified data collector.

(1) The data originating from studies conducted and samples collected by Ohio EPA, its contractors, federal environmental agencies including the United States environmental protection agency, and other state environmental agencies shall be considered:

(a) Level 1 credible data if appropriate test methods and laboratory quality assurance program specifications identified in paragraph (B)(2) of rule 3745-4-04 of the Administrative Code, were followed;

(b) Level 2 credible data if appropriate test methods and laboratory quality assurance program specifications identified in paragraphs (B)(2) and (B)(3) of rule 3745-4-05 of the Administrative Code were followed; or

(c) Level 3 credible data if appropriate test methods and laboratory quality assurance program specifications identified in paragraphs (B)(2) and (B)(3) of rule 3745-4-06 of the Administrative Code were followed.

(2) Furthermore, unless the director identifies reasons why the data are not credible, data shall be considered credible for the purposes it was submitted if it meets one or more of the following requirements:

~~(1)~~(a) Data were submitted pursuant to the requirements of a permit issued by a state agency; ~~or~~

~~(2)~~(b) Data were submitted pursuant to findings and orders issued by the director; or

(3)(c) Data were submitted pursuant to a court order.

(E) Nothing in this chapter shall be construed as granting approval for the collection of any wildlife without obtaining a wild animal collecting permit from the chief of the division of wildlife, Ohio department of natural resources pursuant to section 1533.08 of the Revised Code and performing the duties specified in section 1533.09 of the Revised Code. The collection of federally listed endangered and threatened species is not authorized by this chapter.

Effective:

R.C. 119.032 review date: 3/24/2011

Certification

Date

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 6111.51

Rule Amplifies: R.C. 6111.50, 6111.51, 6111.52, 6111.53, 6111.54, 6111.55, 6111.56

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