

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
401 Water Quality Certifications**

Notice is hereby given that the Director of Environmental Protection, in accordance with Chapter 119 of the Revised Code, proposes to adopt the following rules of the Ohio Administrative Code (OAC). Authority to adopt OAC Chapter 3745-32 rules is under Section 6111.03 of the Ohio Revised Code. Authority to adopt OAC Chapter 3745-45 is under Section 3745.11 of the Ohio Revised Code.

Rule #	Rule Title	Action
	OAC Chapter 3745-32 Section 401 Water Quality Certifications	
3745-32-01	Definitions	Rescind
3745-32-01	Definitions.	New
3745-32-02	Section 401 water quality certification required	Rescind
3745-32-02	Applicability	New
3745-32-03	Section 401 water quality certification exemptions	Rescind
3745-32-03	Individual state water quality permit application requirements and procedures	New
3745-32-04	Section 401 water quality certification applications	Rescind
3745-32-04	State water quality permit and isolated wetland permit antidegradation review requirements.	New
3745-32-05	Criteria for decision by director	Rescind
3745-32-06	Revocation of section 401 water quality certification	Rescind
3745-32-07	Procedure for decision by director	Rescind
	OAC Chapter 3745-45 Section 401 Water Quality Certification Fees	
3745-45-02	Certification fees	Rescind

OAC Chapter 3745-32 contains the administrative and technical requirements for submitting a Section 401 water quality certification application to Ohio EPA's Division of Surface Water. Chapter 3745-45 consists of one rule, which contains outdated water quality certification fees.

The proposed amendments establish a state water quality permit to provide a permitting mechanism for isolated streams and lakes. New rule 3745-32-04 contains antidegradation requirements for the state water quality permit program and limited components of the isolated wetlands permit program. The antidegradation requirements are being moved from rule 3745-1-05 in an effort to clarify the requirements that apply to these programs. Other draft revisions in Chapter 3745-32 combine and enhance procedural rules that help address some historical procedural ambiguities within the program. Rule 3745-45-02 is being rescinded because certification fees are now incorporated into state law (ORC section 3745.114).

The public comment period will run until **5:00 p.m. on February 24, 2012**. A public hearing on these proposed rules will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held **at the Ohio EPA Conference**

Center, Room A, 50 West Town Street, Suite 700, Columbus, Ohio at 3:00 p.m. on February 1, 2012. All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitors are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rules.

Written testimony should be sent to the attention of Rule Coordinator at the Ohio EPA Division of Surface Water, P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by **5:00 p.m. on February 24, 2012**, will be considered by Ohio EPA prior to final action on this rulemaking. Written comments submitted after this date may be considered as time and circumstances permit.

To obtain copies of the proposed rules, or if you have any questions about this rule package, contact Ric Queen, Division of Surface Water, at (614) 644-2872 or via email at ric.queen@epa.state.oh.us. Copies of the proposed rules are also available on the Ohio EPA Division of Surface Water website at www.epa.ohio.gov/dsw/Home.aspx and the Register of Ohio website at www.registerofohio.state.oh.us.