

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Wastewater Pollution Control**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 6111.03 and 6111.04 of the Ohio Revised Code and in accordance with Chapter 119 of the Revised Code, proposes to adopt amendments to the following rules of the Ohio Administrative Code:

Rule Number	Rule Title	Action
3745-5-01	Definitions: as used in this chapter.	Amend
3745-5-02	Purpose and applicability.	Amend
3745-5-03	Prohibitions and restrictions.	Amend
3745-5-04	Water quality trading: general requirements.	Amend
3745-5-05	Water quality trading: general requirements for a water quality trading management plan application.	Amend
3745-5-06	Water quality trading: requirements for a water quality trading management plan application.	Amend
3745-5-07	Requirements for water quality credits.	No Change
3745-5-08	Water quality credits and pollutant loading calculations.	No Change
3745-5-09	Determining water quality baselines.	Amend
3745-5-10	Water quality trading: trading ratios.	No Change
3745-5-11	Water quality trading: incorporating trades into individual NPDES permits and general permits.	Amend
3745-5-12	Record keeping, reporting requirements, compliance, enforcement, and oversight.	Amend
3745-5-13	Public participation requirements.	Amend
3745-5-14	Ambient water quality monitoring requirements.	Amend

The water quality trading program is a voluntary program that allows a National Pollutant Discharge Elimination System (NPDES) permit holder (point source) to meet its regulatory obligations by using pollutant reductions generated by another wastewater point source or non-point source. Water quality trading is a tool for achieving water quality improvements, and under the right circumstances, has the potential to yield both environmental and economic benefits, while promoting increased interaction among watershed stakeholders. The rules in Chapter 3745-5 of the Ohio Administrative Code provide the administrative requirements for the development and implementation of water quality trading programs in Ohio.

Section 119.032 of the Revised Code requires Ohio EPA to review its rules every five years to determine whether they should be changed. The Agency has reviewed the water quality trading rules and had identified needed changes. The following three rules in this chapter, OAC 3745-5-07, 3745-5-08 and 3745-5-10, are being filed concurrently with no changes.

The public comment period will run until 5:00 p.m. on August 21, 2012. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held in **Conference Room B at the Ohio**

EPA Central Office, 50 West Town Street, Suite 700, Columbus, Ohio at 10:30 a.m. on August 21, 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 rulemaking.

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 August 21, 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.

The proposed rules and a fact sheet explaining the rule revisions are posted on the Ohio EPA website at www.epa.ohio.gov/dsw/Home.aspx. The proposed rules are also available on the Register of Ohio website at www.registerofohio.state.oh.us. If you are unable to access the websites or have questions about the proposed rules, contact Gary Stuhlfauth, Division of Surface Water, at (614) 644-2026 or gary.stuhlfauth@epa.state.oh.us.