



State of Ohio Environmental Protection Agency

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**March 12, 2010**

**Re:** Second Interested Party Review - Draft amendments addressing a Water Quality Standards rule in Ohio Administrative Code (OAC) Chapter 3745-1, Implementation of Water Quality Standards rules in OAC Chapter 3745-2, a Pretreatment rule in OAC Chapter 3745-3, and Ohio NPDES Permit rules in OAC Chapter 3745-33

Dear Interested Parties:

The Division of Surface Water (DSW) is in the process of conducting a second interested party review of Chapters 3745-2 and 3745-33 of the Administrative Code, governing the technical process for converting Ohio water quality standards (WQS) to wasteload allocations that can be used as wastewater permit limits and the administrative and technical requirements for writing and obtaining National Pollutant Discharge Elimination System (NPDES) permits. As part of this review, revisions to rules 3745-1-06 and 3745-3-07 were necessary. DSW has reviewed and drafted amended language for the following rules:

Rule #	Rule Title	Draft Action
OAC Chapter 3745-1 Water Quality Standards		
3745-1-06	Mixing zones.	Amend
OAC Chapter 3745-2 Implementation of Water Quality Standards		
3745-2-02	Definitions.	Amend
3745-2-04	Determinations preliminary to development of water quality-based effluent limitations.	Amend
3745-2-05	Calculating wasteload allocations.	Amend
3745-2-06	Application of preliminary effluent limitations.	Amend
3745-2-07	Additive effects of pollutants.	Amend
3745-2-08	Mixing zone demonstration and sizing requirements.	Amend
3745-2-09	Whole effluent toxicity provisions and water quality based effluent limit calculation procedures.	Amend
3745-2-10	Wasteload allocation for ammonia-nitrogen toxicity.	Amend
3745-2-12	Total maximum daily loads.	Amend
OAC Chapter 3745-3 Pretreatment		
3745-3-07	Trade secrets; request for confidentiality.	Amend
OAC Chapter 3745-33 Ohio NPDES Permits		
3745-33-01	Definitions.	Amend
3745-33-02	Ohio NPDES permit required.	Amend
3745-33-03	Permit applications.	Amend
3745-33-04	Permit actions.	Amend
3745-33-05	Authorized discharge levels.	Amend
3745-33-07	Establishing permit conditions.	Amend
3745-33-08	Generic permit conditions.	Amend
3745-33-09	Pollutant minimization programs.	Amend

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director



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Revisions have been made to the draft rules in response to interested party comments and U.S. EPA program review. In addition to updates to references and grammatical edits, the following new revisions have been made to the draft rules. Please see the corresponding fact sheet for this rulemaking for a list of changes to these rules including draft revisions noticed in the first interested party review.

- Rule 3745-2-02 – remove the definition of “Non-point source” in response to U.S. EPA comments.
- Rule 3745-2-08 – add a mixing zone criterion to protect human health in the event of temporary exposure in response to comments and clarify that 316(a) demonstrations do not need to go through alternatives analysis because these are built-in to the thermal limits review process.
- Rule 3745-3-07 – add clarifying language on public records for consistency with OAC 3745-33-03.
- Rule 3745-33-02 – add clarifying language that Ohio NPDES rules shall be consistent with federal regulations.
- Rule 3745-33-03 – include a requirement that NPDES permit application forms contain federal requirements at a minimum and include confidential business information restrictions from federal NPDES rules in response to U.S. EPA comments and legal review.
- Rule 3745-33-04 – include several revisions in response to U.S. EPA legal review including when an application is complete, protection of other states’ water quality standards, prohibitions on new source discharges of pollutants to impaired waters, and provisions for permit modifications requested by interested parties. A provision was also included for the modification of concentrated animal feeding operation NPDES permits in accordance with federal regulations for revisions to nutrient management plans.
- Rule 3745-33-07 – include a provision setting the practical quantification level (PQL) for polychlorinated biphenyl compounds (PCBs) as the minimum levels for each congener in U.S. EPA’s draft Method 1668B.

DSW is seeking input from you on these draft rules by **5:00 p.m. on April 26, 2010**. Please direct questions regarding the draft rules to Eric Nygaard at 614-644-2024. You may view the draft rules at [www.epa.ohio.gov/dsw/](http://www.epa.ohio.gov/dsw/), or contact Melinda Harris at 614-728-1357 to obtain a copy. Please submit your comments by mail or by email to:

Melinda Harris, Rule Coordinator  
Ohio EPA, Division of Surface Water  
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Columbus, Ohio 43216-1049  
Phone 614-728-1357  
(email: [melinda.harris@epa.state.oh.us](mailto:melinda.harris@epa.state.oh.us).)

Sincerely,



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

GE:mh