

State priority system and priority list.

- (A) The director shall maintain a state priority system and priority list for the purpose of establishing the relative priority of assistance proposals nominated for Ohio water pollution control loan fund assistance under section 6111.036 of the Revised Code.
- (B) The director shall periodically prepare and adopt a state priority system which rates and ranks eligible assistance proposals that have been nominated for consideration for financial assistance. Assistance proposals may be nominated to the priority list by the director or by an applicant responsible for implementing the assistance proposal.
- (C) The priority system shall be designed to rank assistance proposals according to the state's water quality goals and objectives, as determined by the director. Without limitation, the priority system shall rate and rank assistance proposals according to the following common factors:
 - (1) Human health. This factor applies to assistance proposals which are designed to protect human health. Higher priority shall be given to assistance proposals designed to address confirmed instances of disease outbreak.
 - (2) Water resources protection and restoration.
 - (a) Rivers, streams, inland lakes, lake Erie, and the Ohio river. Assistance proposals affecting rivers, streams, inland lakes, lake Erie, and the Ohio river shall be ranked based on their ability to protect or restore water resources. The priority system shall be developed in accordance with the following factors:
 - (i) Importance of resource. The priority system shall place greater value on a water body that has the capability to support a healthy biological community composed of diverse and pollution sensitive organisms than a water body that cannot support a healthy biological community. This determination shall be made by using the aquatic life habitat use designations in Ohio's water quality standards.
 - (ii) Restoration potential. The priority system shall place greater value on water bodies that, although impaired, have the potential to be restored to their designated aquatic life use than on those water bodies that will not be restorable to their designated aquatic life use.

- (iii) Effectiveness of action. The priority system shall place greater value on proposals that have a greater correlation between the assistance proposal and improvements to water quality.
 - (b) Wetlands. The priority system shall rank wetland assistance proposals based on the ecological integrity of the wetland, placing greater value on wetlands with greater ecological integrity. For purposes of making this determination, the wetland shall be evaluated using the "Ohio Rapid Assessment Method for Wetlands," version 5.0; published February 1, 2001; available at http://www.epa.ohio.gov/portals/35/401/oram50um_s.pdf.
 - (c) Ground water. The priority system shall rank ground water assistance proposals such that greater value is placed on ground water resources that are used for human consumption. The priority system shall place greater value on those water resources that are more sensitive to pollution.
- (3) Financial need. In fulfillment of the financial need provisions of section 6111.036 of the Revised Code, the priority system shall give additional priority to assistance proposals which provide residential wastewater treatment service and qualify under the economic need determinations made by the director pursuant to rule 3745-150-14 of the Administrative Code. The director shall determine the level of additional priority, and shall calculate their priority ratings accordingly.
- (D) As determined by the director, the priority system may be revised to include additional factors to rate assistance proposals on the basis of achieving statewide water quality objectives, or achieving the objectives of the Ohio water pollution control loan fund.
 - (E) The director may establish a water resource restoration sponsor program to finance the restoration or protection, or both, of the aquatic life uses of Ohio water resources. Consistent with paragraph (F) of this rule, and without limitation, assistance proposals nominated for financing under the water resource restoration sponsor program shall be included on the project priority list, and the ratings shall be done by using the rivers, streams, inland lakes, lake Erie, and the Ohio river, and wetlands components of the priority system. Without limitation, such assistance proposals shall be eligible for funding if they will result, either by themselves or in conjunction with other actions to be implemented, in restoration or protection of the aquatic life use standards of the benefitted water resource as defined in this paragraph:

- (1) In the case of rivers, streams, inland lakes, lake Erie, and the Ohio river, the benefitted water resource shall attain at least warmwater habitat standards or better unless the assistance proposal benefits a high quality but impaired water body where habitat protection is an immediate need to prevent habitat loss.
 - (2) In the case of wetlands, the benefit to wetlands from assistance proposals restoring or protecting wetlands will be evaluated using the most current version of the Ohio rapid assessment method version 5.0 for wetlands and be rated according to the categories established in the assessment method. If the assistance proposal is for protection of the benefitted water resource then the wetland shall attain category 3. If the assistance proposal is for restoring and protecting an impaired wetland, then the wetland shall attain a category of at least 2 or 3 gray zone.
- (F) Assistance proposals that have been nominated for consideration and that have been determined by the director to be eligible and allowable for assistance under section 6111.036 of the Revised Code and the program plan prepared pursuant to division (I) of section 6111.036 of the Revised Code shall be ranked according to their priority system ratings.
- (G) The director shall periodically review the state priority system and priority list, may amend the state priority system and priority list at the director's discretion, and shall present them for public review and comment prior to issuance as a final action under Chapter 3745-47 of the Administrative Code. As part of that public review the director shall hold a public meeting to obtain comments on the draft priority system and priority list.
- (H) The director may revise the priority system at any time by amending it as a final action under Chapter 3745-47 of the Administrative Code.
- (I) The director may amend the priority list at any time without advance public notice or review by amending the priority list as a final action under Chapter 3745-47 of the Administrative Code.
- (J) Assistance for proposed activities from the water pollution control loan fund shall be limited to those activities appearing on that priority list and shall be awarded based upon their priority ranking on the list and applicants' readiness to proceed with the proposed activities.