



Early Stakeholder Outreach — Nutrient Water Quality Standards for Ohio's Large Rivers (OAC 3745-1-36)

Ohio EPA prepares early stakeholder outreach fact sheets to bring stakeholders into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What will this new rule OAC 3745-1-36 cover?

Ohio Administrative Code (OAC) rule 3745-1-36 is a new rule intended to contain Ohio's standards for eutrophication endpoints in Ohio's Large River Assessment Units. Large rivers are those that drain over 500 mi². This new rule will establish nutrient standards using the following parameters:

- Sestonic Chlorophyll
- 5-day Biological Oxygen Demand (BOD5)
- 24-hour Dissolved Oxygen Range (D.O.)
- Total Kjeldahl Nitrogen (TKN)
- A screening value for Total Suspended Solids (TSS) for sites where chlorophyll data are lacking

In addition, a target phosphorus concentration is being considered for river segments that are over-enriched as demonstrated by the standard.

Why is this rule being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

Why are we creating this rule?

Eutrophication of a water body is the result of releasing excess amounts of nutrients. If left unchecked, eutrophication can lead to harmful algal blooms (HABs), the depletion of oxygen, and fish kills. Eutrophication is one of the leading causes of impairment of aquatic life in Ohio's lakes, streams, and rivers. Since 2002, Ohio has been working to establish empirically-based targets that link excessive amounts of nutrients to the water quality problems that excessive nutrients create. This rule will establish indicators for nutrient enrichment in Ohio's Large Rivers.

Who will be regulated by this rule?

These standards will be implemented by Clean Water Act (CWA) programs such as Total Maximum Daily Load (TMDL) and the National Pollutant Discharge Elimination System (NPDES) programs. This rule would regulate entities directly

How can I provide input?

The Agency is seeking stakeholder input on the rule. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business **September 26, 2018**. Please submit input to:

Rule Coordinator
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1019
dsw_rulecomments@epa.ohio.gov

What if I have questions?

For more information about the rulemaking, please contact Audrey Rush by email:
audrey.rush@epa.ohio.gov

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affected by these programs, including facilities that discharge nutrients including municipalities, industries, commercial facilities, and concentrated animal feeding operations.

What is the rulemaking schedule?

The Agency is planning to release a draft version of these rules for interested party review and comment in fall of 2018.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- Are there considerations the Agency should take into account when drafting this rule?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by this program.

- Will this regulatory effort have a positive impact on your business? Please explain how.
- Will this regulatory effort have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

How can I get more information?

Information is available on the Ohio EPA Division of Surface Water website:

- This fact sheet is available on the Division of Surface Water website at:
<http://www.epa.ohio.gov/dsw/dswrules.aspx>.
- The support document for Large River Nutrient Water Quality Standards is located here:
<http://www.epa.ohio.gov/Portals/35/rules/large%20river%20paper.pdf>.
- The supporting presentation is located here:
<http://www.epa.ohio.gov/Portals/35/rules/Large%20River%20Eutrophication%20Presentation.pdf>.
- A map of Ohio's large rivers is located here:
<http://www.epa.ohio.gov/Portals/35/rules/Ohio's%20Large%20rivers.pdf>.