



## Early Stakeholder Outreach — Total Maximum Daily Loads (TMDL)

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

### What does rule OAC 3745-2-12 cover?

Ohio Administrative Code (OAC) 3745-2-12 covers the procedures for developing Total Maximum Daily Loads (TMDLs) for waters listed as impaired on Ohio's 303(d) list (list of waters that do not meet Ohio's water quality standards as required by Section 303 of the Clean Water Act). This rule is part of OAC Chapter 3745-2 Implementation of Water Quality Standards, which covers the technical process for converting Ohio water quality standards to wasteload allocations that can be used as limits in National Pollutant Discharge Elimination System (NPDES) permits.

Six other rules in OAC Chapter 3745-2 are being reviewed through a separate rulemaking (rules OAC 3745-2-01, 02, 05, 06, 07, and 11). Two other rules in the chapter (rules OAC 3745-2-04 and 3745-2-10) will be included in a future rulemaking.

### 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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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.

### What changes are being considered?

This is the five year review of the rule. Minor updates to style are being considered along with revisions necessary to be consistent with requirements for TMDLs in House Bill 49 of the 132<sup>nd</sup> General Assembly, signed by Governor Kasich on June 30, 2017. In addition, House Bill 49 specifically requires the Agency to adopt rules that establish both of the following items. At this time, the Agency is requesting feedback on how these two items should be addressed in the draft rule:

- Procedures for providing notice to stakeholders.
- Criteria for determining significant public interest in TMDL development.

### Who will be regulated by this rule?

Although this rule is procedural in nature, dischargers covered under an NPDES permit are indirectly impacted through the setting of permit effluent limitations based upon the wasteload allocations established in the TMDL. These rule amendments will provide for formalized stakeholder notification and comment opportunities and participation in the TMDL development process which should lead to a better TMDL product and improved water quality.

### 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 12, 2017. Please submit input to:

Rule Coordinator  
Ohio EPA, Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1019

### What if I have questions?

For more information about the rulemaking, please contact Cathy Alexander at [cathy.alexander@epa.ohio.gov](mailto:cathy.alexander@epa.ohio.gov).

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### What is the rulemaking schedule?

The Agency is planning to release a draft version of the rule for interested party review and comment in the fall of 2017.

### 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?
- What options are available for improving the existing rule?
- Are there considerations the Agency should take into account when updating the existing rule? Are there considerations the Agency should take into account when developing language for the new requirements?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

### 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://epa.ohio.gov/dsw/dswrules.aspx>
- The existing OAC Chapter 3745-2 is available at: [http://epa.ohio.gov/dsw/rules/3745\\_2.aspx](http://epa.ohio.gov/dsw/rules/3745_2.aspx)
- For additional information on the TMDL Program, see the program's website at: <http://epa.ohio.gov/dsw/tmdl/index.aspx>
- House Bill 49 of the 132<sup>nd</sup> General Assembly is available at: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-49>

### Contact

For more information, contact Cathy Alexander at [cathy.alexander@epa.ohio.gov](mailto:cathy.alexander@epa.ohio.gov) or (614) 644-2021.