



Draft Rules – Definitions, Methods, and Lake Erie Standards

Water Quality Standards (OAC Chapter 3745-1)

What does OAC Chapter 3745-1 cover?

Ohio Administrative Code (OAC) Chapter 3745-1 contains Ohio's standards for water quality. Water quality standards (WQS) are state regulations or rules that protect lakes, rivers, streams and other surface water bodies from pollution. The rules in Chapter 3745-1 contain the following: terms and definitions; methods used to quantify water quality and the biological community; beneficial use designations including aquatic life, water supply, and recreation; numeric levels and narrative statements (water quality criteria) protective of the beneficial use designations; and an antidegradation policy.

What step is this in the rulemaking process?

This step in Ohio EPA's rulemaking process, required by Ohio Revised Code (ORC) 121.39, is called Interested Party Review. During this step, the Agency makes available draft rules for interested parties for review and comment. This step occurs after the Early Stakeholder Outreach comment period.

Which water quality standards rules are under review?

This rulemaking includes review of four rules, 3745-1-02, -03, -25, and -31. All four rules are due for their five-year reviews.

What types of changes are being considered?

State law and the federal Clean Water Act require Ohio EPA to periodically update rules to reflect the latest scientific information. The Agency has evaluated information regarding the four rules listed above. The main changes being considered are:

- 1) Adding new terms to definitions list, updating definitions, and removing terms no longer in use.
- 2) Updating web links to ensure accessibility of reference documents.
- 3) Removing references to methods no longer in use by the water quality standards program at Ohio EPA and adding references to new methods as needed.
- 4) Minor changes to the rule language to make it more concise and accurate and to remove typos and reduce regulatory restriction language within the rules.
- 5) Updating stream names to match those in the Geographic Names Information System.

The paragraphs below explain the changes in more detail:

[Changes to definitions](#)

Five new acronyms are defined, five existing acronyms are removed. Fifteen new definitions are added, thirteen definitions are updated, and five existing defined terms are removed.

[Changes to methods/references](#)

Nine documents have their web links updated to ensure accessibility, eight new methods are added, and three methods are removed.

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[Updates to stream names](#)

In the Mahoning river drainage basin, Squaw creek and Little Squaw creek are updated to Girard creek and Little Girard creek, respectively.

[Language changes](#)

Rule language edited to be more concise and reduce regulatory restriction language.

Where does the new information come from?

The new information supporting the changes under consideration comes from several sources. Definitions come from US EPA and Ohio EPA guidance documents and serve to clarify terms used within rule. Changes in methodologies and their respective online documents come from 40 C.F.R. 136, as approved by US EPA, as well as Ohio EPA and US EPA manuals. Updates to stream names are a result of US Department of Interior Secretary's Order 3404 to remove derogatory geographic names.

How will the draft rules affect the regulated community?

The Agency does not anticipate impacts on the regulated community due to this rulemaking. The proposed revisions are administrative in nature and do not change rule requirements.

What additional information is the Agency seeking?

The Agency is seeking comments from interested stakeholders (public, local officials, and National Pollutant Discharge Elimination System [NPDES] permit holders, industry sectors, other state agencies, consultants and environmental organizations) who may be impacted by these draft use designation revisions and additions. General comments and specific factual information are welcome.

In addition to the draft rule amendments, Ohio EPA is also seeking comments and feedback on the draft Common Sense Initiative (CSI) Business Impact Analysis form, which is being released with these draft rules during interested party review.

How are the amendments formatted in the draft rules?

Text that is considered for deletion is identified in strikeout font; new text is underlined.

What is the rulemaking schedule?

At this time, the Agency is soliciting input on these draft rule revisions. Ohio EPA is required by section 121.39(D) of the Revised Code to contact potentially affected parties prior to adopting rule changes.

At the close of the draft rule comment period, the Agency will review the comments and make necessary changes to the rules. The Agency will then file proposed rules with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State.

At that point, another comment period, including one or more public hearings, will be scheduled. After the close of the comment period, the Agency will review the comments, make any necessary changes and then adopt the final rules. Ohio EPA expects to file the proposed rules in early 2023.

How can I comment on the draft rules?

Please submit your comments in one of the following ways:

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- By email: dsw_rulecomments@epa.ohio.gov
- By postal mail:
Rule Coordinator
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049

Comments on the draft rules must be received no later than 5 p.m. January 6, 2022.

How can I get more information?

Copies of this fact sheet, CSI form and the draft rules are on the Division of Surface Water website at epa.ohio.gov/divisions-and-offices/surface-water/regulations/interested-party-review.

For additional background information on water quality standards, please visit the Water Quality Standards Program web page at: epa.ohio.gov/divisions-and-offices/surface-water/reports-data/water-quality-standards-program.

The existing rules in OAC Chapter 3745-1 are available at: epa.ohio.gov/divisions-and-offices/surface-water/regulations/effective-rules.

For more information about these draft rules, please contact:

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