



## Early Stakeholder Outreach — Water Quality Standards rules (OAC 3745-1)

*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 do rules 3745-1-01, -04, -06, -13, -18 and -39 through 1-44 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.

Rule -01 describes the purpose and applicability of the water quality standards rules.

Rule -04 contains general narrative water quality criteria that apply to all surface waters of the state.

Rule -06 contains the mixing zone demonstration and sizing requirements.

Rule -13 assigns beneficial use designations to water bodies of the state in the central Ohio River tributaries drainage basin.

Rule -18 assigns beneficial use designations to water bodies of the state in the Little Miami river drainage basin.

Rule -39 contains site-specific modifications to criteria and values.

Rule -40 details the methods used for the development of aquatic life criteria and values.

Rule -41 details the methods used for deriving bioaccumulation factors.

Rule -42 details the methods used for developing human health criteria and values specific to the lake Erie drainage basin.

Rule -43 details the methods used for developing wildlife criteria specific to the lake Erie drainage basin.

Rule -44 contains whole effluent toxicity provisions.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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

### How can I provide input?

The Agency is seeking stakeholder input on these rules. 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 March 29, 2023. 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](mailto:dsw_rulecomments@epa.ohio.gov)

### What if I have questions?

For more information about the rulemaking, please contact Mariah Hood by email at [Mariah.Hood@epa.ohio.gov](mailto:Mariah.Hood@epa.ohio.gov) or by phone at 614-644-2865.

# Early Stakeholder Outreach — Rules

## What changes are being considered?

The Agency is conducting the five-year review of ten rules, and correcting a minor error in an eleventh rule, in OAC Chapter 3745-1. Initial changes that the Agency is considering for all rules include reducing regulatory restriction language and correcting any typos. Additional changes being considered for individual rules include:

### 3745-1-06

- May add clarifying language to aid permittees in understanding implementation processes.

### 3745-1-13

- Update a Duck creek tributary stream name to reflect current naming by US Board on Geographic Names.
- Update two stream segments: change from limited warmwater habitat use designations (this use designation is being phased out) to coldwater habitat use.
- Add and remove acronym definitions at end of rule as needed.

### 3745-1-18

- Correct erroneous stream name: “Unnamed tributary (Little Sugar creek RM 3.33)” should read “Unnamed tributary (Sugar creek RM 3.33)”.

### 3745-1-40

- Add CCC as a reference term when talking about CAC.

### 3745-1-42

- Consult Federal guidance for any needed parameter or criteria updates for the protection of human health.

## Who is regulated by these rules?

Beneficial use designations are one component of the water quality standards used in the implementation of Clean Water Act programs such as the National Pollutant Discharge Elimination System (NPDES) permits, Section 401 Water Quality Certifications and Total Maximum Daily Load (TMDL) reports, though changes to 1-13 and 1-18 only involve names changes; no use designations will be changed at this time. Potentially impacted entities for rules 1-06, 1-40, and 1-42 may include facilities that discharge or plan to discharge wastewater or entities seeking permission to physically impact these water bodies.

## What is the rulemaking schedule?

Depending upon feedback provided during this comment period, the Agency is planning to release a draft version of these rules for interested party review and comment during late spring or early summer 2023.

## 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 an identified concept? What options are available for improving the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules? Are there considerations the Agency should take into account when developing a specific concept?
- 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: [epa.ohio.gov/divisions-and-offices/surface-water/regulations/early-stakeholder](https://epa.ohio.gov/divisions-and-offices/surface-water/regulations/early-stakeholder).
- The existing rules are available here: [epa.ohio.gov/divisions-and-offices/surface-water/regulations/effective-rules](https://epa.ohio.gov/divisions-and-offices/surface-water/regulations/effective-rules).

## Early Stakeholder Outreach — Rules

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

### Contact

For more information, contact Mariah Hood at [Mariah.Hood@epa.ohio.gov](mailto:Mariah.Hood@epa.ohio.gov) or by phone at (614) 644-2865.

**Figure 1. Central Ohio tributaries (rule 1-13) and Little Miami river (rule 1-18) drainage basins.**

