



Division of Surface Water  
December 2022

## Stakeholder Outreach— Water Quality Standards Triennial Review

The Triennial Review process helps Ohio EPA determine priorities for either revising existing water quality standards or setting new water quality standards priorities. The Triennial Review process is *not a rulemaking procedure*, rather it helps to guide Ohio EPA in future rulemaking priorities.

### What are Water Quality Standards?

Water quality standards (WQS) are state regulations in Ohio Administrative Code (OAC) chapter 3745-1 that protect Ohio's lakes, rivers, streams and other surface water bodies from pollution.

WQS are comprised of three elements:

- Beneficial Use Designations – water supply, recreation, fish and wildlife
- Water Quality Criteria – narrative and numeric criteria and values derived from methods described in rule
- Antidegradation Provisions – to help keep clean water clean

There are currently 49 individual rules in the WQS, of which 23 rules are beneficial use designations for specific watersheds throughout the state.

WQS are 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. Entities potentially regulated under WQS include facilities that discharge or plan to discharge wastewater or entities seeking permission to physically impact water bodies.

### What is the Triennial Review?

Ohio EPA is conducting a triennial review of its WQS as required by federal regulations (40 CFR 131.20). These regulations are available [online](#). The federal regulations require that states at least every three years, hold public hearings for the purpose of seeking input on the priorities for reviewing their water quality standards. During the Triennial Review, states also need to consider new or updated water quality criteria recommendations published by U.S. EPA pursuant to Section 304(a) of the Clean Water Act.

### How does the Triennial Review differ from the normal state-required five-year rule review process?

The Triennial Review is a process mandated by the federal Clean Water Act and provides a public process for input on WQS

### How can you provide input?

To submit stakeholder input on Ohio EPA's Triennial Review, please complete the online form at [epa.ohio.gov/help-center/contact-us/forms/triennial-review-feedback](https://epa.ohio.gov/help-center/contact-us/forms/triennial-review-feedback) to rank the priorities and offer any additional comments.

When preparing 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.

You may also submit any comments in one of the following ways:

- By email:  
[dsw\\_rulecomments@epa.ohio.gov](mailto:dsw_rulecomments@epa.ohio.gov)
- By mail: Rules Coordinator, OhioEPA, Division of Surface Water, P.O. Box 1049, Columbus, OH 43216-1049

**Completed forms and written comments will be accepted through close of business on January 31, 2023.**

### Questions?

For more information about this review, please contact:

Melinda Harris at (614) 728-1357 or [melinda.harris@epa.ohio.gov](mailto:melinda.harris@epa.ohio.gov)

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rulemaking priorities. WQS rules make up only a portion of Ohio’s environmental rules. The Triennial Review helps determine the prioritization of work within the WQS rules for the following three years but does not itself result in specific rule changes.

Ohio’s five-year rule reviews are mandated in the Ohio Revised Code (ORC) and apply to each rule in the OAC regardless of agency or topic. Any given rule is to be reviewed every five years by the associated agency and put out for public comment multiple times as part of that review. This review results in one of the following: no change, an amended rule, or a rescinded rule.

## What input is Ohio EPA seeking?

Ohio EPA is requesting that stakeholders select from options A through O shown in Table 1, the five items that you believe are most important for Ohio EPA to prioritize in the next three years. More information on how you can provide input is provided on page 1 of this factsheet.

**Table 1.** Potential water quality standards rulemaking priorities for the next three-year period. Note that they are presented in the order they appear in the WQS rules chapter.

Option	Rule #	Rule title and subtopic if applicable
A.	3745-01-01	Purpose and applicability
B.	3745-01-04	Criteria applicable to all waters
C.	3745-01-05	Antidegradation - NPDES discharges
D.	3745-01-05	Antidegradation - Special high-quality waters
E.	3745-01-05	Antidegradation - Best available demonstrated control technology
F.	3745-01-06	Mixing zone demonstration and sizing requirements
G.	3745-01-07	Beneficial use designations and biological criteria (e.g.: Coldwater Habitat definition)
H.	3745-01-35	Aquatic life and wildlife criteria - U.S. EPA recommended and Ohio EPA developed criteria for parameters finalized since the last rulemaking
I.	3745-01-37	Water quality criteria for recreation use designations and aesthetic conditions
J.	3745-01-39	Site-specific modifications to criteria and values
K.	3745-01-40	Methodologies for development of aquatic life criteria and values
L.	3745-01-41	Methodology for deriving bioaccumulation factors
M.	3745-01-42	Methodologies for development of human health criteria and values for the Lake Erie drainage basin
N.	3745-01-43	Methodology for the development of wildlife criteria for the Lake Erie drainage basin
O.	3745-01-44	Whole effluent toxicity provisions

Stakeholders may also make comments on **any** WQS rule(s) in OAC Chapter 3745-1. General comments are welcome.

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

- Is there any information or data Ohio EPA should be aware of when reviewing these rules?
- Are there ways to increase efficiencies or better facilitate compliance with these rules?
- How closely should Ohio EPA follow U.S. EPA national criteria recommendations for aquatic life and human health criteria?
- Are there other aspects of Ohio’s WQS rules that you would like to see reviewed and changed?

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## What is the Triennial Review schedule?

- **An informative webinar will be held on December 19, 2022.** Ohio EPA will host a public webinar to present information and answer questions about the Triennial Review process and the WQS topics being considered for prioritization. The virtual event address for webinar attendees is: [attendee.gotowebinar.com/register/4934258968257049173](https://attendee.gotowebinar.com/register/4934258968257049173). The webinar will be uploaded to the Agency YouTube channel after the event. A link to the video will be available with the Triennial Review materials at this link: [epa.ohio.gov/divisions-and-offices/surface-water/regulations/early-stakeholder](https://epa.ohio.gov/divisions-and-offices/surface-water/regulations/early-stakeholder).
- **A public hearing will be held January 18, 2023.** Ohio EPA will host a public hearing to give interested persons the opportunity to present oral and written comments on the WQS rules. The public hearing will be held at the Ohio EPA Conference Center, Room A, 50 West Town Street, Suite 700, in Columbus, Ohio. Interested parties may attend in person or virtually. The virtual event address for public hearing attendees is: [attendee.gotowebinar.com/register/2578740023700534365](https://attendee.gotowebinar.com/register/2578740023700534365).
- **The comment period ends at close of business on January 31, 2023.**

This is the **only** public comment period for the Triennial Review and Ohio EPA strongly encourages stakeholders to provide comments now.

At the close of the comment period, Ohio EPA will consider input provided by stakeholders and Ohio EPA's Division of Surface Water staff, draft a work plan, and publish a Triennial Review report. The report will be made available on the Division of Surface Water's [website](#).

## How can you get more information?

- This fact sheet is available on Ohio EPA's 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).
- For additional background information on water quality standards, please visit the Water Quality Standards Program webpage at: [epa.ohio.gov/divisions-and-offices/surface-water/reports-data/water-quality-standards-program](https://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](https://epa.ohio.gov/divisions-and-offices/surface-water/regulations/effective-rules).
- Information on the federal WQS program is available at: [epa.gov/wqs-tech](https://epa.gov/wqs-tech).
- Contact Melinda Harris at (614) 728-1357 or [melinda.harris@epa.ohio.gov](mailto:melinda.harris@epa.ohio.gov).