



## Early Stakeholder Outreach — Wetland Water Quality Standards (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 3745-1-50, -51, -52, and -54 cover?

Water quality standards are state regulations or rules that protect lakes, rivers, streams, wetlands and other surface water bodies from pollution. The rules are in Chapter 3745-1 of the Ohio Administrative Code (OAC). These rules contain: beneficial use designations; numeric levels and narrative statements (water quality criteria) protective of the use designations; procedures for applying the water quality criteria to wastewater dischargers and Antidegradation procedures. These rules outline wetland water quality standards that apply to all wetlands within the state.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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

### What changes are being considered?

The Agency is conducting the five-year review of four rules in OAC Chapter 3745-1. Initial changes that the Agency is considering include:

#### 3745-1-50

- Reduce regulatory restriction language within the rule.
- Federal and state manuals referenced in the rules will be updated to satisfy rule by reference requirements.

#### 3745-1-51

- Reduce regulatory restriction language within the rule.

#### 3745-1-52

- Reduce regulatory restriction language within the rule.

#### 3745-1-54

- Reduce regulatory restriction language within the rule.
- Inclusion of additional details on compensatory mitigation requirements and potential performance standards to satisfy requirements from House Bill 175 effective on July 21, 2022.

### Who will be regulated by these rules?

Anyone who wishes to discharge dredged or fill material into waters of the state, which includes applicants for Section 401 Water Quality Certifications, containing impacts to wetlands and isolated wetland permits is regulated by these rules. This includes local and state governments, federal government, businesses and private property owners. This rulemaking does not change existing requirements and should have no additional impact on stakeholders.

### 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 January 18, 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 Joni Lung by email at [Joni.Lung@epa.ohio.gov](mailto:Joni.Lung@epa.ohio.gov) or by phone at 614-644-2152.

## Early Stakeholder Outreach — Rules

### 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 spring or 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?

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

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program 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: [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).
- 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](https://epa.ohio.gov/divisions-and-offices/surface-water/reports-data/water-quality-standards-program).

### Contact

For more information, contact Joni Lung at [Joni.Lung@epa.ohio.gov](mailto:Joni.Lung@epa.ohio.gov) or by phone at (614) 644-2152.