

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Wastewater Permitting**

Notice is hereby given that the Director of Environmental Protection, in accordance with Chapter 119 of the Revised Code, proposes to adopt the following rules of the Ohio Administrative Code (OAC). Authority to adopt OAC Chapter 3745-1 rules is under Section 6111.041 of the Ohio Revised Code. Authority to adopt OAC Chapter 3745-2 rules is under Sections 6111.03 and 6111.12 of the Ohio Revised Code. Authority to adopt OAC Chapter 3745-33 rules is under Section 6111.03, 6111.031, and 6111.13 of the Ohio Revised Code.

Rule #	Rule Title	Action
	OAC Chapter 3745-1 Water Quality Standards	
3745-1-06	Mixing zones.	Amend
	OAC Chapter 3745-2 Implementation of Water Quality Standards	
3745-2-02	Definitions.	Amend
3745-2-04	Determinations preliminary to development of water quality-based effluent limitations.	Amend
3745-2-05	Calculating wasteload allocations.	Amend
3745-2-06	Application of preliminary effluent limitations.	Amend
3745-2-07	Additive effects of pollutants.	Amend
3745-2-08	Mixing zone demonstration and sizing requirements.	Amend
3745-2-09	Whole effluent toxicity provisions and water quality based effluent limit calculation procedures.	Amend
3745-2-10	Wasteload allocation for ammonia-nitrogen toxicity.	Amend
3745-2-12	Total maximum daily loads.	Amend
	OAC Chapter 3745-33 Ohio NPDES Permits	
3745-33-01	Definitions.	Amend
3745-33-02	Ohio NPDES permit required.	Amend
3745-33-03	Permit applications.	Amend
3745-33-04	Permit actions.	Amend
3745-33-05	Authorized discharge levels.	Amend
3745-33-07	Establishing permit conditions.	Amend
3745-33-08	Generic permit conditions.	Amend
3745-33-09	Pollutant minimization programs.	Amend

OAC Chapter 3745-1 addresses water quality standards for surface waters of the state. OAC Chapter 3745-2 addresses procedures for implementing water quality standards in wastewater discharge permit limits. OAC Chapter 3745-33 contains the administrative and technical requirements for wastewater discharge permits.

A majority of the proposed amendments are housekeeping in nature. Significant amendments include revision to mixing zone requirements, clarification on facilities required to obtain wastewater discharge permits, revision to imposition of standards of performance for

wastewater facilities, revision to the fish tissue mercury value that may be used as an alternative to determine compliance with the mercury water quality standard, clarification on use of 7-day average and daily limitations in discharge permits, clarification on establishment of permit limitations based on design criteria, revision to compliance schedule language to allow a "break in" period, and revision to minimum monitoring requirements for whole effluent toxicity testing.

The public comment period will run until **5:00 p.m. on January 6, 2011**. A public hearing on these proposed rules will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held **at the Ohio EPA Conference Center, Room B, 50 West Town Street, Suite 700, Columbus, Ohio at 2:00 p.m. on January 6, 2011**. All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitors are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rules.

Written testimony should be sent to the attention of Rule Coordinator at the Ohio EPA Division of Surface Water, P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by **5:00 p.m. on January 6, 2011**, will be considered by Ohio EPA prior to final action on this rulemaking. Written comments submitted after this date may be considered as time and circumstances permit.

To obtain copies of the proposed rules, or if you have any questions about this rule package, contact Eric Nygaard, Division of Surface Water, at (614) 644-2024 or via email at eric.nygaard@epa.state.oh.us. Copies of the proposed rules are also available on the Ohio EPA Division of Surface Water website at www.epa.ohio.gov/dsw/Home.aspx and the Register of Ohio website at www.registerofohio.state.oh.us.