

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Modeling and TMDL Program**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 6111.03 and 6111.12 of the Ohio Revised Code and in accordance with Chapter 119, proposes to amend the following rules of the Ohio Administrative Code (OAC):

Rule Number	Rule Title
3745-2-01	Purpose and applicability.
3745-2-02	Definitions.
3745-2-05	Calculating wasteload allocations.
3745-2-06	Application of preliminary effluent limitations.
3745-2-07	Additive effects of pollutants.
3745-2-11	Dissolved oxygen modeling.

The rulemaking includes the five-year review of six rules in OAC Chapter 3745-2, which covers the technical process for converting Ohio water quality standards (WQS) to wasteload allocations that can be used as limits in National Pollutant Discharge Elimination System (NPDES) permits. The major updates being considered in this rulemaking are including the ability for the director to allow the use of alternate statistical techniques to determine background water quality if they are demonstrated to be appropriate. This will address instances where a model requires inputs other than those listed in the current rule language (i.e., average value instead of median), as well as clarifications and updates to rule cross-references to bring consistency with other rule chapters.

The Agency invites all interested parties to comment on these rules. The public comment period will run until **December 21, 2017**. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at **Conference Room C at the Ohio EPA Central Office, 50 West Town Street, Suite 700, Columbus, Ohio at 10:30 a.m. on December 21, 2017**. 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 rulemaking.

Written testimony should be sent to the attention of Emily DeLay at the 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 close of business on **December 21, 2017**, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

The proposed rules and a fact sheet explaining the rule revisions are posted on the Ohio EPA website at www.epa.ohio.gov/dsw/dswrules.aspx. The proposed rules are also available on the Register of Ohio website at www.registerofohio.state.oh.us. Questions regarding this rule package should be directed to Chris Kosto or Eric Nygaard at the Division of Surface Water, at (614) 721-8644 or (614) 644-2028, respectively.