

**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, 6111.12, and 6111.563 of the Ohio Revised Code and in accordance with Chapter 119, proposes to amend the following rules of the Ohio Administrative Code (OAC):

<b>Rule Number</b>	<b>Rule Title</b>
3745-2-04	Determinations preliminary to development of water quality-based effluent limitations.
3745-2-10	Wasteload allocation for ammonia-nitrogen toxicity.
3745-2-12	Total maximum daily loads.

The rulemaking includes the five-year review of three 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 incorporating new requirements for the Agency from HB 49 of the 132<sup>nd</sup> General Assembly into OAC rule 3745-2-12. HB 49 specifically requires the Agency to adopt rules that establish procedures for providing notice to stakeholders, and criteria for determining significant public interest in total maximum daily load (TMDL) development. The Agency proposes to adopt new requirements for stakeholder involvement during TMDL development at four additional steps (the project assessment study plan, the biological and water quality report, the loading analysis plan, and the preliminary modeling results), and adding two factors for Ohio EPA to use when determining the assessment area for a TMDL.

The Agency invites all interested parties to comment on this rule. The public comment period will run until **December 18, 2018**. 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 A at the Ohio EPA Central Office, 50 West Town Street, Suite 700, Columbus, Ohio at 10:30 a.m. on December 18, 2018**. 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 18, 2018**, 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 rule and a fact sheet explaining the rule revisions are posted on the Ohio EPA website at [www.epa.ohio.gov/dsw/dswrules.aspx](http://www.epa.ohio.gov/dsw/dswrules.aspx). The proposed rule is also available on the Register of Ohio website at [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us). Questions regarding this rule package should be directed to Melinda Harris at the Division of Surface Water, at (614) 728-1357.