

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice  
Proposed Rulemaking Governing  
Surface Water Quality Standards Program**

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 6111.041 of the Ohio Revised Code and in accordance with Chapter 119 of the Revised Code, proposes to adopt amendments to the following rules of the Ohio Administrative Code:

<b>Rule #</b>	<b>Rule Title</b>	<b>Action</b>
3745-1-05	Antidegradation.	Amend
3745-1-07	Water use designations and statewide criteria.	Amend

Chapter 3745-1 of the Administrative Code addresses water quality standards for surface waters of the state. The rules in Chapter 3745-1 contain: beneficial use designations such as warmwater aquatic life habitat, public water supply and primary contact recreation; numeric levels and narrative statements (water quality criteria) protective of the use designations; and antidegradation provisions that establish a procedure to determine that a discharge is necessary before authorizing it.

The proposed changes to rule 3745-1-05 will, for Section 401 water quality certification projects subject to the antidegradation rule, make submittal, public notice and public hearing requirements consistent with Ohio Revised Code section 6111.30 (Application for federal water quality certification – hearing, effective 09-29-2005). The proposed changes to rule 3745-1-07 will revise the definitions of the recreation use designations, remove fecal coliform water quality criteria and revise E. coli water quality criteria.

The draft version of this rulemaking, made available for public comment in March 2009, also included revisions to rule 3745-1-31 that would restrict disposal of dredge material in Lake Erie. The Agency has decided to delay proposal of the rule 3745-1-31 revisions to allow more time to discuss them with stakeholders.

The public comment period will run until **5:00 p.m. on September 10, 2009**. A public hearing on these proposed rule amendments will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held in **Conference Room B at the Ohio EPA Central Office, 50 West Town Street, Suite 700, Columbus, Ohio at 2:00 p.m. on September 10, 2009**.

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 Bob Heitzman 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 September 10, 2009**, 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.

For questions regarding this rule package or to receive a copy of the proposed rules, please contact Bob Heitzman, Division of Surface Water, at (614) 644-3075 or by email at [bob.heizman@epa.state.oh.us](mailto:bob.heizman@epa.state.oh.us). In addition, the proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the Ohio EPA Web site at [www.epa.state.oh.us/dsw](http://www.epa.state.oh.us/dsw) and the Register of Ohio Web site at [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us).