

Hearing Summary

Rule Package: Beneficial Use Designations, Wave 4
November 9, 2017 (Refiled on December 15, 2017)

Original filing date: November 9, 2017

Public comment start date: December 18, 2017

Public comment end date: December 18, 2017

Public hearing date: _____

List of Rules: OAC 3745-1-29

Were there any participants in this public hearing beyond Ohio EPA staff or JCARR staff?

☐ Yes

☒ No

Were there comments received during the public comment period outside of those presented at this hearing?

☐ Yes

☒ No

This hearing summary has been compiled to meet the requirements of Section 119.03 of the Revised Code.

This hearing summary includes this cover sheet and the following attachments:

1. **Attachment A** - A copy of the public notice for this hearing.
2. **Attachment B** - A copy of the sign-in sheet for this hearing.
3. **Attachment C** - A copy of the script read into the record to begin and end the hearing.
4. **Attachment D** - A copy of the response to comments.

Ohio EPA's response to comments document includes the comments received, who commented, the agency response to comments, and a statement of whether or not the rule was changed due to the comments.

Ohio EPA digitally records all public hearings for rules. The digital recordings are available upon request in a WAVE (.wav) file format. These recordings may be sent out for transcription if necessary.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

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

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, proposed to amend the following rule of the Ohio Administrative Code (OAC):

Rule #	Rule Title
3745-1-29	Wabash river drainage basin.

OAC Chapter 3745-1 contains Ohio's standards for water quality. This rulemaking includes the review and update of one beneficial use designation rule in the chapter to reflect the latest scientific information. The rule is being rescinded and filed as new due to revisions to more than fifty percent of the rule.

The public comment period will run until **December 18, 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 A at the Ohio EPA Central Office, 50 West Town Street, Suite 700, Columbus, Ohio at 10:30 a.m. on December 18, 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 18, 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 rule 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 rule is also available on the

Register of Ohio website at www.registerofohio.state.oh.us. Questions regarding this rule package should be directed to Dan Dudley, at the Division of Surface Water, at (614) 644-2876.



SIGN-IN SHEET

Subject: Wabash river drainage basin
County: Statewide **Date:** December 18, 2017

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT** **PLEASE PRINT**

NAME: _____ E-MAIL: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: _____ FAX: _____

NAME: _____ E-MAIL: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: _____ FAX: _____

NAME: _____ E-MAIL: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: _____ FAX: _____

NAME: _____ E-MAIL: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: _____ FAX: _____

NAME: _____ E-MAIL: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: _____ FAX: _____

NAME: _____ E-MAIL: _____

MAILING ADDRESS: _____

BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

- - -

IN RE: :
:
DIVISION OF SURFACE WATER :
WABASH RIVER DRAINAGE :
RULES :

- - -

PUBLIC HEARING

held before Kristopher Weiss, Public Involvement
Coordinator for Ohio EPA's Public Interest Center,
taken before Heather A. Piper, Registered
Professional Reporter, at the Lazarus Government
Center, 6th Floor, Conference Room A, 50 West Town
Street, Columbus, Ohio, on Monday, December 18,
2017, at 10:30 a.m.

- - -

FRALEY COOPER & ASSOCIATES
222 East Town Street, Second Floor
Columbus, Ohio 43215-4620
(614) 228-0018 - (800) 852-6183

P R O C E E D I N G S

- - -

MR. WEISS: My name is Kristopher Weiss. I am a public involvement coordinator in Ohio EPA's Public Interest Center. I will preside over today's public hearing.

Thank you for taking time to attend this hearing before Ohio EPA. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed rules.

Ohio EPA's Division of Surface Water is proposing to amend Rule 3745-1-29 of the Ohio Administrative Code. This rule includes the review and update of one beneficial use designation rule in the chapter to reflect the latest scientific information. The rule is being rescinded and filed as new due to revisions to more than 50 percent of the rule.

These rules have been filed with the Joint Committee on Agency Rule Review. Copies of the rules are available for public review at Ohio EPA's Columbus office and on our website.

All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rules. All

1 written and oral comments received as part of the
2 official record will be considered by the director
3 of the Ohio EPA.

4 To be included in the official record,
5 written comments must be received by Ohio EPA by the
6 close of business today, Monday, December 18, 2017.
7 These comments may be filed with me today. All
8 written comments submitted for the record receive
9 the same consideration as oral testimony given today
10 and should be sent to emily.delay@epa.ohio.gov.

11 Written statements submitted after today
12 may be considered as time and circumstances permit
13 but will not be part of the official record of the
14 hearing.

15 If you wish to present oral testimony at
16 this hearing today and have not already signed the
17 registration sheet, please do so at this time. The
18 sheet is available at the registration table.
19 Persons will be called in the order in which they
20 have registered.

21 There is no cross-examination of speakers
22 or of representatives of Ohio EPA in public
23 hearings. Ohio EPA hearings such as this afford
24 citizens the opportunity to provide comments on the
25 official record. Therefore, we will not be able to

1 answer questions during the hearing. However,
2 members of the panel may ask clarifying questions of
3 the person testifying to ensure the record is as
4 complete and accurate as possible.

5 I will now read the names of those who have
6 registered at this hearing and will give each person
7 an opportunity to testify. Is there anyone who
8 wishes to testify at this time?

9 Seeing no requests for testimony, I remind
10 you that written comments can be submitted through
11 the close of business today, December 18.

12 Thank you for attending. The time is now
13 11:00 a.m., and this hearing adjourned.

14 (Thereupon, the hearing was concluded at
15 11:00 a.m.)

16 - - -
17
18
19
20
21
22
23
24
25

CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the proceedings
taken by me in this matter on Monday, December 18,
2017, and carefully compared with my original
stenographic notes.

Heather A. Piper, Registered
Professional Reporter and
Notary Public in and for
the State of Ohio.

My commission expires October 29, 2020.



Division of Surface Water Response to Comments

Rule: Water Quality Standards Beneficial Use Designation Rule OAC Chapter 3745-1
OAC 3745-1-29: Wabash river drainage basin.

Agency Contact for this Package

Division Contact: Dan Dudley
Division of Surface Water
614-644-2876
daniel.dudley@epa.ohio.gov

Ohio EPA held a proposed rule comment period from November 9, 2017 to December 18, 2017 regarding one Water Quality Standards beneficial use designation rule. This document summarizes the comments and questions received during the associated comment period.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by commenter and organized in a consistent format. The name of the commenter is listed above the comments they submitted.

Comment 1: No comments received.

End of Response to Comments