

Hearing Summary

Rule Package: Implementation of Water Quality Standards Rules
November 15, 2017

Original filing date: November 15, 2017

Public comment start date: December 21, 2017

Public comment end date: December 21, 2017

Public hearing date: _____

List of Rules: OAC 3745-2-01, -02, -05, -06, -07, -11

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
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.



SIGN-IN SHEET

Subject: Water Quality Standards Rules

County: Statewide

Date: Dec. 21, 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: _____

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CITY: _____ STATE: _____ ZIP: _____

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DSW Rules

12/21/17

My name is ~~Kristopher Weiss~~ ^{Heather Lauer}. 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 Surface Water is proposing to amend rules 3745-2-01, 02, 05, 06, 07 and 11 of the Ohio Administrative Code. These rules cover the technical process for converting Ohio water quality standards to wasteload allocations that can be used as limited in National Pollutant Discharge Elimination System permits.

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 written and oral comments received as part of the official record will be considered by the Director of Ohio EPA.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, today, Thursday, Dec. 21, 2017. These comments may be filed with me today. All written comments submitted for the record receive the same consideration as oral testimony given today and should be sent to emily.delay@epa.ohio.gov

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

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

There is no cross examination of speakers or of representatives of Ohio EPA in public hearings. Ohio EPA hearings such as this afford citizens the opportunity to provide comments on the official record. Therefore, we will not be able to answer questions during the hearing. However, members of the panel may ask clarifying questions of the person testifying to ensure the record is as complete and accurate as possible.

I will now read the names of those who have registered at this hearing and will give each person an opportunity to testify.

Is there anyone else who wishes to testify at this time?

X Seeing no further requests for testimony, I remind you that written comments can be submitted through the close of business today, Dec. 21.

X Thank you for attending. [The time is now _____ and this hearing is adjourned.]



Division of Surface Water Response to Comments

Rule: Implementation of Water Quality Standards Rules OAC Chapter 3745-2

Agency Contact for this Package

Division Contact: Eric Nygaard
Division of Surface Water
614-644-2024
eric.nygaard@epa.ohio.gov

Ohio EPA held a proposed rule comment period from November 15, 2017 to December 21, 2017 regarding six rules in OAC Chapter 3745-2, Implementation of Water Quality Standards. 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