



## MEMORANDUM OF RESPONSE

To: Jacob Ritzenthaler, Regulatory Policy Advocate

From: Mandi Payton, Agency Rules Coordinator

Date: October 25, 2017

Subject: Memorandum of Response to CSI Review – Water Quality Standards Beneficial Use Designations (OAC 3745-1-29)

### **Recommendations**

On October 25, 2017, Ohio EPA received the Recommendations for the Division of Surface Water's Water Quality Standards Beneficial Use Designations (OAC 3745-1-29) Rules.

The CSI memorandum stated that:

"The business communities impacted by this rule include any business that is subject to the National Pollutant Discharge Elimination System (NPDES) permit program or CWA Section 401 water quality certification. As stated in the BIA, the rule does not create a burden on businesses directly, but through the requirements of other regulatory programs. The adverse costs come in the form of wastewater treatment costs for NPDES program participants, as well as project approval and mitigation measures necessary to compensate for materials discharged into bodies of water for CWA Section 401 participants. These adverse costs are necessary to protect public safety by establishing standards that protect and improve the quality of water within the state. Additionally, OEPA estimates that the proposed rule will create no additional burdens on businesses, as the rule sets forth less stringent chemical criteria for bodies of water where current permittees are operating. After reviewing the proposed rule and the BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule package is justified.

For the reasons described above, the CSI Office has no recommendations on this rule package.

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Environmental Protection Agency should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review."

### **Next Steps**

At this time, it is Ohio EPA's plan to move forward with the original filing of this rule with the Joint Committee on Agency Rule Review.

If you have any questions, please contact Mandi Payton at 614-644-3134.