



MEMORANDUM OF RESPONSE

To: Travis Butchello, Regulatory Policy Advocate

From: Mandi Payton, Agency Rules Coordinator

Date: November 13, 2017

Subject: Memorandum of Response to CSI Review – Modeling (OAC 3745-2-01, -02, -05, -06, -07, -11)

Recommendations

On November 13, 2017, Ohio EPA received the Recommendations for the Division of Surface Water's Modeling (OAC 3745-2-01, 3745-2-02, 3745-2-05, 3745-2-06, 3745-2-07, and 3745-2-11) Rules Package.

The CSI memorandum stated that:

"The BIA states that the rules do not directly impact the business community because the rules govern the procedures through which water quality standards are translated into wasteload allocations and limitations. However, the CSI office recognizes that an indirect impact may exist on the business community including cities, villages, and other business entities. The aforementioned entities may incur costs associated with meeting proper levels of wastewater treatment and numeric water quality criteria specified in the rules. While the BIA does not address specific costs of indirect compliance by municipalities, OEPA does note that there will likely be existing costs for permit application and permit renewal every five years, costs of wastewater treatment plant construction and operation, and time for paperwork completion including recordkeeping and monthly reports. Lastly, non-compliance with the rules may result in monetary fines. OEPA emphasizes that the regulatory intent of the rules outweighs any adverse impact because formalizing procedures in the rule benefits the affected communities by ensuring consistency and transparency to the implementation of water quality standards in addition to compliance with federal law.

For the reasons explained above, this office does not have any recommendations regarding this rule package.

Based on the above comments, the CSI Office concludes that the Ohio Environmental Protection Agency should proceed with the formal filing of this rule package 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 these rules with the Joint Committee on Agency Rule Review.

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