

## MEMORANDUM OF RESPONSE

To: Caleb White, Business Advocate

From: Mandi Payton, Rules Coordinator

Date: October 25, 2023

Subject: Memorandum of Response to CSI Review – Water Quality Standards – No Change Beneficial and Wetland Use Designations (OAC 3745-1-29, 3745-1-30, and 3745-1-53)

### **Recommendations**

On October 25, 2023, Ohio EPA received the recommendations for the Division of Surface Water's – Water Quality Standards – No Change Beneficial and Wetland Use Designations (OAC 3745-1-29, 3745-1-30, and 3745-1-53) rules.

The CSI memorandum stated that:

“The business community impacted by the rules includes businesses regulated through the National Pollutant Discharge Elimination System (NPDES) permit and Section 401 water quality certification programs. The OEPA notes that the business community is impacted by the rules indirectly through these regulatory programs, which are designed to ensure compliance with water quality standards under the federal Clean Water Act (CWA). The adverse impacts created by the rules include the level of wastewater treatment needed to meet the effluent limits imposed by the OEPA through the NPDES permit program and the terms and conditions imposed through the 401 program for activities which place dredge or fill materials into state waters. According to the OEPA, the cost of the adverse impacts can vary greatly depending on the type and quantity of pollutants discharged, the amount of dilution water available to mix with the discharge, and the amounts of pollutants already present in the dilution water. The OEPA states that the adverse impacts to business are justified to implement the requirements of the CWA and to protect clean water in Ohio's streams, rivers, and lakes so that it remains suitable for swimming, drinking, and fishing.

Based on the information above, the CSI Office has no recommendations on this rule package.

The CSI Office concludes that the Agency should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.”

### **Next Steps**

Currently, 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 [amanda.payton@epa.ohio.gov](mailto:amanda.payton@epa.ohio.gov).