

OHIO ENVIRONMENTAL PROTECTION AGENCY

**Public Pre-Notice
Proposed Rulemaking Governing
Water Quality Standards and
Implementation of Water Quality Standards Programs**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 6111.041 of the Ohio Revised Code and in accordance with Chapter 119, proposes to amend the following rule of the Ohio Administrative Code:

3745-1-07 Beneficial use designations and biological criteria.

And to add as a new rule:

3745-2-03 Application of biological survey data to development of water quality-based effluent limitations.

These rules address water quality standards and the implementation of those standards.

The purpose of this rule making is to primarily to update the biocriteria narrative portion of the rules to remove a U.S. EPA objection to the current rule and incorporate a Memorandum of Understanding between Ohio EPA and U.S. EPA that was signed in 2000. This rulemaking will also eliminate the Limited Warmwater Habitat use designation, which is obsolete.

The public comment period will run until October 16, 2023. 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. Ohio EPA will be holding an in-person and virtual public hearing on the rules on October 16, 2023 at 10:30 a.m. The in-person hearing will be at the same time and date and will be located at Ohio EPA, Suite 700, 50 W. Town Street, Columbus, Ohio 43215. During the hearing, the public may submit written comments on the record about the proposed rules if participating virtually and verbally if participating in person.

Citizens who want to participate virtually must register in advance for the meeting at: <https://attendee.gotowebinar.com/register/3515814207479490646>

Registration for the in-person hearing is not required. Citizens 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 or by emailing mary.mccarron@epa.ohio.gov. 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 rule making.

Written testimony should be sent to the attention of Emily Imhoff at the Division of Surface Water, Ohio EPA, P.O. Box 1049, Columbus Ohio 43216-1049 or can be emailed to dsw_rulecomments@epa.ohio.gov. 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 October 16, 2023, 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.

Questions regarding this rule package should be directed to Eric Nygaard, at the Division of Surface Water at Eric.Nygaard@epa.ohio.gov.

To receive a copy of the proposed rules, please contact the DSW receptionist at (614) (644-2001). In addition, full copies of all proposed rules are available for review

at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the DSW web page at epa.ohio.gov/divisions-and-offices/surface-water/regulations/proposed-rules.

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>