



## MEMORANDUM OF RESPONSE

To: Joseph Baker, Director

From: Mandi Payton, Rules Coordinator

Date: December 6, 2022

Subject: Memorandum of Response to CSI Review – Ohio Biocriteria Narrative Rules  
(OAC 3745-1-07 and 3745-2-03)

### **Recommendations**

On December 5, 2022, Ohio EPA received the recommendations for the division of Surface Water's Ohio Biocriteria Narrative Rules (OAC 3745-1-07 and 3745-2-03) rules.

The CSI memorandum stated that:

"The business community impacted by the rules includes business entities regulated through the NPDES program or Section 401 water quality certification program. The adverse impact to business includes the required costs of wastewater treatment necessary to meet the standards prescribed in the rule. According to the agency, these costs can vary greatly depending on the designated use of the stream, the type and quantity of pollutants discharged, the amount of dilution water available, and other related factors. OEPA states that the adverse impact to business is justified to ensure that the quality of water in Ohio's streams, rivers and lakes is improved, maintained and remains suitable for swimming, drinking and fishing, and to comply with federal regulations under the Clean Water Act.

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

The CSI Office concludes that OEPA 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 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).