



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 20 2009

REPLY TO THE ATTENTION OF: WQ-16J

George Elmaraghy, Chief  
Division of Surface Water  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Dear Mr. Elmaraghy:

Thank you for your submittal to U.S. Environmental Protection Agency on changes to Ohio's rules at OAC 3745-1-03, OAC 3745-1-38, OAC 3745-1-39, OAC 3745-2-04, and OAC 3745-2-12. The rule revisions were sent by Ohio Environmental Protection Agency on July 7, 2007, and an Attorney General certification was received on December 30, 2008.

Section 303(c)(2)(A) of the Clean Water Act (CWA) states, "Whenever the State revises or adopts a new standard, such revised or new standard shall be submitted to the Administrator. Such revised or new standard shall consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses." Additionally, 40 CFR 131.13 provides that "States may, at their discretion, include in their state standards, policies generally affecting their application and implementation, such as mixing zones, low flows and variances. Such policies are subject to EPA review and approval.

EPA reviewed Ohio's revised rules to OAC 3745-1-03, OAC 3745-1-38 and OAC 3745-1-39 to determine whether or not the revisions made by Ohio to the rules containing Ohio's water quality standards constituted new or revised uses, new or revised criteria, new or revised antidegradation policies or implementation procedures, or new or revised policies generally affecting implementation of Ohio's water quality standards. EPA determined that the changes to Ohio's rules are not revisions to uses, criteria, Ohio's antidegradation policy or procedures, or new or revised policies generally affecting implementation of Ohio's water quality standards. Consequently, the changes to OAC 3745-1-03, OAC 3745-1-38, and OAC 3745-1-39 do not require EPA approval under section 303(c)(2)(A) of the CWA. EPA has updated its docket of Ohio's effective water quality standards rules to reflect these revisions and the revised rules are effective pursuant to Ohio law.

Ohio also submitted revisions to Ohio's water rules at OAC 3745-2-04, and OAC 3745-2-12. EPA reviewed the revised rules at OAC 3745-2-04, and OAC 3745-2-12 and determined that the revisions do not constitute changes to designated uses, water quality criteria, Ohio's antidegradation policies and procedures, or policies generally affecting implementation of

Ohio's water quality standards. Since these revisions may be covered by other EPA authorities, the revisions were forwarded to the appropriate programs in EPA Region 5's Water Division for their consideration and possible action.

Thank you again for submitting these rule revisions to EPA. Although these rule revisions did not require EPA approval, state submittal of all new or revised water rules is important so that EPA can maintain an accurate and current record of states' water rules and ensure that changes that do require review and approval under section 303(c) of the CWA are identified and approved in a timely manner.

If you have any questions regarding this letter, please contact me at (312) 886-6758, or Mari Nord of my staff at (312) 886-3017.

Sincerely,

A handwritten signature in black ink that reads "Linda Holst". The signature is written in a cursive style with a large initial "L".

Linda Holst, Chief  
Water Quality Branch

cc: Bob Heitzman, Ohio EPA