

FOR RELEASE: October 18, 2010
CONTACT: Linda Fee Oros, (614) 644-2160

Ohio EPA Proposes Antidegradation Rule Amendments; Hearing Scheduled

Ohio EPA is proposing to update a rule governing water quality pollution to address requirements from an appeal settlement. The rule is a subset of a larger antidegradation rules package that is still under review.

A hearing will be held on the proposed rule amendments on Nov. 10, 2010, at 2 p.m. at Ohio EPA's Central Office location in the Lazarus Government Center, conference room D, 50 West Town Street, Suite 700 in Columbus. The hearing will end after all participants have had a chance to testify or submit written comments. Comments will be accepted at the hearing or by mail and e-mail through 5 p.m. on Nov. 10.

The three changes are time-sensitive because they are the result of a Joint Stipulation and Settlement Agreement from an Environmental Review Appeals Commissions (ERAC) appeal. To meet requirements, three changes need to proceed through the rulemaking process ahead of the rest of the rules:

- specifying the rule exemptions that apply when existing sources discharge to waters of the state;
- specifying the reserve portion of a water body's pollutant capacity allocation where outstanding state waters and superior high quality waters exist; and
- listing specific petition procedures when revising the allowable set aside percentages for a water body's pollutant capacity.

The antidegradation rule establishes a procedure to determine that a discharge is necessary before authorizing it. The antidegradation rule is required by the Clean Water Act and must be part of state water quality standards. Antidegradation sets up provisions to be followed before authorizing any increase in discharges to a water body that could result in lowering the water quality, including an increase in the discharge of a regulated pollutant or activities that may significantly alter physical habitat.

Written comments may be mailed to the attention of the rules coordinator at Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, Ohio 43216-1049, or e-mailed to dsw-rulecomments@epa.state.oh.us, by Nov. 10. Written comments received after this date may be considered as time and circumstances permit.

Those intending to testify should register with the Ohio EPA Public Interest Center by Nov. 9, by calling (614) 644-2160. All pre-registered participants will be heard prior to those registering at the hearing. Testimony time may be limited based on the number of people testifying. All visitors must register at the lobby desk and provide a valid photo ID in order to enter the hearing room on the day of testimony.

Ohio EPA will review all comments and make applicable changes before the rules are finalized. A response to comments will be prepared following the hearing and sent to all who register their address or request a copy.

Copies of the proposed rules can be accessed at www.epa.ohio.gov/dsw, under rules, or can be obtained at any Ohio EPA district office or central office, or by calling Mark Stump at (614) 644-2028, or e-mailing mark.stump@epa.state.oh.us.