



Early Stakeholder Outreach — Credible Data Rules (OAC 3745-4)

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What does OAC Chapter 3745-4 cover?

Ohio Administrative Code (OAC) Chapter 3745-4 contains Ohio's standards for the credible data program. This program was designed to encourage and oversee the collection, analysis and use of water quality data collected voluntarily by individuals and organizations.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

The Agency is conducting the five-year review of the six existing rules in OAC Chapter 3745-4. Initial changes that the Agency is considering include:

For all rules

- Minor language and formatting changes to clarify rules and comply with Senate Bill 9
- Removal of references to the Credible Data Online Application database
- Change from HUC 8 to HUC 12 in project study plan guidelines

3745-4-01

- Considering expanding the credible by rule requirements to cover additional data collected by licensed public water systems beyond compliance sampling

3745-4-03

- Updates to requirements for Level 2 and Level 3 Qualified Data Collectors (QDCs) including:
 - Level 2: removal of requirement for one year of experience developing water quality sampling plans, quality assurance plans, and data quality objectives for all specialties, adding training as a substitute for experience in section (A)(2)(d)(ii) for chemical water quality assessment
 - Level 3: change the time between taking training and submitting application for fish community biology to two years, and remove minimum time requirement for experience developing water quality sampling plans, quality assurance plans, and data quality objectives for all specialties.
- Update to the definition of "active participation" to include submittal of permit-related data, and Ohio EPA-related contract work explicitly for certification renewal purposes

How can I provide input?

The Agency is seeking stakeholder input on these rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business May 15, 2024. Please submit input to:

Rule Coordinator
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1019
dsw_rulecomments@epa.ohio.gov

What if I have questions?

For more information about the rulemaking, please contact Kelsey Heyob at

Kelsey.Heyob@epa.ohio.gov or by phone at (614) 705-1011.

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- Change to the automatic renewal process for Level 3 QDCs
- Clarifying requirements for trainer applications

3745-4-05

- Appendix A: Removal of voucher requirements of macroinvertebrates for Level 2 project study plans

3745-4-06

- Additional requirement of submitting a post-monitoring report along with data submittal
- Updated references
- Considering adjusting requirements for Level 3 laboratory requirements to be more inclusive for college and university labs
- Removal of one year requirement for Ohio EPA to review submitted data

Who will be regulated by these rules?

Participation in the credible data program is voluntary. Those individuals choosing to participate in the program are governed by requirements and procedures in these rules.

What is the rulemaking schedule?

Depending upon feedback provided during this comment period, the Agency is planning to release a draft version of these rules for interested party review and comment during Summer 2024.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept? What options are available for improving the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules? Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

How can I get more information?

Information is available on the Ohio EPA Division of Surface Water website:

- This fact sheet is available at: epa.ohio.gov/divisions-and-offices/surface-water/regulations/early-stakeholder.
- The existing rules are available at: epa.ohio.gov/divisions-and-offices/surface-water/regulations/effective-rules.
- Additional information on the Credible Data program is available at: epa.ohio.gov/divisions-and-offices/surface-water/reports-data/ohio-credible-data-program.

Contact

For more information, contact Kelsey Heyob at Kelsey.Heyob@epa.ohio.gov or by phone at (614) 705-1011.