



## Ohio Revised Code

### Section 6111.562 Notice and opportunity for input from stakeholders.

Effective: September 29, 2017

Legislation: House Bill 49 - 132nd General Assembly

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(A)(1) The director of environmental protection shall provide notice of and opportunity for input from potentially affected dischargers, county soil and water conservation districts, and other stakeholders during the development of a TMDL after March 24, 2015, at each of the following stages of development of a TMDL and plans and actions necessary for TMDL implementation:

- (a) The project assessment study plan, including portions of the plan that seek to determine the causes and sources of impairments or threats;
- (b) The biological and water quality study report or its equivalent;
- (c) The loading analysis plan, including, but not limited to, the proposed modeling approach and the water quality restoration targets, goals, or criteria;
- (d) The preliminary modeling results including any management choices, load allocations, wasteload allocations, allowances for margin of safety and future growth, and permit limits necessary to achieve a water quality target, goal, or criterion and the preliminary TMDL implementation plan establishing specific actions, schedules, and monitoring proposed to effectuate a TMDL.

The director shall allow not less than thirty days for input at each stage described in divisions (A)(1)(a) to (d) of this section.

(2) The director shall make available to stakeholders documentation, including, but not limited to, data and modeling that was relied on during each stage of development of a TMDL and plans and actions necessary for TMDL implementation, as described in divisions (A)(1)(a) to (d) of this section. The director also shall make the documentation available on the environmental protection agency's web site, to the extent the director determines it is practical.

(3) The director shall provide at least two opportunities for stakeholder input on a TMDL and the



plans and actions necessary for TMDL implementation if the stages described in divisions (A)(1)(a) to (d) of this section have been completed but the TMDL has not been submitted to the United States environmental protection agency for approval prior to the effective date of this section.

As used in this section, "input" means opportunity for comment and, if warranted by the level of interest or nature of the comments, input includes meetings with stakeholders.

(B) In developing wasteload and load allocations in connection with a TMDL, and in evaluating plans and actions necessary for TMDL implementation, the director of environmental protection shall consider and evaluate, at a minimum, all of the following factors:

- (1) The relative contribution of pollutant loading between point sources and nonpoint sources;
- (2) The flow dynamics, including but not limited to, periodic or seasonal flow variations, runoff, groundwater, and hydrologic or channel modifications;
- (3) The degree to which point source reductions would influence attainment of applicable water quality standards for which the water of the state is impaired;
- (4) The degree to which nonpoint source reductions would influence attainment of the applicable water quality standards for which the water of the state is impaired;
- (5) Reasonable assurances that reductions can be implemented;
- (6) The site of the impairment relative to the location of the source;
- (7) The degree to which habitat affects impairment and restoration potential.

(C) Unless inconsistent with the Federal Water Pollution Control Act or this chapter, and in addition to the factors described in division (A) of this section, when developing wasteload and load allocations, pollution control measures to achieve pollutant load reductions, and implementation plans and schedules, the director shall consider and evaluate, at a minimum, all of the following:



- (1) The feasibility of available demonstrated treatment technology to achieve the degree of pollutant treatment removal necessary to attain the point source reduction recommended in the TMDL wasteload allocation;
- (2) Sources of funding available for point and nonpoint sources;
- (3) Alternative approaches and actions for point and nonpoint sources to achieve TMDL-recommended pollutant reductions, agreements between and among point and nonpoint sources to jointly achieve pollutant load reductions, and adaptive management;
- (4) The implementation of the recommended wasteload reductions over multiple NPDES permit renewals to achieve compliance with water quality standards, as appropriate, to mitigate potential economic impacts of the TMDL's recommended load reductions on such sources;
- (5) The estimated economic impact, on a categorical basis, on governmental subdivisions, point sources, agricultural operations, and nonpoint sources;
- (6) Information submitted by indirect dischargers or other stakeholders relating but not limited to cost, economic impact, environmental benefit, and technical feasibility.