

3745-5-06 Water quality trading: requirements for a water quality trading management plan application.

(A) A water quality trading management plan application shall:

- (1) Be in narrative form;
- (2) Include forms specified by the director; and
- (3) Include additional information as the director deems necessary, such as memoranda of understanding or other agreements between persons participating in the trading activities or between Ohio EPA and persons participating in the trading activities, land use plans, or other watershed-based agreements.

(B) When point source trading occurs between permittees, the water quality trading management plan application shall:

- (1) Be submitted as part of each permittee's NPDES permit application;
- (2) Include a statement of purpose;
- (3) Include a map of the entire water quality trading area that identifies and delineates:
 - (a) The boundaries of all receiving waters;
 - (b) A TMDL area; or
 - (c) The entire watershed area where trading will occur;
- (4) Identify all permittees participating in the trading activity at the time the water quality trading management plan is submitted along with the names of responsible contact persons;
- (5) Include a list of pollutants being proposed for water quality trading;
- (6) Include an assessment of all readily available information of the existing water quality, along with a comparison to water quality standards for the receiving waters, TMDL area or watershed where trading will occur;
- (7) Provide justification for all trading ratios, in accordance with this chapter;
- (8) Identify any pollutant-specific cap, wasteload allocations or load allocations that have been developed;
- (9) In accordance with this chapter, provide justification for all water quality baselines for the generation of water quality credits for all sources participating in the trading activity, as well as the procedures used to determine the baselines;

- (10) Describe the water quality trading activities;
 - (11) Include a schedule for implementing the trading activity;
 - (12) In accordance with rule 3745-5-13 of the Administrative Code, describe the process for public participation throughout the development, implementation and revision of the trading activities;
 - (13) In accordance with rule 3745-5-14 of the Administrative Code, include a schedule for conducting ambient water quality monitoring to determine if there have been negative impacts to water quality and to document the presence or absence of improvements in water quality; and
 - (14) Include corrective measures, should any negotiated water quality credit not be produced.
- (C) In addition to meeting all requirements in paragraphs (A) and (B)(1) to (B)(14) of this rule, when point source-nonpoint source trading occurs between one permittee and one or more nonpoint sources, the water quality trading management plan application shall also:
- (1) Identify other persons, organizations, agencies and qualified soil and water conservation professionals responsible for implementing the proposal;
 - (2) Describe current and projected land use activities within the area where trading will occur;
 - (3) Include a map on which is identified all hydrologic assessment units where nonpoint sources that might participate in the water quality trading activities are located. The hydrologic assessment units shall be identified using either the ten digit or twelve digit hydrologic unit code as appropriate for the size of the water quality trading area; and
 - (4) Include a list that illustrates the range of BMPs anticipated to be used in the trading activity, including the frequency for:
 - (a) Conducting field inspections of any BMP;
 - (b) Assessing the pollutant removal rates and the load reductions for each BMP; and
 - (c) Collecting water quality monitoring data for evaluating BMP effectiveness.
- (D) In addition to meeting all the requirements in paragraphs (A), (B)(2) to (B)(14) and (C)(1) to (C)(4) of this rule, an application for watershed trading shall:

[Comment: Watershed trading means water quality trading activities within an area that occur between two or more permittees and one or more nonpoint sources.]

- (1) Include all water quality baselines, developed in accordance with this chapter, for the generation of water quality credits for all sources anticipated to participate in the plan, as well as the procedures used to determine the baselines; and
- (2) Include a map on which is identified all hydrologic assessment units where nonpoint sources that might participate in the water quality trading activities are located. The hydrologic assessment units shall be identified using either the ten digit or twelve digit hydrologic unit code as appropriate for the size of the water quality trading area.

Effective: 11/1/2012

R.C. 119.032 review dates: 7/17/2012 and 7/17/2017

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 6111.03, 6111.04

Rule Amplifies: R.C. 6111.03, 6111.04

Prior Effective Dates: 1/1/2007