(6) Authorize random audits by the director of documentation developed or submitted by certified water quality professionals to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;

(7) Establish technical standards to be used by certified water quality professionals in conducting stream assessments and wetlands categorizations.

(K) As used in this section and section 6111.31 of the Revised Code, "section 401 water quality certification" means certification pursuant to section 401 of the Federal Water Pollution Control Act and this chapter and rules adopted under it that any discharge, as set forth in section 401, will comply with sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

Sec. 6111.561. (A) As used in sections 6111.561 to 6111.654 of the Revised Code:

(1) "NPDES" means national pollutant discharge elimination system.

(2) "TMDL" means total maximum daily load.

(B) The director of environmental protection shall develop and establish a TMDL for waters of the state where required under section 1313(d) of the Federal Water Pollution Control Act. The director shall establish a TMDL only for pollutants that the administrator of the United States environmental protection agency has identified under section 1314(a)(2) of that act as suitable for such calculation. The director may modify a TMDL subsequent to the establishment of the TMDL in accordance with division (G) of section 6111.563 of the Revised Code. The development, establishment, or modification of a TMDL is not subject to the rule adoption, amendment, and rescission procedures under Chapters 106., 111., 119., and 121. of the Revised Code. The director shall develop any plans or actions necessary for implementing a TMDL in accordance with this chapter.

The director shall establish each TMDL at a level necessary to achieve the applicable water quality standards for which the water of the state is impaired that accounts for seasonal variations, a margin of safety, and lack of knowledge concerning the relationship between effluent limitations and water quality.

The establishment of a final TMDL by the director is not a final action of the director and does not have the force and effect of law, but may be challenged in accordance with section 6111.564 of the Revised Code.

(C) A TMDL submitted to and approved by the United States environmental protection agency prior to March 24, 2015, is valid and remains in full force and effect as approved. The director may modify such a
TMDL, but a modification of the TMDL shall be developed in accordance with sections 6111.562 and 6111.563 of the Revised Code. The TMDL, as established, and any modification of the TMDL, is not subject to the rule adoption, amendment, and rescission procedures of Chapters 106., 111., 119., and 121. of the Revised Code.

Sec. 6111.562. (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.

Sec. 6111.563. (A) Before establishing a final TMDL and plans and actions necessary for TMDL implementation, the director of environmental protection shall prepare an official draft TMDL. The official draft TMDL shall include, at a minimum, both of the following:

(1) An estimate of the total amount of each pollutant that causes water quality impairment from all sources;

(2) An estimate of the total amount of pollutants that may be added to the water of the state while still allowing the water of the state to achieve and maintain applicable water quality standards.

(B) The director shall provide all of the following:

(1) Public notice of the official draft TMDL. At a minimum, the director shall send the public notice to all individual NPDES permit holders that discharge into the water of the state to which the official draft TMDL relates, all significant industrial users listed in the permit holders' annual report, and any other stakeholder that has provided input in accordance with section 6111.562 of the Revised Code.

(2) A time period for comment of not less than sixty days on the official draft TMDL;

(3) An opportunity for a public hearing regarding the official draft TMDL if there is significant public interest, as determined by the director.

(C) The director shall specify both of the following in the public notice required under division (B)(1) of this section:

(1) The water of the state to which the official draft TMDL relates;

(2) The time, date, and location of the public hearing, if applicable.

(D) After the time period for comment expires on an official draft TMDL, the director shall prepare and make available a written responsiveness summary of the comments.

(E)(1) After conclusion of the public comment period, completion of the responsiveness summary under division (D) of this section, completion of any public hearing, and if the director determines it is appropriate to complete the TMDL, the director shall establish a final TMDL.

(2) The director shall modify a TMDL that is successfully challenged under section 6111.564 of the Revised Code and to which no further appeals are available to conform to the final decision of the highest tribunal of competent jurisdiction. The director then shall submit the modified TMDL to the United States environmental protection agency for approval.
(F) When establishing schedules of compliance in NPDES permits necessary to meet TMDL-based limits or conditions, the director shall consider the likelihood of a legal challenge based on comments received during the development of the TMDL or during the public comment period on a draft NPDES permit. The director also shall consider the likely time before an appeal is concluded.

(G) The director may modify an official draft, final, or United States environmental protection agency approved TMDL. A modification, other than a modification consistent with comments received, is subject to the same notice, comment, and public hearing requirements of divisions (B), (C), and (D) of this section that apply to an official draft TMDL and is subject to rules adopted under division (H) of this section. A revised effluent limit, pretreatment limit, or other term or condition based on such a modification may be challenged in accordance with section 6111.564 of the Revised Code.

(H) Not later than December 31, 2018, the director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish both of the following:

(1) Procedures for providing notice to stakeholders;

(2) Criteria for determining significant public interest in TMDL development.

Sec. 6111.564. (A) A final TMDL established by the director of environmental protection or a United States environmental protection agency approved TMDL may be challenged during the appeal of an NPDES permit containing TMDL-based effluent limits, pretreatment limits derived therefrom, or other terms and conditions based on that TMDL before the environmental review appeals commission in accordance with Chapter 3745. of the Revised Code.

(B) In the case of a TMDL-based permit appeal by a publicly owned treatment works, the environmental review appeals commission shall join as parties to the appeal, subject to a right of voluntary dismissal, all significant industrial users listed in those NPDES permit holders’ annual pretreatment program reports who are known to discharge a significant amount of a pollutant limited by the TMDL into the publicly owned treatment works.

(C)(1) In the case of an NPDES permit issued in draft or final form to a publicly owned treatment works that contains TMDL-based effluent limits, pretreatment limits derived therefrom, or other terms and conditions based on that TMDL, the director shall notify the NPDES permit holder and all significant industrial users listed in that NPDES permit holder’s annual pretreatment program report that are known to discharge a significant
amount of a pollutant recommended to be limited by the TMDL and for whom a new or modified pretreatment limit may be required.

(2) The director shall include in the notice, at a minimum, both of the following:

(a) A statement that the TMDL-based effluent limits or other terms and conditions based on the TMDL may result in more stringent direct or indirect discharge limits;

(b) A statement that notifies the significant industrial users that an appeal of the NPDES permit may be filed by a significant industrial user with the environmental review appeals commission in accordance with Chapter 3745. of the Revised Code.

(D)(1) A direct or indirect discharger pursuing an appeal or an indirect discharger joined to an appeal shall not be dismissed from the proceeding on grounds that the matter is not ripe for review.

(2) A challenge of TMDL based effluent limits, pretreatment limits derived therefrom, or other terms and conditions based on that TMDL during the appeal of an NPDES permit shall not be dismissed on grounds that the matter is not ripe for review.

Sec. 6117.38. (A) At any time after (1) After the formation of any county sewer district, the board of county commissioners, when it considers it appropriate, on application by a person or public agency for the provision of sewerage or drainage to properties of the person or public agency located outside of the district, may contract with that person, political subdivision, unincorporated area, or public agency for depositing any of the following:

(a) Depositing sewage or drainage from those properties outside of the district in facilities acquired or constructed or to be acquired or constructed by the county to serve the district and for the

(b) The treatment, disposal, and disposition of the sewage or drainage, on terms that the board considers equitable;

(c) The provision of water supply services. The

(2) A person, political subdivision, unincorporated area, or public agency located outside of a county sewer district may apply to the board of county commissioners for the provision of the services specified in division (A)(1)(a), (b), or (c) of this section.

(3) The amount to be paid by the person, political subdivision, unincorporated area, or public agency to reimburse the county for costs of acquiring or constructing those facilities shall not be less than the original or comparable assessment for similar property within the district or, in the absence of an original or comparable assessment, an amount that is found by