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*Forging a partnership between farmers and consumers. \* Working together for Ohio's farmers.*

April 6, 2005

Ms. Gail Hesse  
Ohio Environmental Protection Agency  
Division of Surface Water  
P.O. Box 1049  
Columbus, OH 43216-1049

Re: Review and Comment on Draft Rules for the Collection of Credible Data

Ms. Hesse:

The Ohio Farm Bureau Federation (OFBF) would like to thank you for the opportunity to review and submit comments on the Draft Rules for the Collection of Credible Data.

OFBF is the largest voluntary nonprofit agricultural organization in the state of Ohio. Our members produce virtually every kind of agricultural commodity and as a result, OFBF is strongly interested in Ohio's water quality monitoring and management programs.

In an effort to ensure that Ohio agriculture is an active partner in watershed management activities, OFBF developed and launched the Agricultural Watershed Awareness and Resource Evaluation (AWARE) program. This water quality monitoring program is designed to raise the comfort level of the agricultural community so that they will engage in watershed management discussions. We agree that without the involvement of all watershed stakeholders, the watershed management program is destined for failure.

The voluntary implementation of management practices by Ohio's agricultural producers is resulting in many positive impacts on air, soil and water quality. We encourage our members to continue to be good stewards of our natural resources. Participation in a voluntary water quality monitoring program is an excellent way to document these efforts.

As per the February 23, 2005 letter of notification, we have performed our review of the Draft Rules for the Collection of Credible Data. OFBF supports the use of scientifically based data and information to develop and establish water resource management programs for the state of Ohio. While we are encouraged by the general approach being used by Ohio EPA in the development of the rules for the collection of credible data we do have some concerns.

Ohio EPA has been conducting “state-of-the-art” biological, chemical and physical water resource analyses for many years. In fact, the State of Ohio is often held up as the national model. It was discouraging to discover that the draft rules for the collection of credible data being proposed by Ohio EPA lacked specificity when it comes to study plan design elements and acceptable data collection and analytical methods. The proposed rules need to be able to provide guidance to all three levels of future credible data collectors. Not including specific details, in our opinion, greatly weakens this set of draft rules.

Our specific comments regarding the draft rules for the collection of credible data follow:

**1. Rule 3745 – XX – 01 Purpose and applicability.**

No comments

**2. Rule 3745 – XX – 02 Definitions.**

Paragraph (L) Volunteer monitoring program.

Why does a volunteer monitoring program have to meet the same national and state science content standards as an educational monitoring program? If the two monitoring programs are the same then why differentiate between them?

Recommend that you add “Watershed Assessment Unit” and its definition to this rule.

**3. Rule 3745 – XX – 03 Qualified data collectors.**

Paragraph (A)(1)

The rule needs to specifically identify what is required to become a qualified data collector. Including the phrase “as the director deems reasonably necessary” is open-ended and does not instill confidence that anyone will ever become a qualified data collector.

Paragraph (A)(4)

The requirements to become a Qualified Data Collector for Level 3 Credible Data should be consistent with the position description requirements for Ohio EPA personnel conducting these same tasks (Environmental Specialist 2). It is not reasonable to expect anything more in the way of qualifications than what would be expected for someone to be employed by Ohio EPA.

Paragraph (B)

The process for the initial approval as a level 1, 2 or 3 qualified data collector needs to be transparent. The application should clearly identify all necessary components required to be submitted for each of the three levels of credible data.

Paragraph (C)(4)

The renewal process for level 2 and 3 qualified data collectors should be straightforward and not be made cumbersome. Renewal means that qualified data collectors will be staying at their same level of qualification. It should not be necessary for them to resubmit copies of their original transcripts and training certifications during the renewal process. On the other hand, if an individual is “upgrading” their level of qualification,

they would need to submit an application for the new level and meet the necessary application requirements.

**4. Rule 3745 – XX – 04 Level 1 data requirements and reporting.**

Paragraphs (B)(1), (B)(2)(c) and (B)(3)

In each of these paragraphs, the submission of credible data is dependent on materials (undeveloped at this point in time) that may or may not be made available by the director. The notification form, generic study plan and list of acceptable level 1 analytical methods should be developed and included with this rule to provide guidance for qualified level 1 data collectors.

Paragraph (B)(2)(b)

Submission and approval of the study plan by the director should take place prior to data collection (as it does for level 2 and level 3). A qualified level 1 data collector could be collecting information that they feel meets all of the requirements only to have it turned down at the end because the study plan was not approved. Waiting to see the study plan with the submission of the data is too late in the process.

Paragraph (B)(4)(b)

The director should issue “Qualified Data Collector Identification Numbers” to each individual that is deemed “qualified” by following the process outlined in rule 3745 - XX – 03. When data are submitted, inclusion of the ID number would eliminate the need for the qualified data collector to submit documentation of their status as a level 1 data collector.

Paragraph (B)(4)(d)

Submission of this certification is necessary to become a qualified data collector. It is not necessary to require it at the time of data submission.

**5. Rule 3745 – XX – 05 Level 2 data requirements and reporting.**

Paragraph (B)(1)(b)

In the last line, reference is made to paragraph (B)(4)(g). This paragraph does not exist in the draft rule. Perhaps it should be (B)(4)(f)?

Paragraphs (B)(1)(c) and (B)(2)

The submission and acceptance of credible data may be dependent on materials (undeveloped at this point in time) that may or may not be made available by the director at some future date. A generic study plan for level 2 data collection as well as a list of acceptable level 2 analytical methods should be developed and included with this rule to provide guidance for qualified level 2 data collectors.

Paragraph (B)(4)(d)

The director should issue “Qualified Data Collector Identification Numbers” to each individual that is deemed “qualified” by following the process outlined in rule 3745 - XX – 03. When data are submitted, inclusion of the ID number would eliminate the need for

the qualified data collected to submit documentation of their status as a level 2 or level 3 data collector.

Paragraph (B)(4)(f)

Submission of this certification is necessary to become a qualified data collector as well as being a required part of the project study plan. It is not necessary to require it once again at the time of data submission.

Appendix A. Guidelines for the preparation of level 2 project study plans.

The appendix does a good job at providing guidance to those who need to prepare a project study plan to collect level 2 data. Upon review, it appears that two elements have been mistakenly left off from the list of items that should be documented in the plan – physical habitat and biological data. The study plan should require that physical habitat evaluation methods and biological community evaluation methods be identified.

**6. Rule 3745 – XX – 06 Level 3 data requirements and reporting.**

Paragraph (B)(1)(b)

In the last line, reference is made to paragraph (B)(4)(g). This paragraph does not exist in the draft rule. Perhaps it should be (B)(4)(f)?

Paragraph (B)(1)(c)

A generic study plan for level 3 data collection should be developed and included with this rule to provide guidance for qualified level 3 data collectors. With all of the years of chemical, biological and physical water resource monitoring experience at Ohio EPA, this should be an easy task.

Paragraph (B)(4)(f)

Submission of this certification is necessary to become a qualified data collector as well as being a required part of the project study plan. It is not necessary to require it once again at the time of data submission.

Once again, thank you for the opportunity to provide comments and feel free to give Dr. Larry Antosch of our staff a call, at 614-246-8264, if you have any questions regarding these comments.

Sincerely,

John C. Fisher  
Executive Vice President

JCF/lma