

A Brief History of Ohio's New Credible Data Law

The Role of “Volunteer Monitoring”
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The Division of Surface Water is responsible for ensuring compliance with the federal Clean Water Act.

Surface water protection is provided for Ohio's 29,000 miles of perennial streams; more than 5,000 lakes, ponds and reservoirs; a 451-mile border on the Ohio River; and 236 miles of Lake Erie shoreline. Ohio EPA's goal is to increase the number of water bodies that can safely be used for swimming and fishing.



Law / Rules History

- The program's authorizing legislation was passed and signed by the Governor in 2003.
- Ohio EPA then wrote and adopted administrative rules that allow for the program's operation. These rules are effective as of March 24, 2006.



- The legislation and the rules are explicit in the desire to not only encourage the collection of monitoring data by volunteers, but also to ensure that the data is valid and useful for its intended purpose. In other words, the data should be “credible.” The rule package bears the name “Credible Data” because of this important feature, and because the enabling legislation was referred to as the credible data bill.



I know you are a volunteer monitor but are you a QDC?

- Level 1, 2 or 3?Law vs. Rules
- **Sec. 6111.51. (A)(1)** The director of environmental protection shall adopt rules that establish criteria for three levels of credible data related to surface water monitoring and assessment. The rules pertaining to each level shall establish requirements for data assessment, sample collection and analytical methods, and quality assurance and quality control procedures that must be followed in order to classify data as credible at that level. The rules shall provide that **level three** credible data are collected by employing the **most stringent methods and procedures**, level two credible data are collected using methods and procedures that are less stringent than methods and procedures used to collect level three credible data, but more stringent than methods and procedures used to collect level one, and level one credible data are collected by employing the least stringent methods and procedures.

How Can The Data Be Interpreted?

- (1) Level three credible data shall be used for the purposes specified in section 6111.52 of the Revised Code.
- **Sec. 6111.52**. The director of environmental protection shall use **only** level three credible data to conduct any of the following activities:
 - (A) Developing, reviewing, and revising use designations in water quality standards;
 - (B) Developing a statewide water quality inventory or other water assessment report;
 - (C) Identifying, listing, and delisting waters of the state for the purpose of section 303(d) of the Federal Water Pollution Control Act;
 - (D) Determining whether a water of the state is supporting its designated use or other classification;
 - (E) Establishing a total maximum daily load for a water of the state.



Levels 1 & 2

- (2) Levels one and two credible data shall be used for the purpose of evaluating the effectiveness of pollution controls for point sources and non-point sources and initial screening of water quality problems to determine if additional study is needed.
- (3) **Levels one, two, and three** credible data shall be used for public awareness and education activities.
- (C) No data shall be considered credible unless the data originate from studies and samples collected by the environmental protection agency, its contractors, federal or state environmental agencies, or **qualified data collectors**.



Level 1 Qualifications

- These are in the yellow section of the handout.
- Must use a project study plan or generic study plan.
- Must use appropriate test methods.
- Data reporting to Ohio EPA. (no later than 1 yr. after start)
- Data approved if collected by QDC & QA/QC followed.



Level 2 Qualifications

- These are found in the beige section of the handout.
- Must use a project study plan or generic study plan.
- Must use appropriate test methods.
- All laboratories used for level 2 must have a QAP.
- Data reporting to Ohio EPA. (no later than 1 yr. after start)
- Legal statement of accuracy & criminal background certification.
- Approved Level 2 or 3 QDC & results may be published by OEPA.



Level 3 Qualifications

- These are found in the **aqua / green** section.
- Must use a project study plan or generic study plan.
- Must use appropriate test methods.
- All laboratories used for level 3 must have a QAP **AND have current accreditations from OEPA, USEPA, other listed organizations.**
- Lab QA / QC must be documented and methodology for collection / interpretation is described and referenced.
- Publication in the afore mentioned reports such as 303D, 305B, TMDL, etc. (legal status)



Discussion Topics

- Get involved with the “administrative rule writing” if your state puts forth credible data legislation.
- Pay attention to “volunteer data” and the required credentials. Is it really promoting volunteer data or just qualifying consultants as QDC’s?
- How can the volunteer data be used and how will volunteers react toward these requirements?
- How do your agencies really feel about volunteer collected data?
- Why may they have those attitudes? How can it be addressed?





References

- www.epa.state.oh.us/dsw/volunteermonitoring/index.html



Never doubt that a small, group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.

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