



## Early Stakeholder Outreach — General NPDES Permit Rules (OAC Chapter 3745-38)

*Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.*

### What does OAC Chapter 3745-38 cover?

This chapter of the Ohio Administrative Code (OAC) contains procedural and technical requirements for the administration of Ohio EPA's National Pollutant Discharge Elimination System (NPDES) General permits program. The chapter details procedures Ohio EPA must follow in the issuance, modification and revocation of general NPDES permits as well as procedures for granting and terminating authorizations to discharge under the general permits. The chapter also contains requirements applicable to entities seeking general permit coverage.

### Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

### What changes are being considered?

The Agency is conducting the five year review of the two existing rules in OAC Chapter 3745-38. Initial changes the Agency is considering include:

#### 3745-38-01

- Update of references and citations;
- Update of definitions for “applicable water quality standards,” “applicable effluent standards and limitations,” “discharge” and “discharge of a pollutant or pollutants” to be consistent with OAC 3745-33-01;
- Update of definitions for “person” and “waters of the state” to be consistent with Ohio Revised Code 6111.01; and

### How can I provide input?

The Agency is seeking stakeholder input on the rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

**Written comments will be accepted through close of business on September 22, 2014.** Please submit input to:

Rule Coordinator  
Ohio EPA, Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1019  
[dsw\\_rulecomments@epa.ohio.gov](mailto:dsw_rulecomments@epa.ohio.gov)

### What if I have questions?

This fact sheet is available on the Division of Surface Water website at [www.epa.ohio.gov/dsw](http://www.epa.ohio.gov/dsw). For more information about the rulemaking, please contact [jason.fyffe@epa.ohio.gov](mailto:jason.fyffe@epa.ohio.gov).

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- Inclusion of a definition for the new term “40 C.F.R.”

3745-38-02

- Update of references and cross references with other rules;
- Inclusion of language from 40 C.F.R. Part 122.28 for greater consistency and clarity; and
- Review of rule requirements to provide for the electronic submission of forms in the future.

### Who will be regulated by these rules?

The chapter contains administrative requirements for the Agency to follow and also procedural requirements for entities covered or seeking coverage under Agency issued General NPDES permits for the discharge of pollutants to waters of the state. A list of available General NPDES permits can be found at:

<http://epa.ohio.gov/dsw/permits/gpfact.aspx#137794351-general-permits>.

### What is the rulemaking schedule?

At the close of the Early Stakeholder Outreach comment period, the Agency will consider input provided by stakeholders and draft revisions to the rules. These draft revisions will be release for another comment period called Interested Party Review, which the Agency anticipates occurring in early 2015.

### What input is the Agency seeking?

Please review the existing rules in OAC Chapter 3745-38, available at: [http://epa.ohio.gov/dsw/rules/3745\\_38.aspx](http://epa.ohio.gov/dsw/rules/3745_38.aspx). Look for rule language that is unclear, out-of-date, inconsistent with federal or other state requirements, etc. The Agency strongly encourages interested stakeholders to provide comments on the existing rule language now, at this step in the process so that the Agency can draft revised language in response to those comments and make the draft revisions available comment during the next rule review step.

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept?
- Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).