



Proposed Rules – NPDES General Permit Program (OAC Chapter 3745-38)

What does OAC Chapter 3745-38 cover?

This chapter of the Ohio Administrative Code (OAC) contains two rules addressing the 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 under review?

Sections 106.03 and 106.031 of the Ohio Revised Code (ORC) require Ohio EPA to review its rules every five years to determine whether they should be changed. The Agency has reviewed OAC Chapter 3745-38 and has identified necessary revisions.

What changes are being proposed?

The Agency is proposing the following rule revisions:

OAC Rule 3745-38-01 Definitions.

- Update of references and citations.
- Update of definitions for "applicable water quality standards," "applicable effluent limitations," and "discharge" to be consistent with OAC rule 3745-33-01.
- Addition of new definitions for "discharge of a pollutant or pollutants" and "40 C.F.R."
- Update of definitions for "person" and "waters of the state" to be consistent with ORC 6111.01.
- Update of definition for "point source" to be consistent with 40 C.F.R. Part 122.2.

OAC Rule 3745-38-02 Requirements for General National Pollutant Discharge Elimination System (NPDES) Permits.

- Update of references and cross references to other rules.
- Inclusion of language from 40 C.F.R. Part 122.28 for greater consistency and clarity.
- Update of information required on notice of intent forms to be consistent with current requirements.

Are there changes from the February 2015 draft rule revisions?

Yes. The following revisions were made in response to comments received on the draft rules:

- Two additional instances were included in paragraph (C) of OAC 3745-38-02 where an individual permit or alternative general permit may be required: a water quality management plan containing requirements applicable to point sources is approved and standards for sewage sludge use or disposal have been promulgated for the sludge use or disposal practice covered by the general permit.
- Paragraph (E)(3)(h) of OAC 3745-38-02 has been modified to include the location of each outfall, if available, on the Notice of Intent (NOI) application.
- Paragraph (E)(5) of OAC 3745-38-02 has been revised to clarify that lists of entities authorized to discharge under general NPDES permits will be maintained on the Agency's website.
- Paragraph (F) of OAC 3745-38-02 has been modified to include a statement that exemptions from the requirement to submit an NOI application does not apply to discharges from publicly owned treatment works, combined sewer overflows, municipal separate storm sewer systems, primary industrial facilities, and storm water discharges associated with industrial activity.
- The cross-reference in paragraph (M)(2) of OAC 3745-38-02 was corrected.

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Who will be regulated by this rule?

The applicability of the rule will not differ from the current version of the rule. The regulated community, i.e., those permittees that have received coverage or are eligible for coverage under an Ohio NPDES General Permit, should not experience changes to regulatory requirements as a result of these rule revisions. The revisions bring clarity and consistency to the rules and do not change overall regulatory requirements.

What additional information is the Agency seeking?

The Agency wants to hear from interested stakeholders (public, local officials, industry sectors, other state agencies, consultants and environmental organizations) who may be impacted by these rule revisions. General comments and specific factual information are welcome.

How are the amendments formatted in the proposed rules?

Text proposed for deletion is struck through; new text is underlined.

What is the rulemaking schedule?

A public hearing on these proposed rules will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at the **Ohio EPA Conference Center, Room A, 50 West Town Street, Suite 700, in Columbus, Ohio at 10:30 a.m. on August 11, 2015**. The purpose of the public hearing is to give interested persons the opportunity to present oral or written comments on the proposed rules.

At the close of the public comment period, the Agency will review the comments, make any necessary changes to the rules, and then adopt the rules. This is roughly a two-month process from the close of the comment period. A responsiveness summary will be prepared and sent to everyone who comments on the proposed rules or requests a copy. Final rules could be adopted in summer 2015.

How can I comment on the proposed rules?

Please submit your comments in one of the following ways:

By email: dsw_rulecomments@epa.ohio.gov

By fax: (614) 644-2745

By postal mail: Rule Coordinator, Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, OH 43216-1049

Comments on the proposed rules must be received no later than 5:00 p.m. on August 11, 2015.

How can I get more information?

Copies of this fact sheet and the proposed rules are on the Division of Surface Water website at:

www.epa.ohio.gov/dsw/dswrules.aspx. For more information about the proposed rules, please contact: Jason Fyffe at (614) 728-1793 or jason.fyffe@epa.ohio.gov.