



## Draft Rules – Storm Water Program

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### *Small MS4s (OAC Chapter 3745-39-01, -02 and -03)*

#### **What does OAC Chapter 3745-39 cover?**

The Storm Water National Pollutant Discharge Elimination System (NPDES) permit program rules are found in Ohio Administrative Code (OAC) Chapter 3745-39. The first three rules in the chapter pertain to small municipal separate storm sewer systems (MS4s). The fourth rule in the chapter contains the regulations for all other storm water discharges subject to NPDES permit requirements (medium and large MS4s, industries and construction sites).

This rulemaking consists of the five year review of the three regulations for Small MS4s. Rule OAC 3745-39-01 contains the applicability or rules of procedure and definitions for the chapter. Rule OAC 3745-39-02 contains the objectives of the Ohio EPA storm water management program for small MS4s. Rule OAC 3745-39-03 contains Ohio EPA NPDES requirements for small MS4s.

#### **What are Small MS4s?**

Small MS4s are municipalities with separate storm sewer systems serving populations of less than 100,000. A municipal separate storm sewer system is a conveyance or system of conveyances that is owned or operated by a state, city, town, county or other public body designed or used for collecting or conveying storm water to surface waters that is not a combined sewer or part of a Publicly Owned Treatment Works.

#### **What step is this in the rulemaking process?**

This step in Ohio EPA's rulemaking process is called Interested Party Review. During this step, the Agency makes available draft rules for interested parties for review and comment. This step occurs after the Early Stakeholder Outreach comment period.

#### **What changes are being considered?**

The Agency is considering minor revisions to rule OAC 3745-39-01 consisting of updates to references and format. No changes are being considered for rules OAC 3745-39-02 and -03.

#### **Why is the Agency considering this rulemaking at this time?**

Pursuant to section 106.03 of the Ohio Revised Code (ORC), Ohio EPA is required to review its rules every five years to determine if the rules need to be revisited. This is the five year review of these rules.

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## March 2015

### Who will be regulated by these rules?

Applicability of the rules will not differ from the current version of the rules, which includes small MS4s as described in rule OAC 3745-39-03(A)(1). For a list of permittees covered under the Small MS4 General NPDES permit, please see: <http://epa.ohio.gov/dsw/permits/gplist.aspx>.

### What additional information is the Agency seeking?

The Agency is seeking comments from interested stakeholders (public, local officials, and National Pollutant Discharge Elimination System [NPDES] permit holders, 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. In addition to the draft rule amendments, Ohio EPA is also seeking comments and feedback on the draft Common Sense Initiative (CSI) Business Regulation Impact Analysis form, which is being released with these draft rules during interested party review.

### How are the amendments formatted in the draft rules?

Text that is considered for deletion is identified in strikeout font; new text is underlined.

### What is the rulemaking schedule?

At this time, the Agency is soliciting input on these draft rule revisions. Ohio EPA is required by section 121.39(D) of the Revised Code to contact potentially affected parties prior to adopting rule changes.

At the close of the draft rule comment period, the Agency will review the comments and make necessary changes to the rule. The Agency will then file a proposed rule with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State.

At that point, another comment period, including one or more public hearings, will be scheduled. After the close of the comment period, the Agency will review the comments, make any necessary changes and then adopt the final rule. The final rule could be adopted by fall 2015.

### How can I comment on the draft rule?

Please submit your comments in one of the following ways:

- By email: [dsw\\_rulecomments@epa.ohio.gov](mailto: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 draft rule must be received no later than 5:00 p.m. on April 15, 2015.**

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### How can I get more information?

- Copies of this fact sheet, CSI form and the draft rules are on the Division of Surface Water website at [www.epa.ohio.gov/dsw/dswrules.aspx](http://www.epa.ohio.gov/dsw/dswrules.aspx).
- For additional background information on small MS4s, please visit the Storm Water Program web page at: <http://epa.ohio.gov/dsw/storm/index.aspx#108452495-municipal-ms4>.

For more information about this draft rule, please contact:

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