



Draft Rules — General NPDES Permit Rules (OAC Chapter 3745-38)

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.

What step is this in the rulemaking process?

This step in Ohio EPA's rulemaking process, required by Ohio Revised Code (ORC) 121.39, 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.

Why are these rules under review and what changes are being considered?

The two rules in OAC Chapter 3745-38 have been reviewed and amended 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. The Agency has reviewed the rules and has identified needed changes. The following changes are being considered:

3745-38-01 Definitions.

- Updating of references and cross references with other rules.

3745-38-02 Requirements for general national pollutant discharge elimination system (NPDES) permits.

- Updating of references and cross references with other rules.
- Specifying that Notice of Intent (NOI) submittal deadlines are to be specified within the applicable general permit.
- Waiving a NOI renewal fee for all general permits if coverage was obtained less than or equal to one year from the expiration date stated on the expired general permit.
- Identifying the specific facility changes to general permit coverage that would require a new NOI and associated fees to be submitted in order to modify coverage.
- Additions to the requested information contained in a NOI (latitude and longitude of approximate center for pesticide application discharges, latitude and longitude of each outfall, a list of treatment additives proposed to be discharged, and specifications to the collection of all quantitative data).
- Specifying terms and conditions under which a NOI may be considered incomplete by the Ohio EPA.

How will the draft rules affect the regulated community?

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.

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What additional information is the Agency seeking?

The Agency wants to hear from interested stakeholders 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 rules. The Agency will then file proposed rules 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 rules.

Ohio EPA expects to file the proposed rules in early 2021.

How can I comment on the draft rules?

Due to COVID-19 the Agency is taking preventative safety measures and staff are not currently in the office to receive hard copies via fax or postal mail. Therefore, to assure your comments are received for consideration, **the Agency requests that you send your comments electronically to the email address posted below**. Additional hard copies may still be sent to the Agency, however, to be considered for this rulemaking, electronic copies must be received by the time and date below.

- Email: dsw_rulecomments@epa.ohio.gov
- Fax: (614) 644-2745
- Postal mail:
Rule Coordinator
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049

Comments on the draft rules must be received no later than 5:00 p.m. December 9, 2020.

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 <https://epa.ohio.gov/dsw/dswrules.aspx>.
- The existing General NPDES Permit Rules are available here: https://epa.ohio.gov/dsw/rules/3745_38.
- For additional background information on the NPDES General Permit Program, please visit the General Permit web page at: <https://epa.ohio.gov/dsw/permits/gpfact>.

For more information about the draft rules, please contact:

Jason Fyffe
(614) 728-1793
jason.fyffe@epa.ohio.gov