



Early Stakeholder Outreach — Storm Water Program (OAC 3745-39-01, -02 and -03)

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 3745-39-01, -02 and -03 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).

Rule OAC 3745-39-01 contains the applicability of 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.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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?

At this time, the Agency is considering minor revisions to Rule OAC 3745-39-01 consisting of updating references and format. No changes are being considered for Rules OAC 3745-39-02 and 3745-39-03.

Who will be regulated by these rules?

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 January 12, 2015.

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

What if I have questions?

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

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Applicability of the rules will not differ from the current version of the rules, which includes small MS4 as described in OAC 3745-39-03(A)(1). For a list of permittees covered under the Small MS4 General Permit, please see:

<http://epa.ohio.gov/dsw/permits/gplist.aspx>.

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 released 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 375-39, available at: http://epa.ohio.gov/dsw/rules/3745_39.aspx. Look for rule language that is unclear, out-of-date, inconsistent with federal or 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 for 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).