

June 2009

## Storm Water Program

### Proposed Rules for Small Municipal Separate Storm Sewer Systems (OAC 3745-39-01, -02, and -03)

#### What does this chapter of the OAC cover?

This chapter of the Ohio Administrative Code (OAC) contains the permitting regulations for storm water discharges from construction sites, certain industries, and urban areas.

The first three rules in OAC Chapter 3745-39 contain the regulations for small municipal separate storm sewer systems or small MS4s.

An MS4 is a system that is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (1) that are owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including special districts under state law such as a sewer district, a flood control district or drainage districts, or similar entity, or a designated and approved management agency under Section 208 of the Federal Clean Water Act that discharges into waters of the State; (2) that are designed or used for collecting or conveying solely storm water; (3) that are not a combined sewer; and (4) that are not part of a publicly owned treatment works.

A small MS4 is defined as a system that is located within a jurisdiction of less than 100,000 people.

#### What changes are being proposed?

Changes to the proposed rules

include updated citations, grammatical edits and formatting revisions to comply with the Ohio Legislative Service Commission's *Rule Drafting Manual*, and a clarification on the fire fighting activities exclusion in paragraph (C)(2)(c)(iii) of rule 3745-39-03. DSW has received questions regarding the interpretation of the fire fighting activities exclusion and has proposed language to clarify existing practice.

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

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

#### How will the proposed revisions affect the regulated community?

The changes to the proposed rules are housekeeping in nature and do not change the current rule requirements.

#### What is the rulemaking schedule?

A public hearing is scheduled at **2:00 p.m. on Tuesday, August 4, 2009 in conference room B** of the Ohio EPA Central Office, located in the Lazarus Government Center at 50 West Town Street, Suite 700, in Columbus, Ohio. The purpose of the 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.

#### How can I comment on the proposed rules?

Make oral comments or submit written comments at the public hearing on **August 4, 2009** or send comments to Anthony Robinson, Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, Ohio 43216-1049, by fax to 614-644-2745 or by e-mail to [anthony.robinson@epa.state.oh.us](mailto:anthony.robinson@epa.state.oh.us).

Comments on the proposed rules must be received **no later than 5:00 p.m. on August 4, 2009**.

All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitors are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

#### How can I get a copy of the proposed rules or more information?

Go to the Division of Surface Water's Web site at [www.epa.state.oh.us/dsw](http://www.epa.state.oh.us/dsw), or contact Anthony Robinson by e-mail at [anthony.robinson@epa.state.oh.us](mailto:anthony.robinson@epa.state.oh.us) or phone at (614) 728-3392.

