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## Proposed Rule – Storm Water Program Small MS4s (OAC Chapter 3745-39)

### 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 one regulation for Small MS4s. Rule OAC 3745-39-01 contains the applicability or rules of procedure and definitions for the chapter. Two other rules in OAC Chapter 3745-39 (Rule OAC 3745-39-02 and Rule OAC 3745-39-03) will be filed as no change in a separate rulemaking.

### 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, village, county, township 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 changes are being proposed?

The Agency is proposing minor revisions to rule OAC 3745-39-01 consisting of updates to references and format. The citation for the Clean Water Act is being updated from 2008 to 2014. Major amendments to the Act during this period include the Clean Boating Act of 2008, Great Lakes Legacy Reauthorization Act of 2008, Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, and Water Resources Reform and Development Act of 2014.

### Are there changes from the March 2015 draft rule revisions?

There are no proposed changes from the draft rule made available for interested party review in March 2015.

### How will the changes affect controls placed on water pollution?

Applicability of the rule will not differ from the current version of the rule, 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 wants to hear 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.

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

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

### What is the rulemaking schedule?

A public hearing on the proposed rule 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 rule.

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At the close of the public comment period, the Agency will review the comments, make any necessary changes to the rule, and then adopt the rule. 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 rule. A final rule could be adopted in mid-2015.

### How can I comment on the proposed 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

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**Comments on the proposed rule 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 proposed rule 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 proposed rule, please contact:

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