



# Draft Rules – NPDES General Permit Program

## Interested Party Review

### OAC Chapter 3745-38

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#### What does OAC 3745-38 cover?

This chapter of the Ohio Administrative Code (OAC) contains two rules addressing the 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 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:

##### OAC Rule 3745-38-01 Definitions.

- Update of references and citations;
- Update of definitions for "applicable water quality standards," "applicable effluent limitations," "discharge" and to be consistent with OAC rule 3745-33-01;
- Addition of new definitions for "discharge of a pollutant or pollutants" and "40 C.F.R.;"
- Update of definitions for "person" and "waters of the state" to be consistent with ORC 6111.01; and
- Update of definition for "point source" to be consistent with 40 C.F.R. Part 122.2.

##### OAC Rule 3745-38-02 Requirements for General National Pollutant Discharge Elimination System (NPDES) Permits.

- Update of references and cross references to other rules;
- Inclusion of language from 40 C.F.R. Part 122.28 for greater consistency and clarity; and
- Update of information required on notice of intent forms to be consistent with current requirements.

#### 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 being considered for deletion is struck through; new text being considered is underlined.

### What is the rulemaking schedule?

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

At the close of the interested party comment period, the Agency will review the comments and make necessary changes to the rules. The Agency will then file the proposed rules with the Joint Commission on Agency Rule Review (JCARR), the Legislative Service Commission and the Secretary of the State.

At that point, another comment period, including one or more public hearings, will be scheduled. After the close of that public comment period, the Agency will review the comments, spring summer of 2015. The final rules could be adopted by summer 2015.

### How can I provide input on the draft revisions?

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, Ohio 43216-1049

**Comments on the draft rules must be received no later than March 11, 2015.**

### How can I get more information?

Copies of this fact sheet, CSI form and the draft 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 more information about the draft rules, please contact Jason Fyffe at (614) 728-1793 or [jason.fyffe@epa.ohio.gov](mailto:jason.fyffe@epa.ohio.gov).