

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Storm Water and General NPDES Permit Program**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 6111.03 and 6111.035 of the Ohio Revised Code (ORC) and in accordance with Chapter 119., proposes to amend the following rules of the Ohio Administrative Code (OAC):

Rule Number	Rule Title
3745-38-02	Requirements to general national pollutant discharge elimination system (NPDES) permits.
3745-39-01	Applicability of rules of procedure and definitions.
3745-39-02	Objectives of the Ohio EPA storm water management program for small MS4s.
3745-39-03	Ohio EPA NPDES requirements for small MS4s.
3745-39-04	Ohio EPA NPDES requirements for industries, including construction activities, and large and medium MS4s.

This rulemaking includes the five-year review of one rule in OAC Chapter 3745-39, which covers the storm water permitting program. Three other rules in Chapter 3745-39 and rule 3745-38-02 are being reviewed simultaneously to incorporate necessary revisions from the federal regulations. At this time, the Agency is pursuing an exemption from the five year rule review requirements in ORC section 106.03 for three rules: 3745-39-02, 3745-39-03, and 3745-39-04. These rules are equivalent to the federal regulations in 40 C.F.R. Part 122. If the Agency is granted this exemption, these three rules would not have a five-year review date, but instead would be updated as needed to correspond with the federal regulations.

The updates in this rulemaking include: allowing the option to meet the requirements of paragraph (C) of rule 39-03 through a comprehensive general permit or a two-step general permit, creating an exemption for construction storm water general permit applicants who have paid an application fee within twelve months of the expiration of the past general permit from paying the renewal application fee for the new general permit, and other updates to mirror the changes in the federal regulations [40 C.F.R Parts 122.22, 122.26, 122.28, 122.30-122.37].

The Agency invites all interested parties to comment on these rules. The public comment period will run until **December 5, 2018**. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at **Conference Room A at the Ohio EPA Central Office, 50 West Town Street, Suite 700, Columbus, Ohio at 10:30 a.m. on December 5, 2018**. 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.

To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rulemaking.

Written testimony should be sent to the attention of Emily DeLay at the Division of Surface Water, P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on **December 5, 2018**, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

The proposed rules and a fact sheet explaining the rule revisions are posted on the Ohio EPA website at www.epa.ohio.gov/dsw/dswrules.aspx. The proposed rules are also available on the Register of Ohio website at www.registerofohio.state.oh.us. Questions regarding this rule package should be directed to Jason Fyffe at the Division of Surface Water, at (614) 728-1793.