

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice  
Proposed Rulemaking Governing  
Storm Water Program**

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 6111.03 of the Ohio Revised Code and in accordance with Chapter 119 of the Revised Code, proposes to adopt the following rule of the Ohio Administrative Code (OAC):

Rule #	Rule Title	Action
3745-39-04	Ohio EPA NPDES requirements for industries, and large and medium MS4s.	New

Note: The draft version of this rule was titled "Storm water discharges applicable to state NPDES programs." The name of the rule has been changed to make it clear that this rule does not apply to small municipal separate storm sewer systems (MS4s).

OAC Chapter 3745-39 addresses National Pollutant Discharge Elimination System (NPDES) requirements for the discharge of storm water to surface waters of the state. Rules 3745-39-01 to 03, which became effective on June 17, 2004, address U.S. EPA's small MS4 regulations, which constitute the bulk of their Phase II program. Proposed rule 3745-39-04 would address the remainder of the federal storm water rules Ohio EPA is required to administer, commonly referred to as the Phase I rules.

Rule 3745-39-04 would not alter Ohio EPA's current implementation of the NPDES storm water program. There are no new upcoming program submission deadlines associated with this rule. The sole purpose of this rulemaking is to incorporate the federal requirements into the OAC.

The public comment period will run until **5:00 p.m. on September 21, 2007**. A public hearing on this 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 in **Room 6B at the Ohio EPA Central Office, 50 West Town Street, Suite 700, Columbus, Ohio at 2:00 p.m. on September 20, 2007**.

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 rule.

Written testimony should be sent to the attention of Anthony Robinson at the Ohio EPA 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 **5:00 p.m. on September 21, 2007**, will be considered by Ohio EPA prior to final action on this rulemaking. Written comments submitted after this date may be considered as time and circumstances permit.

To obtain a copy of the proposed rule, or if you have any questions about this rule package, contact Anthony Robinson, at the Division of Surface Water, at (614) 728-3392 or via e-mail at [anthony.robinson@epa.state.oh.us](mailto:anthony.robinson@epa.state.oh.us). The proposed rule is also available on the Ohio EPA Division of Surface Water Web site at [www.epa.state.oh.us/dsw](http://www.epa.state.oh.us/dsw) and the Register of Ohio Web site at [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us).