



Early Stakeholder Outreach — Ohio NPDES Permits Rules OAC 3745-33-01, -02, -03, -04, -05, -06, -07, 09 and -10

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What does OAC 3745-33 cover?

Chapter 3745-33 of the Ohio Administrative Code (OAC) contains the administrative and technical requirements for writing and obtaining wastewater discharge permits under the National Pollutant Discharge Elimination System (NPDES) permit program.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to Executive Order 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

Ohio EPA is reviewing this chapter as part of the five year rule review requirements in Ohio Revised Code 119.032. At this time, the Agency is considering the following revisions:

General

- Updates to reference citations and rule format, including adding clarifying language and reorganization to the following rules:
 - 3745-33-02 Ohio NPDES permit required
 - 3745-33-06 Treatment and disposal standards and permit limits
 - 3745-33-09 Pollutant minimization programs
 - 3745-33-10 Applicability of rules and procedure

3745-33-01 Definitions

- Adding language for narrative reasonable potential.

3745-33-03 Permit applications

- Adding more detail on what information is required in NPDES permit applications.
- Changing the rule so that any application that on its face fails to provide Ohio EPA with requested information may be considered incomplete rather than defective.

How can I provide input?

The Agency is seeking stakeholder input on the rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business February 8, 2016. Please submit input to:

By email: 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, OH 43216-1049

What if I have questions?

For more information about the rules, please contact:

Eric Nygaard

(614) 644-2024

eric.nygaard@epa.ohio.gov

Early Stakeholder Outreach — OAC 3745-33

3745-33-04 Permit actions

- Changing the rule to allow Ohio EPA to issue permits if authorized discharge levels are being exceeded by the applicant, as long as authorized discharge levels can be met in the future. This is consistent with ORC 6111.03.
- Adding permit owner transfers as minor modifications.

3745-33-05 Authorized discharge levels

- Changing the rule so that mass and concentration limits do not always need to be based on the same permit averaging periods for nutrients.

3745-33-07 Establishing permit conditions

- Including pollutants determined by the director to need limits by an antidegradation review and other parameters as determined by the director to have the reasonable potential to cause or contribute to an excursion above water quality standards in the list of conditions that require final effluent limitations.
- Adding that when data used to determine PEQ values are invalid or unrepresentative for a group five parameter and the director makes an exception to the effluent limitation, the parameter shall be considered a group four parameter.
- Evaluating reasonable potential procedures for noncontact cooling water to ensure consistency with federal regulations.
- Evaluating whole effluent toxicity testing requirements to ensure consistency with federal regulations.
- No changes will be made to Ohio's variance language at this time.

Who will be regulated by these rules?

Any applicant for an NPDES permit will be impacted by these rules. This includes publicly owned treatment works, businesses and industries that have point source discharges to waters of the state.

What is the rulemaking schedule?

The Agency is planning to release a draft version of the rules for interested party review and comment in the spring of 2016.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules?
- Is there any information or data the Agency should be aware of when developing new or amended language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by this program.

- Does this regulatory program have a positive impact on your business? Please explain how.
- Does this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

How can I get more information?

- This factsheet is available on the Division of Surface Water website at www.epa.ohio.gov/dsw/dswrules.aspx.
- For additional background information on the NPDES program, please visit the NPDES web page at: <http://www.epa.state.oh.us/dsw/permits/index.aspx>
- The existing rules in OAC Chapter 3745-33 are available at: <http://www.epa.ohio.gov/dsw/dswrules.aspx>.