



**Division of Surface Water  
Response to Comments  
July 2015**

**Rules:** OAC Chapter 3745-38 Ohio NPDES General Permits

**Agency Contact for this Package**

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On February 9, 2015, Ohio EPA made available for review and comment for two rules regarding the Ohio National Pollutant Discharge Elimination System (NPDES) General Permits program. This document identifies the comments and questions received during the associated comment period, which ended on March 11, 2015.

Ohio EPA reviewed and considered all comments received during the public comment periods. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the comments and questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

**Comment 1: 3745-38-02(C): This provision appears less stringent than the federal rules. The federal rules include two instances that are not listed in this provision where an individual permit or alternate general permit may be required, including when:**

- 1. A Water Quality Management Plan containing requirements applicable to point sources is approved (See 40 CFR 122.28(b)(3)(D); and**
- 2. Standards for sewage sludge use or disposal have been promulgated for the sludge use or disposal practice covered by the general permit (See 40 CFR 122.28(b)(3)(F). (U.S. EPA, Region 5)**

**Response 1:** Paragraph (C)(8) has been revised to include a water quality management plan and a new paragraph (C)(10) has been added to the rule to include the language regarding sewage sludge.

**Comment 2: 3745-38-02(E)(5):** The list of each person authorized to discharge under each GP should be maintained and made available to the public via OEPA's website; OEPA should also maintain and make available to the public NOI's that applicants have submitted to request coverage under a general permit.

In addition, the proposed rule does not appear to require the permittee to identify the specific location of the outfalls. The proposed rule should be changed to require specification of the location of each outfall, with identification of the corresponding receiving water to which the applicant proposes to discharge. (U.S. EPA, Region 5)

**Response 2:** Ohio EPA currently maintains a list of entities authorized to discharge under each general permit. These lists can be found at <http://epa.ohio.gov/dsw/permits/NonStormgplist.aspx> and <http://epa.ohio.gov/dsw/permits/gplist.aspx>. Language has been added to Paragraph (E)(5) indicating that the list will be maintained on Ohio EPA's website.

Paragraph (E)(3)(h) has been modified to include the location of each outfall if available. For certain general permits (the general permit covering discharges of hydrostatic test water for example), the Agency does not receive specific locations and latitude and longitude for each outfall on the NOI application because they have not been determined.

**Comment 3: 3745-38-02(F):** The rule states that exclusions from submitting NOIs under GP are possible, however, a specific statement must be included that the POTWs, combined sewer overflows, municipal separate storm sewer systems, primary industrial facilities and storm water discharges associated with industrial activity cannot be exempt from the requirement to submit an NOI pursuant to 40 CFR 122.28(b)(2)(v). (U.S. EPA, Region 5)

**Response 3:** Paragraph (F) has been modified to include a statement that the provision does not apply to discharges from publicly owned treatment works, combined sewer overflows, municipal separate storm sewer systems, primary industrial facilities, and storm water discharges associated with industrial activity.

**Comment 4:** 3745-38-02(M) Revocation of General Permits: Paragraph (2) cross references Section (J)(1): This appears to be an inaccurate cross reference. The rule needs to be revised to reflect the correct cross reference. (U.S. EPA, Region 5)

**Response 4:** The paragraph reference in paragraph (M)(2) has been revised to (M)(1) in lieu of (J)(1).

**End of Response to Comments**