



March 22, 2018

Ohio Environmental Protection Agency
Division of Surface Water—Permits Processing Unit
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, OH 43216-1049

Re: Draft General NPDES Permit for Storm Water Associated with Construction Activity
OEPA permit number (OHC000005)

To whom it may concern:

The American Council of Engineering Companies of Ohio (ACEC Ohio) represents over 130 engineering consulting companies across Ohio. After review of the draft general permit, the Council would like to comment and offer recommendations on this rule.

- 1) Proposed Change:** (Part I E. 1) Authorization – Obtaining authorization to discharge – Operators that discharge storm water associated with construction activity must submit an NOI form and Storm Water Pollution Prevention Plan (SWP3) in accordance with the requirements of **Part I F.** of this permit to obtain authorization to discharge under this general permit. As required under OAC Rule 3745-38-06(E), the director, in response to the NOI submission, will notify the applicant in writing that he/she has or has not been granted general permit coverage to discharge storm water associated with construction activity under the terms and conditions of this permit or that the applicant must apply for an individual NPDES permit over coverage under the alternate general NPDES permit as described under **Part 1 C. 1**

Part I.F – Notice of Intent Requirements – Pages 7 and 8 – The permit language has not been duplicated here as it would be redundant.

Comments: The concern identified here is if the regulated entity is solely responsible for submitting the completed SWPPP via OEPA STREAMS portal and the SWPPP cannot be up loaded by the SWPPP designer this could result in the regulated entity not uploading and therefore OEPA would not have this document as required by the draft permit.

Recommendation – Allow the SWPPP designer to upload completed SWPPPs on behalf of the regulated entity. Allow the SWPPP designer to obtain a VIN Id for the purpose of uploading these plans on behalf of their regulated client to ensure the plans are in the system and would reduce or eliminate possible violations with not loading the plans via the STREAMS portal and would in turn reduce any project delays should these plans not get uploaded through the regulated entity.

- 2) **Proposed change:** (Section III.B. Timing, paragraph 2): “In order to continue coverage from the previous generations of this permit you shall review and update your SWP3 to ensure that this permit’s requirements are addressed within 180 days after the effective date of this permit.”

Concern/Questions: Owners with projects legally permitted with a valid SWP3 under the existing or previous rules will be required by this provision to upgrade the SWP3 if construction is not complete and the site stabilized within 180 days after the effective date of the new permit. Several local MS4s have advised that they will interpret this language to mean that construction control methodology permitted under the existing rules must be retrofitted to comply with the new rules if the project is not completed, stabilized and Notice of Termination filed within 180 days of the effective date. If that is the intention of the new rules, it will be a hardship for Owners and consultants. Consultants will have to go back to Owners in the middle of construction and explain to them that their previously permitted project is no longer permitted, and that significant design and construction changes are now required. This will be very confusing and costly.

Recommendation – Allow projects or phases of projects that are in construction and that have been legally permitted under the current rules to continue to be permitted under the current rules through completion of construction regardless of length of schedule.

Thank you for your review of our comments, please feel free to contact me with any questions.

Sincerely,



Beth Easterday
President