

3745-39-01

Applicability of rules of procedure and definitions.

- (A) Except where otherwise provided, this chapter shall be administered in accordance with provisions in Chapters 3745-47 and 3745-49 of the Administrative Code.
- (B) Except as otherwise provided in this chapter, all terms used in this chapter ~~shall~~ have the same meaning as in section 6111.01 of the Revised Code.
- (1) "Act" means the federal Water Pollution Control Act (commonly referred to as the Clean Water Act), 33 U.S.C. sections 1251 to 1387.
 - (2) "Combined sewer" means a system that by design and function conveys sanitary wastewater in dry weather to a publicly owned treatment works and during wet weather conveys ~~storm-water~~ [stormwater](#) and sanitary wastewater to a publicly owned treatment works or combined sewer overflow relief point specifically authorized by an Ohio national pollutant discharge elimination system (NPDES) permit.
 - (3) "Director" means the director of the Ohio environmental protection agency.
 - (4) "Discharge" means any addition of any pollutant to surface waters of the state from a point source.
 - (5) "EPA" means environmental protection agency.
 - (6) "Illicit discharge" means any discharge to an MS4 other than discharges not requiring an NPDES permit and NPDES permitted discharges.
 - (7) "Large MS4" means all municipal separate storm sewer systems that are located in an incorporated place with a population of two hundred fifty thousand or more as determined by the ~~2010~~ [1990 decennial](#) census by the United States bureau of the census. The ~~2010~~ [1990](#) census is available at public libraries and on the United States bureau of the census web site www.census.gov.
 - (8) "Medium MS4" means all municipal separate storm sewer systems that are located in an incorporated place with a population of one hundred thousand or more, but less than two hundred fifty thousand as determined by the ~~2010~~ [1990 decennial](#) census by the United States bureau of the census. The ~~2010~~ [1990](#) census is available at public libraries and on the United States bureau of the census web site www.census.gov.
 - (9) "MS4" means municipal separate storm sewer system which means a conveyance or system of conveyances (including roads with drainage

systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that conforms to the following:

- (a) Owned or operated by the federal government, state, municipality, township, county, district or other public body (created by or pursuant to state or federal law) including special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under section 208 of the act (33 U.S.C. section 1288) that discharges into surface waters of the state.
- (b) Designed or used for collecting or conveying solely ~~storm water~~stormwater.
- (c) Not a combined sewer.
- (d) Not a part of a publicly owned treatment works.

[Comment: What constitutes a municipal separate storm sewer system is often misinterpreted and misunderstood. The term does not solely refer to municipally owned storm sewer systems, but rather is a term of art with a much broader application that can include, in addition to local jurisdictions, state and federal facilities, public universities, local sewer districts, public park districts, public hospitals, federal installations, military bases and prisons. The municipal separate storm sewer system is not just a system of underground pipes - ~~it~~ the system can include roads with drainage systems, gutters and ditches.]

- (10) "NPDES permit coverage" means a permit issued by the state of Ohio under the national pollutant discharge elimination system for a discharge from a point source to surface waters of the state.
- (11) "Ohio NPDES general permit" means a permit issued by the state of Ohio for a category of point source discharges originating from multiple sites.
- (12) "Ohio NPDES individual permit" means a permit issued by the state of Ohio for a discharge from a point source at a facility which is either in compliance with authorized discharge levels or which includes a schedule which will bring the point source into compliance with authorized discharge levels.
- (13) "Ohio water quality standards" means all water quality standards which apply to surface waters of the state under Chapter 3745-1 of the Administrative

Code.

- (14) "Point source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural ~~storm-water~~ [stormwater](#) runoff (see 40 C.F.R. 122.3).
 - (15) "Pollutant" means sewage, industrial waste, sludge, sludge materials or other wastes as defined by section 6111.01 of the Revised Code.
 - (16) "Small MS4" means all municipal separate storm sewer systems that are neither a large MS4 nor a medium MS4.
 - (17) "~~Storm-water~~[Stormwater](#)" means ~~storm-water~~ [stormwater](#) runoff, snow melt runoff and surface runoff and drainage.
 - (18) "Surface waters of the state" or "water bodies" mean ~~all streams, lakes, reservoirs, ponds, marshes, wetlands or other waterways which are situated wholly or partially within the boundaries of the state, except those private waters which do not combine or effect a junction with natural surface or underground waters. Waters defined as sewerage systems, treatment works or disposal systems in section 6111.01 of the Revised Code are not included~~[the same definition as in paragraph \(B\)\(91\) of rule 3745-1-02 of the Administrative Code.](#)
- (C) Incorporation by reference. The text of the incorporated materials is not included in the rules contained in this chapter. The materials are hereby made a part of this chapter. For materials subject to change, only the version specified in this rule is incorporated. Any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new version.
- (1) Availability. The materials incorporated by reference are available as follows:
 - (a) Code of federal regulations (C.F.R.). Information and copies may be obtained by writing to: "U.S. Government Publishing Office Bookstore, 710 North Capitol Street N.W., Washington, D.C. 20403." The full text of the C.F.R. is also available in electronic format at <http://www.gpoaccess.gov/cfr/>. The C.F.R. compilations are also

available for inspection and copying at most public libraries and "The State Library of Ohio."

- (b) Federal statutes. The full text is available in electronic format at <http://www.gpo.gov/fdsys>. These laws are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(2) Incorporated materials.

- (a) Appropriate "Federal Statutes." The statutes listed in this rule are those versions of the laws amended through July 1, ~~2018~~[2023](#), including the following:

(i) Federal Water Pollution Control Act (commonly referred to as the Clean Water Act), 33 U.S.C. sections 1251 to 1387.

(ii) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, 42 U.S.C. 9601(14).

(iii) Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 11023.

(iv) Surface Mining Control and Reclamation Act (SMCRA), 30 U.S.C. 1201 to 1328.

- (b) Appropriate "Code of Federal Regulations." As used in this chapter "40 C.F.R." means Title 40 of the Code of Federal Regulations as amended through July 1, ~~2018~~[2023](#).

- (c) "Standard industrial classification code or SIC code" is a numeric number assigned to categories of industrial activities. SIC codes can be found in the "Standard Industrial Classification Manual," published by the federal "Office of Management and Budget" in 1987 and available in the resource section of most public libraries. SIC codes are also available at the following internet website: <http://www.osha.gov/pls/imis/sicsearch.html>.