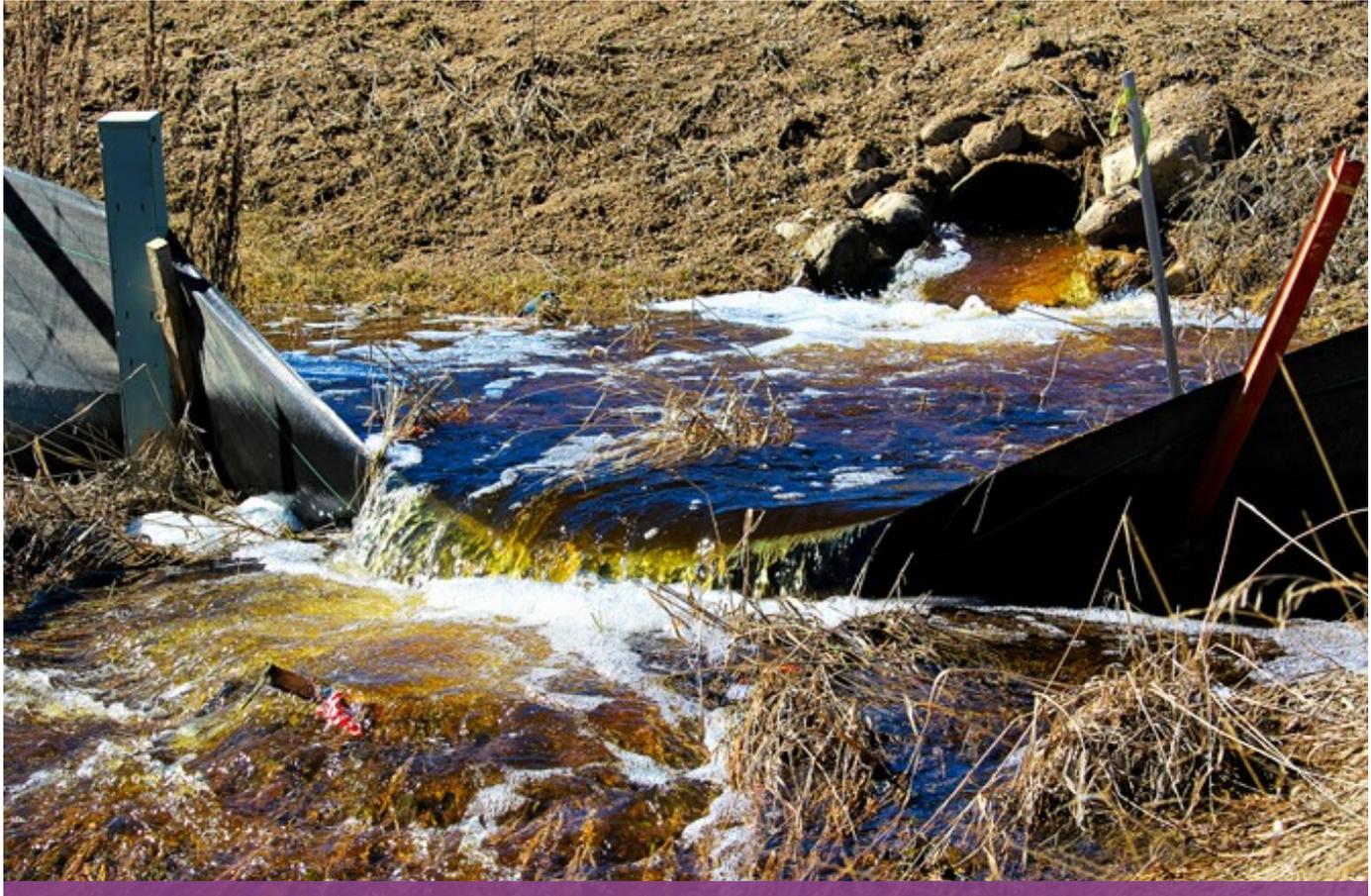# Ohio EPA issues new construction storm water general permit

Peter D. Welin, Jason R. Harley, John Gambill | Friday, April 27, 2018

On Monday, April 23, 2018, the Ohio Environmental Protection Agency issued its revised National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity. The new permit will be in effect for five years, expiring on April 22, 2023.

A coalition that included the Associated General Contractors of Ohio, the Ohio Home Builders Association, the Ohio Contractors Association, the Ohio Chamber of Commerce, the Ohio Manufacturers' Association, and the Commercial Real Estate Development Association of Ohio jointly submitted comments on the proposed rule changes. The Ohio EPA made many revisions to the final permit based on the feedback from the coalition and other entities impacted by the permit (see EPA's Responsiveness Summary to Comments Received). Some key items that have been changed from the original proposal include:

- Removal of a provision that would require the electronic submission of a stormwater pollution prevention plan (SWPPP) with all notice of intent (NOI) applications.
- Clarification and expansion of grandfathering for existing SWPPP's under the new permit.
- For projects less than two acres in size, less restrictive post-construction water quality treatment.
- Changing the words "perpetual" and "in perpetuity" to "long term," which lessens potential liability and legal ramifications.
- Removal of changes for redevelopment; redevelopment will be treated as it was under the previous version of the permit.

The Ohio EPA's construction site stormwater website provides additional information about the new permit, including a fact sheet and storm water technical assistance documents.

If you have questions about the permit, please contact one of the McDonald Hopkins attorneys listed below.

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