Ohio EPA Construction Stormwater Program Updates

A brief overview of post-construction and related Ohio EPA updates

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Cincinnati Regional Stormwater Collaborative Field Day

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Environmental Protection Agency

MS4 General Permit Renewal

- Current GP is expired (OHQ000004), but still in effect
- New GP (OHQ000005) is being finalized right now
- Comments will be answered in a Response-To-Comments document and permit updated for final approval by USEPA
- Expected to issue renewed GP later this fall 2026
  - Instructions for renewal will be sent to permittees and renewal applications are locked until permit is renewed

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MS4 Permittee Timeline

- Existing permittees will have 90 days to renew coverage from effective date of the permit
  - SWMP must be updated by April 1st,2028 and submitted with 2027 Annual Report
- New permittees have 180 days to get coverage from effective date of the permit
  - SWMP must be submitted with initial NOI application

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MS4 Permit Updates – Impacts on Construction

- Part III.B.4.c.iii. Added the following underlined clarifying language (MCM 4 Active Construction)
  - "To ensure compliance, all applicable sites shall have an initial inspection <u>within 14 days of the start of earth disturbance</u>."

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MS4 Permit Updates – MCMs 4 and 5, Active/Post-Construction

- Part III.B.4.c.ii and Part III.B.5.f.ii. Added language that SWP3 review and approval shall include a letter or email documenting final approval of the SWP3 provided to the developer
- Part III.B.4.c.iii and Part III.B.5.f.iii. Added language that an MS4 shall always transmit inspection findings to the site operator and document it
  - e.g., emails; letters; or via phone/verbally with date, time, participants' name(s) and discussion summary

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What's Coming Down the Pike?

- MSGP (OHR000007) expires in 2027

- CGP (OHC000006) expires in 2028, starting ESO in early 2027
  - Discussing changes to the NOI Form
    - MS4 SWP3 Approval
    - Post-construction BMP information
  - Seeking to clarify redevelopment and manufactured post-construction BMP sections

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Post-Construction Differences Between OH and KY

- Three key differences between the two states
  - Post-construction water quality treatment is only required for MS4 areas in Kentucky but is required statewide for Ohio
  - The Water Quality Volume (WQv) treated by post-construction BMPs is slightly larger in Ohio
  - Kentucky offers an in-lieu fee program for WQv mitigation

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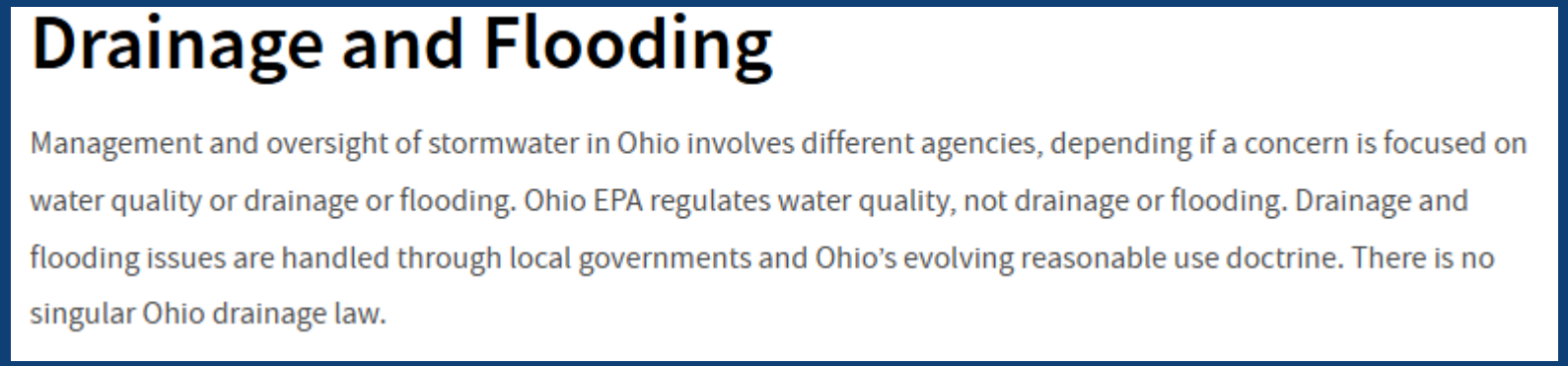
Recent Updates to the RLD

- Post-Construction Chapters 2.9 and 2.10 on Bioretention and Pervious Pavement were updated in 2026
- Active Construction Sediment Control Chapters 7.1-7.4 were also updated: Sediment Basin, Inlet Protection, Perimeter Controls, and Sediment Trap

New Guidance: Drainage and Flooding

- https://epa.ohio.gov/monitor-pollution/pollution-issues/drainage-and-flooding
- Outlines Ohio EPA, ODNR, and Local Government's Roles
- Briefly describes Ohio Drainage Laws and reasonable use
- Provides resources for those experiencing drainage and flooding issues



Drainage and Flooding

Management and oversight of stormwater in Ohio involves different agencies, depending if a concern is focused on water quality or drainage or flooding. Ohio EPA regulates water quality, not drainage or flooding. Drainage and flooding issues are handled through local governments and Ohio's evolving reasonable use doctrine. There is no singular Ohio drainage law.

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Why Hasn't My NOT Been Approved Yet?

- Ohio EPA is coordinating with MS4s via weekly reports of submitted CGP NOTs to ensure the site qualifies for permit termination
- If you are an MS4 and want to be added to the listserv, reach out to DSW.Stormwater@epa.ohio.gov

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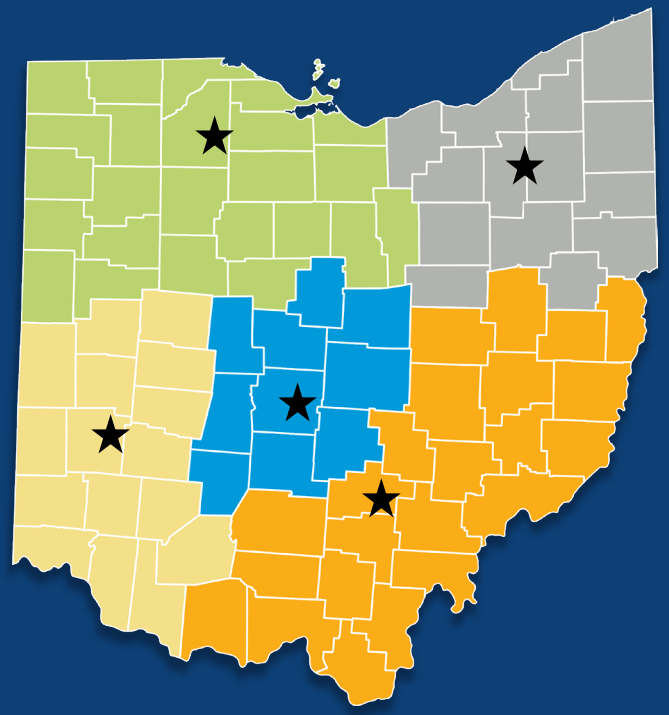

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Questions?

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