



## **Early Stakeholder Outreach: Permits to Install and Plan Approvals for Water Pollution Control – Applicability, Exemptions and Procedures**

### **For DSW's Permits Program OAC Rule 3745-42-02**

*Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.*

#### **What rulemaking is Ohio EPA considering?**

Ohio EPA is considering revisions to Ohio Administrative Code (OAC) Rule 3745-42-02, Permits to Install and Plan Approvals for Water Pollution Control – Applicability, Exemptions and Procedures. OAC Chapter 3745-42 contains permitting requirements for activities that include installing/modifying a system for disposing of sewage, industrial or other wastes, and land application of sludge.

OAC Rule 3745-42-02 defines the following for permits to install and plan approvals:

- **Applicability:** Unless exempted, no person shall cause, permit or allow the installation of a new disposal system or modification of disposal system without first obtaining an individual permit to install, general permit to install or plan approval.
- **Exemptions:** Several exemptions are listed such as some site preparation activities, recycle systems, oil and water separators and manholes.
- **Procedures:** Procedures are provided for permit to install or plan approval modifications, administrative changes, termination, revocation and transfer.

#### **Why is the rule being reviewed; what types of changes are being considered?**

Ohio EPA is reviewing this rule as part of the five year rule review requirements in Ohio Revised Code 119.032. At this time, the Agency is considering the following revisions:

- Editorial revisions for consistency with the Legislative Service Commission's rule drafting manual.
- Language clarification on what construction can occur at a site before a PTI for sewerage is issued.

#### **How can I provide input?**

Please submit your comments in one of the following ways:

By email: [dsw\\_rulecomments@epa.ohio.gov](mailto:dsw_rulecomments@epa.ohio.gov)

By fax: (614) 644-2745

By postal mail:

Rule Coordinator, Ohio EPA  
Division of Surface Water,  
P.O. Box 1049,  
Columbus, OH 43216-1049

Comments on the rule must be received no later than 5:00 p.m. on **February 17, 2014**.

#### **How can I get more information?**

Additional information is available on the Ohio EPA Division of Surface Water website:

This fact sheet is available on the Division of Surface Water website at

<http://epa.ohio.gov/dsw/dswrules.aspx>

The existing OAC Rule 3745-42-02 is available at:

[http://epa.ohio.gov/dsw/rules/3745\\_42.aspx](http://epa.ohio.gov/dsw/rules/3745_42.aspx)

For more information about the rulemaking, please contact: Mark Stump at (614) 644-2028 or [dsw\\_rulecomments@epa.ohio.gov](mailto:dsw_rulecomments@epa.ohio.gov).

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- Addition of exemptions to include certain internal plant modifications that are intended to enhance operational performance, pilot studies, and non-treatment related plant modifications.
- Clarification for when a permit to install is required versus when an activity is covered by storm water best management practices.

### Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to Executive Order (EO) 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information provides opportunity for early input before the rule language has been developed by the Agency.

### Who will be regulated by this rulemaking?

This rule impacts anyone responsible for obtaining a permit to install or plan approval for wastewater treatment collection and/or disposal systems. For example, consultants, publicly owned treatment works, National Pollutant Discharge Elimination System (NPDES) permit holders, sewerage system owners, businesses and developers, etc.

### What is the rulemaking schedule?

The Agency is planning to release a draft version of the rules for interested party review and comment in the spring of 2014.

### What additional information is the Agency seeking?

The Agency wants to hear from interested stakeholders who may be impacted by this rulemaking. General comments and specific factual information are welcome. Ohio EPA is specifically asking for stakeholders to identify the following:

- Does this rulemaking impact your business?
- Does this rulemaking have an adverse impact on your business? If so, please identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance).
- Is there an alternative rulemaking (or specific provisions within the rules) that the Agency should consider?
- What are the benefits of the rulemaking?

### What should I consider as I prepare my comments?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline.