State of Ohio Environmental Protection Agency

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**September 2, 2009**

**Re:** Draft amendments and new rule addressing requirements for Permits to Install applications and engineering plans in Ohio Administrative Code (OAC) Chapter 3745-42

Dear Interested Parties:

The Division of Surface Water (DSW) is conducting a review of two rules in Chapter 3745-42 of the Administrative Code, governing the application requirements and criteria for decision by the director for the issuance of permits to install (PTI). A new rule is also included in this review, which expands on the meaning of best available technology as used in the current PTI rules. DSW has reviewed and drafted amended language for the following existing rules and drafted the following new rule:

| Rule # | Rule Title | Draft Action |
|---|---|---|
| OAC Chapter 3745-42 Permits to Install and Plan Approvals for Water Pollution Control | | |
| 3745-42-03 | Requirements for applications and engineering plans. | Amend |
| 3745-42-04 | Criteria for decision by the director. | Amend |
| 3745-42-07 | Best available technology. | New |

The following is a list, by rule, of major changes under consideration:

Rule 3745-42-03

- An update to the PTI application signature requirements.
- Incorporation of application and detailed plan requirements from *Sewage: Collection, Treatment & Disposal - Where Public Sewers Are Not Available* (Green Book) and *Recommended Standards for Wastewater Facilities* (Ten States Standards) including: a copy of a certification of necessity and need from the Public Utilities Commission of Ohio, if applicable; a certificate of supervision for installation of projects with a design flow of 1,000 gallons per day or greater; and an engineering report for certain projects.
- A requirement to submit additional information from applicants other than public entities, public utilities or industries for disposal systems designed to collect or treat sewage from two or more homes or have an average design flow of 10,000 gallons per day or greater. The requested information is similar to that already required in rules for land application of treated sewage in OAC 3745-42-13.

Rule 3745-42-04

- Revision of rule title to provide a more accurate description of the rule contents.
- A reorganization/rewording of several provisions for clarity.
- Addition of language regarding the consideration of incomplete PTI applications.
- Reference to guidance documents typically used in review of PTIs and plan approvals.
- Inclusion of a cross reference to a program in OAC 3745-3-03 for entities with approved pretreatment programs to review and approve industrial PTIs for indirect discharges.
- Updates to Table 4-1.

Rule 3745-42-07

- New rule defines best available technology, which is required to be implemented in rule OAC 3745-42-04, through first determining how sewage or industrial waste shall be managed and then determining which technology shall be used to treat the waste. The draft rule includes a process for determining when existing sanitary sewers are considered accessible and available for wastewater disposal.
- Inclusion of a procedure for obtaining an exemption to specific rule requirements.

DSW is seeking input from you on these draft rules by **5:00 p.m. on November 2, 2009**. Please direct questions regarding the draft rules to Cathy Alexander at 614-644-2021or cathy.alexander@epa.state.oh.us. You may view the draft rules at www.epa.ohio.gov/dsw/, or contact Melinda Harris at 614-728-1357 to obtain a copy. Please submit your comments by mail or by email to:

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Sincerely,

George Elmaraghy

George Elmaraghy, P.E., Chief
Division of Surface Water

GE:mh