

*** DRAFT - NOT YET FILED ***

3745-42-07

Best available technology for connection into sanitary sewers and centralized collection and treatment of sewage, industrial waste and other waste.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-42-01 of the Administrative Code.]

(A) Definitions.

- (1) "Centralized collection and treatment" means a disposal system that serves more than one source of sewage, industrial waste, or other waste.
- (2) "Larger common plan of development or sale" means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

[Comment: This definition was taken from the Ohio National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges associated with construction activity.]

(B) Purpose and applicability.

- (1) The purpose of this rule is to establish, as part of a permit to install and plan approval program under Chapter 6111. of the Revised Code, a definition for best available technology for disposal systems permitted under this chapter.
- (2) This rule is applicable to disposal systems designed to treat sewage, industrial waste and other waste. Except as provided in paragraph (C) of this rule, a disposal system shall meet best available technology criteria to be approved.

[Comment: A brief description of how a project achieves best available technology is required to be submitted as part of a permit to install application or plan approval in accordance with rule 3745-42-03 of the Administrative Code.]

(C) Exemptions.

- (1) The director, by order, may grant or deny an exemption for any person from the sanitary sewer connection criteria in paragraphs (D)(1)(a)(i) to (D)(1)(a)(v) of this rule and permit the installation of an alternative disposal system. It is the burden of the petitioner requesting the exemption to demonstrate to the satisfaction of the director that technical, financial, environmental, legal or physical barriers prevent connection to sanitary sewers. The petitioner shall also have the burden of demonstrating to the satisfaction of the director that

the alternative to the sanitary sewer connection will not adversely affect human health or the environment.

(2) A petition for exemption shall be submitted in writing and signed in accordance with rule 3745-42-03 of the Administrative Code, prior to submittal of any NPDES permit, permit to install or plan approval applications for the alternative disposal system, and shall include, at a minimum, the following:

(a) Description of project.

(b) Identification and justification of technical, financial, environmental, legal or physical barrier.

(c) Description of the alternative disposal system.

(d) Any additional information as the director may require to protect human health or the environment.

(3) An incomplete petition shall not be considered. Any petitioner who submits an incomplete petition shall be notified within thirty days of receipt of the application of the nature of deficiency and of the director's refusal to consider the petition until the deficiency is corrected. Failure to correct the deficiency within thirty days of notice shall result in denial of the petition.

(4) The director shall grant or deny the petition for exemption by order within ninety days of the date on which a complete petition for exemption is received.

(5) The director may revoke an exemption approved in accordance with paragraphs (C)(1) and (C)(2) of this rule if any condition upon which the exemption was issued changes.

(D) Best available technology for connection into sanitary sewers.

(1) Connection into existing publicly owned or regional sanitary sewers shall be required for the disposal of sewage when said sewers are accessible and available. Accessible and available shall be determined as follows:

(a) The connection would not conflict with either any areawide waste treatment management plan adopted in accordance with section 208 of the act, in accordance with section 6111.03 of the Revised Code, approved regional sewage service and treatment plan or a connection ban imposed in accordance with Chapter 3745-11 of the Administrative Code.

(b) The disposal system receiving the sewage has or is expected to have capacity to adequately collect and treat the sewage.

(c) For an existing structure, where any part of a structure from which the waste is generated is within three hundred feet of the nearest boundary of the right-of-way within which the existing sanitary sewer is located.

[Comment: For example, if an existing business is located two hundred and forty feet from the corner of the building to the sanitary sewer right-of-way, the business will be required to connect to the sewer.]

(d) For a proposed structure not included within a larger common plan of development or sale, where any property line of the lot is within three hundred feet of the nearest boundary of the right-of-way within which the existing sanitary sewer is located.

[Comment: For example, if a new business is proposed on a single lot, and the edge of the property line is two hundred and ninety feet from the existing sanitary sewer right-of-way, the business will be required to connect to the sewer.]

(e) For two or more proposed structures (e.g., commercial business park), where any property line of the larger common plan of development or sale is within a distance of two hundred feet multiplied by the number of proposed structures up to a maximum distance of five thousand feet from the nearest boundary of the right-of-way within which the existing sanitary sewer is located, measured from the closest property line to the sanitary sewer right-of-way.

[Comment: For example, if phase one of a proposed commercial park will contain five structures, and phase two of the project, that will not be constructed for six years, will contain six structures, and the sanitary sewer right-of-way is one thousand four hundred feet away from the nearest property line in phase one of the development, the commercial park will be required to connect since two hundred feet per structure multiplied by eleven structures equals two thousand two hundred feet, which is greater than one thousand four hundred feet. It should be noted that even if phase two is constructed first, connection to sewers would be required since the larger plan of development results in a structure being located within two thousand two hundred feet.]

(f) On a case by case basis for sewage generated at industrial processing operations taking into consideration factors including but not limited to volume of waste to be disposed, ability of permittee to operate an individual disposal system, demonstrated economic hardship and compliance with other applicable rules and laws.

[Comment: Industrial processing operations can include businesses that generate industrial or other waste, such as metal finishing operations

and food processing facilities, and have the potential to co-mingle sewage.]

- (2) Installation of new centralized collection and treatment shall be required for the disposal of sewage when the cumulative design flow of sewage for a proposed larger common plan of development or sale is greater than twenty-five thousand gallons per day if sanitary sewers are not accessible or available as per paragraph (D)(1) of this rule. This requirement does not preclude multiple or "cluster" type systems.

[Comment: Multiple and cluster type systems are subject to permit to install rules in this chapter.]

- (3) The director may permit the installation of an alternative disposal system for the disposal of industrial waste on a case by case basis taking into consideration factors including, but not limited, to compatibility of waste, treatability of waste, volume of waste to be disposed, ability of the applicant to operate an individual disposal system, demonstrated economic hardship and compliance with other applicable rules and laws, including rule 3745-1-05 of the Administrative Code.

[Comment: Connection into an existing publicly owned or regional sanitary sewer for the disposal of industrial waste when said sewer is accessible and available as define in paragraph (D)(1) of this rule is preferred.]

- (4) In order to protect human health and the environment, the director may order, as authorized under Chapter 6111. of the Revised Code, the connection into existing sanitary sewers or installation of new centralized collection and treatment in situations beyond the connection distances or flow values stated above.

[Comment: Chapter 6111. of the Revised Code requires the director to give consideration to the technical feasibility and economic reasonableness in the issuance of the order.]

- (5) Notwithstanding the issuance or non-issuance of a permit to install or plan approval for a non publicly owned or non regional disposal system treating sewage, whenever a publicly owned or regional sanitary sewer system becomes accessible and available, the permittee shall properly abandon the disposal system and connect into the publicly owned or regional sanitary sewer system and properly close the disposal system. Connection into the publicly owned or regional sanitary sewer system shall be made within three years of accessibility and availability, unless an alternative time frame is authorized by the director, considering the age of the disposal system, level of treatment being provided, economic hardship, and compliance with applicable laws.

- (6) Notwithstanding the issuance or non-issuance of a permit to install or plan approval for a disposal system treating industrial waste or other waste or industrial waste or other waste and sewage, whenever a publicly owned or regional sanitary sewer system becomes accessible and available, the director may require the disposal system to be properly abandoned and connected into the publicly owned or regional sanitary sewer system and properly modify or close the disposal system and may consider factors including, but not limited, to compatibility of waste, treatability of waste, volume of waste to be disposed, economic hardship and compliance with other applicable laws. The director shall specify a time frame for connection.
- (E) Best available technology for treatment of sewage, industrial waste and other waste. As applicable, the applicant shall include the following items in the disposal system design or treatment technology selection:
- (1) Effluent limitations or design criteria listed in the definition of best available demonstrated control technology in rule 3745-1-05 of the Administrative Code.

[Comment: Rule 3745-1-05 of the Administrative Code contains specific effluent limitations or design criteria for sanitary wastewater treated by conventional treatment technologies, industrial direct discharges, categorical industrial indirect discharges and wastewater discharges resulting from clean-up of response action sites contaminated with volatile organic compounds.]
 - (2) Effluent limitations established under Chapter 3745-33 of the Administrative Code.
 - (3) Design criteria required under this chapter.
 - (4) Industrial waste pre-treatment standards required under Chapters 3745-3 and 3745-36 of the Administrative Code.
 - (5) Treatment standards for sewage sludge required under Chapter 3745-40 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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