

**\*\*\* DRAFT – NOT FOR FILING \*\*\***

3745-34-11      Class V wells.

(A) No person shall inject sanitary waste, industrial wastes or other wastes, into or above a USDW without first obtaining a UIC permit to drill and a permit to operate in accordance with rule 3745-34-12 of the Administrative Code. Examples of industrial waste include, but are not limited to, the following:

- (1) Hair salon chemicals;
- (2) Surgical or medical wastes;
- (3) Chemicals or insecticides used for flea dips;
- (4) Wastewater resulting from the treatment of drinking water;
- (5) Contact cooling water;
- (6) Fluids and blood from embalming processes; and
- (7) Animal wastes from slaughter houses or food processing operations.

(B) Operation of and injection into large capacity cesspools is prohibited. All existing large capacity cesspools shall be closed in accordance with paragraph (N) of this rule.

(C) Operation of and injection into a motor vehicle waste disposal well is prohibited. All existing motor vehicle waste disposal wells shall be closed in accordance with paragraph (N) of this rule.

(D) The injection of sanitary waste into a class V well is authorized without a permit if all of the following conditions are satisfied:

- (1) Only sanitary waste is injected. Examples of sanitary waste include, but are not limited to, the following:
  - (a) Wastes from toilets and showers;
  - (b) Fluids from sinks used for food preparation;
  - (c) Fluids discharged to floor drains during the cleaning of floors in food preparation areas;  
and
  - (d) Fluids from sinks or washing machines used to clean food and beverage serving dishes, glasses, or utensils.

(2) One of the following conditions has been met prior to the commencement of injection:

**\*\*\* DRAFT – NOT FOR FILING \*\*\***

- (a) A permit to install has been issued by the director in accordance with sections 6111.44 or 6111.45 of the Revised Code; or
- (b) An installation permit and operation permit have been obtained in accordance with Chapter 3701-29.
- (3) The information required by paragraph (L) of this rule is submitted to the director.
- (E) No person shall inject treated water as part of an aquifer storage and recovery operation, into or above a USDW without first obtaining a UIC permit to drill and a permit to operate in accordance with rule 3745-34-12 of the Administrative Code.
- (F) Unless otherwise authorized under paragraph (C) of rule 3745-34-08 of the Administrative Code or under paragraph (G) of this rule, a permit to drill and a permit to operate shall be obtained in accordance with rule 3745-34-12 of the Administrative Code prior to construction of a class V well and prior to injection of fluids into a class V well for purposes of remediating ground water or soil contamination.
- (G) Unless otherwise authorized under paragraph (C) of rule 3745-34-08 of the Administrative Code, the injection of fluids into a class V well for purposes of remediating ground water or soil contamination is authorized without a permit if all of the following conditions are satisfied:

  - (1) The injection of the fluid will comply with paragraph (A) of rule 3745-34-07 of the Administrative Code;
  - (2) At least thirty days prior to the commencement of injection activities a work plan is submitted to the director that includes at least the following information:

    - (a) A description of the nature of the ground water or soil contamination;
    - (b) A description of the hydrogeology of the injection site;
    - (c) A detailed description of the proposed remediation;
    - (d) A description of the injection well or well point construction including a description of all materials used;
    - (e) A complete chemical analysis of the fluids to be injected;
    - (f) The volume of fluid to be injected and rate of injection; and
    - (g) Ground water quality analysis results for the aquifer being treated.
  - (3) The owner submits to the director all the following information monthly while fluids are being injected:

    - (a) A description of the fluids injected into the class V well;

**\*\*\* DRAFT – NOT FOR FILING \*\*\***

- (b) The volume of fluid injected into the class V well;
- (c) The rate of injection of fluid into the class V well; and
- (d) Any monitoring results.
- (4) The owner submits to the director the information required by paragraph (L) of this rule with the first report required by paragraph (F)(3) of this rule; and
- (5) The owner complies with paragraph (N) of this rule upon cessation of injection activities.
- (H) Injection of fluids not specified in paragraphs (A) to (F) of this rule into class V wells is authorized without a permit pursuant to section 6111.043 of the Revised Code. Such injection is not authorized without a permit until the information required under paragraph (L) of this rule is submitted to the director. Authorization expires upon proper closure of the class V well in accordance with paragraph (N) of this rule.
- (I) All class V injection wells used to dispose of storm water runoff constructed after the effective date of this rule shall be constructed so as to minimize the injection of contaminants including, but not limited to, sediment, fecal matter, motor vehicle fluids, fertilizer, and pesticides.
- (J) A class V well is not authorized to operate without a permit if:

  - (1) The owner failed or is failing to comply with paragraph (A) of rule 3745-34-07 of the Administrative Code;
  - (2) The director requires a permit in accordance with rule 3745-34-12 of the Administrative Code or closure in accordance with paragraph (N) of this rule. The authorization to inject into a well without a permit expires upon receiving the director's notification of the requirement to apply for a permit unless the director's notification includes conditions to be followed by the owner for injecting into the well until a permit is issued. Authorization to inject into the well without a permit ceases if the director determines that the conditions issued with the permit application notification are not being followed and notifies the owner of this determination.
  - (3) The owner fails to submit the information about the well in accordance with paragraph (L) of this rule. Authorization for injection into the class V well without a permit resumes upon submittal of the information in accordance with paragraph (L) of this rule.
- (K) The director may require the owner or operator of any class V injection well otherwise authorized by this rule to apply for and obtain an individual or area UIC permit. Cases where individual or area UIC permits may be required include:

  - (1) The injection well is not in compliance with any requirement of this chapter pertaining to class V wells;
  - (2) The injection well is not or no longer is within a category of wells and types of well operations authorized in this rule; or

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- (3) The protection of the USDWs requires that the injection operation be regulated by requirements, such as for corrective action, monitoring and reporting, or operation, that are not contained in this rule; or
- (4) The injection well is present in the drinking water source protection area for a public water supply.
- (L) The owner or operator of any class V well shall notify the director of the existence of any well under the owner's or operator's control meeting the definition of a class V well contained within paragraph (E) of rule 3745-7-04 of the Administrative Code. The owner of a new class V well shall submit the notification within thirty days of installing the well. Unless the owner has previously submitted inventory information for a class V well to the director prior to the effective date of this rule, the owner shall submit the following information for each well under the owner's control with the notification:

  - (1) Facility name, postal address of the well location, and location of each well given by latitude and longitude to the nearest second;
  - (2) Name and address of legal contact;
  - (3) Identification of the owner and operator of the well;
  - (4) Nature and type of well;
  - (5) Operating status of injection well;
  - (6) Date of completion of each well;
  - (7) Total depth of each well;
  - (8) Construction narrative;
  - (9) Nature of the injected fluid;
  - (10) Maintenance and inspection schedule; and
  - (11) Average and maximum injection rate.
- (M) The director may require the owner of a class V well to collect and submit other information determined to be necessary to protect underground sources of drinking water.

  - (1) Such information collection and submittal requirements may include, but are not limited to:

    - (a) Analyzing the ground water chemistry from the underground source of drinking water for constituents that may be elevated in concentration due to the injection of fluids into the class V well and periodically submitting the analysis results to Ohio EPA;

**\*\*\* DRAFT – NOT FOR FILING \*\*\***

- (b) Analyzing the fluids being injected into the well and periodically submitting the results of the analysis;
  - (c) Describing the geological layers through which and into which the injection is taking place; and
  - (d) Conducting other analyses and submitting other information, if needed to protect underground sources of drinking water.
- (2) If the director requires the collection and submittal of information in paragraph (M)(1) of this rule, the director shall request the information in writing, along with a brief statement on why the information is required to be collected and submitted. This written notification shall specify when the information is required to be collected and submitted.
- (3) The owner is prohibited from using the injection well if the information required under paragraph (M)(1) of this rule is not submitted within the time frame specified by the director under paragraph (M)(2) of this rule. The owner shall only resume injection into the well upon receiving a permit under rule 3745-34-12 of the Administrative Code.
- (N) All class V wells undergoing closure shall be closed in compliance with rule 3745-34-07 of the Administrative Code. Any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the well being closed shall be disposed of or managed in accordance with all applicable federal, state, or local regulations and requirements.
- (1) The owner of a class V well shall notify the director of the intent to close the class V well at least thirty days prior to commencing closure of the well.
  - (2) The intent to close notification for class V wells used to inject industrial or other wastes shall include the submission of a plan for closing the well that meets the requirements of this paragraph. The submitted plan shall be followed during closure of the well. This plan shall include:

    - (a) A copy of the information required in paragraph (L) of this rule;
    - (b) Procedures for the removal of any solids and sludge from the class V well being closed;
    - (c) Procedures for plugging the class V well. This procedure shall be consistent with paragraph (A) of rule 3745-34-07 of the Administrative Code and all other applicable federal, state, or local regulations and requirements; and
    - (d) Any other information deemed necessary by the director to protect underground sources of drinking water.
  - (3) Upon completion of closure, the owner of class V wells that were used to inject industrial or other wastes shall, in accordance with rule 3745-34-17 of the Administrative Code, certify to the director in a report that the class V well was closed in compliance with this rule.