

**3745-42-04 Criteria for decision by the director.**

- (A) The director shall issue a permit to install or plan approval on the basis of the information appearing in the application or information gathered by or furnished to the Ohio environmental protection agency, or both, if he determines that the installation or modification and operation of the disposal system or land application of sludge will:
  - (1) Not prevent or interfere with the attainment or maintenance of applicable water quality standards contained in Chapter 3745-1 of the Administrative Code;
  - (2) Not result in a violation of any applicable laws; and
  - (3) Employ the best available technology.
- (B) Prior to making the determinations set forth in paragraph (A) of this rule, the director shall obtain and consider input through intra-agency coordination in accordance with table 1 of this rule.
- (C) In deciding whether to grant or deny a permit to install or plan approval, the director may take into consideration the social and economic impact of water pollutants or other adverse environmental impacts that may be a consequence of issuance of the permit to install or plan approval.
- (D) The director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality.
- (E) Within one hundred eighty days after a completed application is filed, the director shall issue or propose to issue or deny a permit to install or plan approval.
- (F) Political subdivision agreements.
  - (1) The director may enter into an agreement with a political subdivision that owns or operates a disposal system and that intends to extend its sewerage system, which agreement authorizes a qualified official, position or employee of the political subdivision, as determined by the director, to review permit to install applications and plans for the extension of the sewerage system.
  - (2) Under such agreement, the qualified official, position or employee of the political subdivision may be authorized to review permit to install applications and plans for sewerage system extensions or replacements of gravity sewer lines less than or equal to eighteen inches in diameter and force mains and pump stations with maximum design flows of less than or equal to 2.0 million gallons per day. At a minimum, said qualified person shall be a registered professional engineer licensed to practice engineering in the state of Ohio.

- (3) In performing the review of the permit to install application and plans as specified by the agreement, the qualified official or employee of the political subdivision shall, at a minimum, review the permit to install application and plans for conformance with all applicable laws and standard engineering practices which pertain to the project.
- (4) Under such agreement, the director shall outline the various terms of the authorized review. These terms may include geographical boundaries where review may occur, criteria for review, timeframes, identification of qualified officials responsible for performing review and any other requirements deemed necessary by the director.
- (5) Under such agreement, the fees calculated in accordance with division (C) of section 3745.11 of the Revised Code and a copy of the actual permit to install application shall be immediately forwarded to the Ohio EPA upon receipt by the political subdivision covered under an agreement under this rule.
- (6) Pursuant to an agreement under this rule, the director shall issue the appropriate action based upon the recommendation of the certification signed by the qualified official upon submission to the director of:
  - (a) A recommendation to the director to grant or deny the permit and approve or disapprove the plans;
  - (b) A certification signed by the qualified official that the permit to install application and plans meet or fail to meet requirements of all applicable laws and standard engineering practices;
  - (c) For approvals or denials, a prepared permit to install or denial package in standard Ohio environmental protection agency format, complete except for issuance and effective dates and the director's signature; and
  - (d) The reviewed permit to install application and plans.
- (7) In the event that a project reviewed under such an agreement is appealed to the environmental review appeals commission or an Ohio EPA hearing examiner, the political subdivision responsible for review shall provide necessary technical support to the director.
- (8) The director may periodically audit the review performed by the political subdivision under any agreement and may terminate the agreement for poor quality review, failure to follow Ohio EPA criteria, policies, procedures and rules, or the loss of the qualified official, position or employee.
- (9) The term of any agreement under this rule may be for a period of up to five years. The director and the political subdivision may renew such agreement.

(10) Paragraph (F) of this rule in no way supersedes any other statute or rules adopted under Chapter 6111. of the Revised Code.

Table 1. Identification of projects for which the Ohio environmental protection agency division of surface water shall coordinate with the Ohio environmental protection agency divisions of solid and infectious waste management (DSIWM), air pollution control (DAPC) and drinking and ground waters, ground water section (DDAGW) and/or their respective successors.

– Project type	Coordinate with DSIWM?	Coordinate with DAPC?	Coordinate with DDAGW?
Domestic sewage			
– Wastewater treatment plant - new or expanding system	As needed	As needed	As needed
– Lagoon/impoundment	As needed	As needed	Yes
– Onsite system (subsurface disposal) greater than one thousand gallons per day	As needed	As needed	Yes
Industrial/process wastewater			
– Lagoon/impoundment	As needed	As needed	Yes
– Onsite system (subsurface disposal)	As needed	As needed	Yes
– Wastewater treatment plant - new or expanding system	As needed	As needed	As needed
Other project types			
– Biosolids composting facility	Yes	As needed	As needed
– Exempted wastes "landfill" (fly ash, etc.)	As needed	Yes	Yes
– Biosolids monofill	As needed	Yes	Yes
– Leachate collection/treatment, sediment ponds, etc. located at solid waste landfill	Yes	As needed	Yes
All other projects will be reviewed on a case-by-case basis and may involve review under various program authorities at the discretion of the director and/or his representatives.			

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