

*** DRAFT - NOT YET FILED ***

TO BE RESCINDED

3745-42-06

General permit to install requirements.

(A) General permit coverage.

Without receiving an application for the permit, the director may prepare and issue a general permit authorizing installation within a specific geographic area of the following:

- (1) Oil/water separators;
- (2) Sewer extensions;
- (3) Pump and treat systems for remediation of ground water;
- (4) Cooling towers;
- (5) Closed loop recycling systems; and
- (6) Any other type of treatment works or sewerage system, in which the director determines that a general permit is an appropriate permitting mechanism.

(B) Criteria for issuing and renewing general permits.

- (1) The director may issue a general permit or renewal of the general permit if, on the basis of all information available to Ohio EPA, the director determines that:
 - (a) The installation of the treatment works or sewerage system authorized by the general permit will have only minimal adverse effects on the environment;
 - (b) The installation of the treatment works or sewerage system is more appropriately authorized by a general permit than an individual permit;
 - (c) Technology or standards exist that make it reasonable to issue a general permit; and

(d) The criteria specified in rule 3745-42-04 of the Administrative Code are met.

(2) Fact sheets. The director shall prepare for each general permit a fact sheet that sets forth the principal facts and significant factual, legal, technical, and policy questions considered in preparing the general permit.

(C) Notification of general permit coverage.

(1) Each person who wishes to receive authorization to install a treatment works or a sewerage system under a general permit shall submit to the director a notice of intent to comply with the general permit.

(2) Each person who submits a notice of intent to comply with the general permit shall do so in accordance with deadlines specified in the general permit.

(3) Notice of intent shall be made only on forms approved by Ohio EPA and shall be considered, for the purpose of fee collection, an application for a permit to install.

(4) Such notice of intent shall contain:

(a) The general permit number under which authorization to construct is requested;

(b) The name, address, telephone number, contact person, and title of the applicant of the facility or point source;

(c) Except for proposed mobile treatment units, the location of the facility or installation, including the latitude and longitude of the approximate center of the treatment works or the point of connection to the sewerage system, to the nearest five seconds. The latitude and longitude coordinates shall be provided as: degrees minutes seconds, using two digits in each space. (Comment: Latitude and longitude are available from USGS topographical maps, available at the following web link: <http://mapping.usgs.gov>);

(d) For mobile treatment units, a brief description of the unit and its intended use;

- (e) A description of the process generating the discharge, including:
 - (i) The four-digit standard industrial classification codes or the North America industry classification system (NAICS) that best represent the principle products or activities provided by the facility;
 - (ii) Any existing quantitative data describing the concentration of pollutants in the discharge; and
 - (iii) The volume to be discharged, if applicable;
 - (f) A map showing the location of the project and point or points of discharge, if applicable;
 - (g) Detailed plans as specified by the general permit; and
 - (h) Any other information deemed necessary by the director as specified in each general permit.
- (5) Notices of intent submitted to the director pursuant to this chapter shall be signed as specified in paragraph (B) of rule 3745-42-03 of the Administrative Code.
- (6) No person is authorized to install a treatment works or a sewerage system under authority of a general permit until the director issues the written notification that the treatment works or sewerage system is authorized by a general permit.

(D) General permit duration and termination.

- (1) Coverage under a general permit to install shall be effective for a fixed term not to exceed five years.
- (2) Coverage under the general permit shall be automatically terminated unless construction is initiated within eighteen months after receiving notification from the director of coverage under the general permit.
- (3) Coverage may only be extended once and only if the director receives a written request prior to the eighteen-month termination date. General permit

extensions shall not exceed twelve months.

(E) Modification of general permits.

(1) The director may modify general permits. When a general permit is modified, only the conditions subject to modification are reopened.

(2) Causes for modification. The following are causes for modification.

(a) New information. The director has received new information about the disposal system or geographic area covered by the general permit that causes the director to conclude that the general permit should be modified. General permits may be modified during their terms for this cause only if the information was not available to the director at the time of the general permit issuance.

(b) New requirements. Standards or requirements on which the general permit was based have been changed by new or amended statutes or standards or rules or regulations or judicial decisions enacted, adopted, or issued after the general permit was issued.

(c) To correct technical mistakes, such as errors in calculation or mistaken interpretations of law made in determining general permit conditions.

(3) Minor modifications.

(a) The director may modify a general permit to make the corrections or allowances for changes in the permitted activity without following the rules under Chapter 3745-47 of the Administrative Code.

(b) Minor modifications may only correct typographical errors.

(F) Transfer of general permit coverage. The director may transfer general permit coverage pursuant to the requirements in paragraph (F) of rule 3745-42-02 of the Administrative Code.

(G) Applicability of rules of procedure. Except as provided in paragraph (E)(3) of this rule, a general permit to install shall be issued, modified, or revoked, or may be challenged, in accordance with the provisions of the rules of procedure of Ohio EPA, Chapter 3745-47 of the Administrative Code.

(H) Revocation.

- (1) The director may revoke a general permit or individual coverage under a general permit during its term for cause including, but not limited to, his determination that any applicable laws, rules, or regulations have been violated.
- (2) If the director finds it necessary to revoke a general permit or individual coverage under a general permit pursuant to paragraph (H)(1) of this rule, the director shall send notice of the proposed revocation to the permittee or permittees covered by the revocation.

(I) Individual or alternative general permit requirements.

The director may require any person who has submitted a notice of intent to obtain coverage under a general permit, or any person who has obtained coverage under a general permit, to apply for and obtain an individual permit to install or alternative general permit coverage. Any interested person may petition the director to take action under this paragraph. Circumstances where an individual permit or alternative general permit coverage may be required include, but are not limited to:

- (1) An alternative general permit has been issued for a specific geographic area of the state;
- (2) An alternative general permit has been issued for a specific category of projects or dischargers;
- (3) The proposed project may have a potential to impact environmentally sensitive areas;
- (4) The proposed project does not meet the eligibility requirements contained in the general permit, or other conditions or specifications contained in the general permit;
- (5) The applicant has a history of noncompliance with laws, rules, or permit requirements pertaining to surface or ground waters, within five years previous to the receipt of the application; and
- (6) The director has revoked the general permit or individual coverage under a general permit pursuant to this chapter.

Replaces: 3745-42-06

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 6111.03
Rule Amplifies: 6111.035, 6111.03, 6111.44, 6111.45, 6111.46
Prior Effective Dates: 12/1/2005