



## **Wastewater Pollution Control – Interested Party Review**

### **Draft Revisions for Permits to Install**

### **Applicability and Procedures Rule (OAC 3745-42-02)**

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#### **What does OAC 3745-42-02 cover?**

Ohio Administrative Code (OAC) 3745-42-02 covers the applicability and procedures for permit to install rules (PTI) in Chapter 3745-42 of the Administrative Code.

#### **Why is the rule under review?**

Revisions to the rule are being considered to eliminate redundant state permit requirements for the temporary storage pits associated with oil and gas exploration activities. These pits are also currently regulated under Ohio Department of Natural Resources, Division of Mineral Resources Management.

#### **What changes are being considered?**

- Draft rule changes consist of:
- Paragraph (B)(3) – exemption of reserve pits, drilling pits, fresh water lagoons and other structures that may provide for temporary storage of drilling fluids, cuttings or flowback water associated with oil and gas activities from requirement to obtain a permit to install if: the structures are located entirely within the permitted area where the well drilling is located as regulated under Chapter 1509. of the Revised Code; the structures are designed, installed and operated in order to prevent a discharge to waters of the state; and the owner or operator of the oil and gas operation has applied for and obtained approval for the design, construction and closure of the structures from the Ohio Department of Natural Resources, Division of Mineral Resources Management in accordance with Chapter 1509. of the Revised Code and rules adopted thereunder.
  - Grammatical edits and reference updates.

#### **How will the draft rule affect the regulated community?**

The draft rule revisions will eliminate redundant state permit program requirements, reducing number of permits required for oil and gas well drilling, while protecting

human health and the environment.

#### **How are the amendments formatted in the draft rule?**

Text being considered for deletion is struck through; new text being considered is underlined.

#### **What is the rulemaking schedule?**

At this time, the Agency is soliciting initial input on these draft rule revisions. Ohio EPA is required by Section 121.39(D) of the Ohio Revised Code to contact potentially affected parties prior to adopting rule changes.

At the close of the draft rule comment period, the Agency will review the comments and make necessary changes to the rule. The Agency will then file the proposed rule with the Joint Commission on Agency Rule Review (JCARR), the Legislative Service Commission and the Secretary of the State.

At that point, another comment period, including one or more public hearings, will be scheduled. After the close of that public comment period, the Agency will review the comments, make any necessary changes and then adopt the final rule.

Ohio EPA expects to file the proposed rule later this spring. The final rule could be adopted this summer.

#### **How can I provide input on the draft revisions?**

Please submit your comments in one of the following ways:

By email: [dsw\\_rulecomments@epa.state.oh.us](mailto:dsw_rulecomments@epa.state.oh.us)

By fax: (614) 644-2745

By postal mail:

**Rule Coordinator**

Ohio EPA, Division of Surface Water

P.O. Box 1049

Columbus, Ohio 43216-1049

# *Wastewater Pollution Control –*

*Draft Revisions for OAC 3745-42-02*

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**Comments on the draft rule must be received no later than April 11, 2011.**

## **How can I get more information?**

Copies of this fact sheet and the draft permit to install rule are on the Division of Surface Water website at

[www.epa.ohio.gov/dsw/Home.aspx](http://www.epa.ohio.gov/dsw/Home.aspx).

For more information about the draft rule, please contact:

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