

Phasing the environmental review.

- (A) The director may conduct an environmental review in phases if the director determines that implementation of a part or parts of the assistance proposal prior to completing the environmental review is necessary to either:
- (1) Remedy an environmental or public health emergency as determined to exist by the director;
 - (2) Comply with state or federal enforcement actions;
 - (3) Realize significant cost savings;
 - (4) Effectively coordinate the assistance proposal with other construction activities;
or
 - (5) Prevent a disproportionate share of the Ohio water pollution control loan fund from being used to finance any one assistance proposal or applicant in a single year.
- (B) In addition to satisfying the requirements set forth in paragraph (A) of this rule, the director may conduct an environmental review in phases and authorize funding of part or parts of an assistance proposal prior to completing the environmental review if the director determines that:
- (1) For publicly-owned treatment works, such funding does not preclude more cost-effective alternatives for the remaining parts of the disposal system;
 - (2) An environmental review will be completed in accordance with rule 3745-150-04 of the Administrative Code, regardless of whether the remaining parts of the assistance proposal will be funded through the Ohio water pollution control loan fund;
 - (3) The parts of the assistance proposal authorized in advance of completing an environmental review will not cause potentially significant adverse direct, indirect, or cumulative short-term or long-term environmental impacts, including those which cannot be acceptably mitigated without completing the entire disposal system, or the overall activities, of which the assistance proposal is a part;
 - (4) The assistance proposal is not highly controversial; and

- (5) The financial assistance agreement requires the recipient to ensure the disposal system, or the overall activities, of which the phased portion is a part, will be operational and will comply with the requirements of its discharge permit, if any, according to a schedule specified in the financial assistance agreement, regardless of whether Ohio water pollution control loan fund financing is available for remaining phases and segments.
- (C) Remaining phases of the assistance proposal will be subject to the environmental review procedures as contained in this chapter.