

3745-42-04

**Criteria for decision by the director and political subdivision or investor-owned public utility agreements.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-42-01 of the Administrative Code.]

**(A) Criteria for decision by the director.**

~~(A)(1) The director shall issue a~~ A permit to install or plan approval shall be issued 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.~~

(2) In deciding whether to approve or deny a permit to install or plan approval, the director shall take into consideration the following factors:

(a) Whether the installation or modification and operation of the disposal system shall do the following:

~~(1)(i)~~ (i) Not prevent or interfere with the attainment or maintenance of applicable water quality standards contained in Chapter 3745-1 of the Administrative Code;

~~(2)(ii)~~ (ii) Not result in a violation of any applicable laws; and as defined in rule 3745-42-01 of the Administrative Code.

~~(3)(iii)~~ (iii) Employ the best available technology. For connection into sanitary sewers, see rule 3745-42-07 of the Administrative Code.

(iv) Not conflict with either an areawide waste treatment management plan adopted in accordance with section 208 of the act, in accordance with section 6111.03 of the Revised Code, or approved regional sewage service and treatment plan.

~~(B)(b) Prior to making the determinations set forth in paragraph (A) of this rule, the director shall obtain and consider input~~ Input obtained through intra-agency coordination in accordance with ~~table 4-1~~ table 4-1 of this rule.

~~(C)(c) In deciding whether to grant or deny a permit to install or plan approval, the director may take into consideration the social~~ Social and economic impact of water pollutants or other adverse environmental impacts relevant to the environment, if applicable, that may be a

consequence of issuance of the permit to install or plan approval.

(d) Design flow, effluent characteristics, ability to operate and maintain a disposal system.

(3) Incomplete permit to install or plan approval applications, in regards to application requirements in rule 3745-1-05 and this chapter, shall not be considered. Failure to provide requested information or revisions may result in denial of the application.

[Comment: See the definition of "complete" in rule 3745-42-01 of the Administrative Code.]

(4) Plans submitted under this chapter shall be in accordance with generally accepted engineering standards or guidance for design and operation to ensure the protection of human health or the environment. The following publications may be used as a guide in technical review of plans submitted under this chapter:

(a) "Recommended Standards for Wastewater Facilities, Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers."

(b) "Design Standards: Wastewater Treatment Plants & Collection Systems <math>\leq 100,000\text{ gpd}</math>, Ohio EPA."

(c) Other technical manuals of practice, bulletins or literature may be used as a guide as necessary depending on type of disposal system proposed in the permit to install or plan approval application.

~~(D)~~(5) 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~~human health or the environment.

~~(E)~~(6) 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)~~(B) Political subdivision or investor-owned public utility agreements.

(1) The director may enter into agreements for the review of sanitary sewer and industrial user permits to install in accordance with the following framework:

(a) The director may periodically audit the review performed 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 qualified official or employee.

(b) The term of any agreement under this rule may be for a period of up to five years. The director and political subdivision or investor owned public utility may renew such agreement.

(c) Paragraph (B) of this rule in no way supersedes any other rules adopted under Chapter 6111. of the Revised Code.

(2) Sanitary sewer permits to install.

~~(1)~~(a) The director may enter into an agreement with a political subdivision or investor-owned public utility that owns or operates a disposal system and that intends to extend its sewerage system, which agreement that authorizes a qualified official, position or employee of the political subdivision or investor-owned public utility, as determined by the director, to review permit to install applications and plans for the extension of the sewerage system compliance with paragraph (B)(2)(b) of this rule.

~~(2)~~(b) Under such agreement, the qualified official, position or employee of the political subdivision or investor-owned public utility 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 official or employee of the political subdivision or investor-owned public utility shall be a registered professional engineer licensed to practice engineering in the state of Ohio.

~~(3)~~(c) 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 or investor-owned public utility shall, at a minimum, review the permit to install application and plans for conformance with all applicable laws and standard generally accepted engineering practices which pertain to the project standards referenced in paragraph (A)(4) of this rule.

~~(4)~~(d) 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 or employees of the political

subdivision or investor-owned public utility responsible for performing review and any other requirements deemed necessary by the director.

~~(5)(e)~~ Under such agreement, the fees calculated in accordance with division ~~(C)(B)~~ 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~~ or investor-owned public utility.

~~(6)(f)~~ ~~Pursuant to an agreement under this rule~~ Under such agreement, the director shall issue the appropriate action ~~based upon~~ after consideration of the recommendation of the certification signed by the qualified official or employee of the political subdivision or investor-owned public utility upon submission to the director of the following:

~~(a)(i)~~ A recommendation to the director to grant or deny the permit to install and approve or disapprove the plans;

~~(b)(ii)~~ A certification signed by the qualified official or employee that the permit to install application and plans meet or fail to meet requirements of all applicable laws and ~~standard engineering practices~~; generally accepted engineering standards.

~~(c)(iii)~~ For approvals or denials, a prepared permit to install or denial package in standard Ohio ~~environmental protection agency~~ EPA format, complete except for issuance and effective dates and the director's signature; ~~and~~.

~~(d)(iv)~~ The reviewed permit to install application and plans.

~~(7)(g)~~ 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 or investor-owned public utility responsible for review shall provide necessary technical support to the director.

### (3) Industrial user permits to install.

The director may authorize, in writing, a municipal corporation, county, or special district that owns or operates a disposal system that has an approved pretreatment program to review and take final action on industrial permits to install for indirect discharges by industrial users of its disposal system in accordance with the procedure in rule 3745-3-03 of the Administrative Code.

[Comment: Unless the director has so authorized the municipal corporation, county, or special district in writing to act on the agency's behalf, a permit to install from Ohio EPA is required for industrial user indirect discharges unless the project meets an exemption in rule 3745-42-02 of the Administrative Code.]

- ~~(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 4-1~~ Table 4-1. Identification of projects for which the Ohio ~~environmental protection agency~~ EPA division of surface water shall coordinate with the Ohio ~~environmental protection agency~~ EPA divisions of ~~solid and infectious waste management (DSIWM)~~ materials and waste management (DMWM), air pollution control (DAPC) and drinking and ground waters, ground water section (DDAGW) ~~and/or~~ and their respective successors.

– Project type	Coordinate with <del>DSIWM</del> (DMWM)?	Coordinate with DAPC?	Coordinate with DDAGW?
<del>Domestic sewage</del> Sewage			
– Wastewater treatment plant - new or expanding system	As needed	As needed	As needed
– Lagoon/impoundment	As needed	As needed	Yes
– Onsite <u>sewage treatment</u> system ( <del>subsurface disposal</del> <u>soil based treatment</u> ) greater than one thousand gallons per day	As needed	As needed	Yes
<del>Industrial/process wastewater waste</del>			
– Lagoon/impoundment	As needed	As needed	Yes
– Onsite <u>sewage treatment</u> system ( <del>subsurface disposal</del> <u>soil based treatment</u> )	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 <del>and/or his</del> <u>director's</u> <u>authorized</u> representatives.			
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Effective:

Five Year Review (FYR) Dates: 09/22/2016

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 6111.03  
Rule Amplifies: 6111.03  
Prior Effective Dates: 1/1/1974, 12/7/1978, 8/15/1982, 11/17/1988 (Emer.),  
3/9/1989 (Emer.), 6/12/1989, 10/8/1993, 4/20/1994,  
10/31/1994, 4/12/1996, 4/27/1998, 11/30/2001,  
10/17/2003