

3745-34-27 **Establishing Drilling Permit and Operating Permit Conditions.**

(A) Drilling permits shall include conditions meeting the following requirements:

- (1) Construction requirements as set forth in this chapter. Existing wells shall achieve compliance with such requirements according to a compliance schedule established as a permit condition. The owner or operator of a proposed new injection well shall submit plans for testing, drilling, and construction as part of the permit application. No construction may commence until a permit has been issued containing construction requirements (see rule 3745-34-06 of the Administrative Code). New wells shall be in compliance with paragraph (A) of this rule prior to commencing injection operations. Changes in construction plans during construction may be approved by the director as minor modifications (rule 3745-34-25 of the Administrative Code). No such changes may be physically incorporated into construction of the well prior to approval of the modification by the director.
- (2) Monitoring and reporting requirements as set forth in this chapter shall be complied with by the permittee.
- (3) Additional conditions. The director shall impose on a case-by-case basis such additional conditions as are necessary to prevent the migration of fluids into USDW.

(B) Injection permits shall include conditions meeting the following requirements:

- (1) Corrective action as set forth in rules 3745-34-30 and 3745-34-33 of the Administrative Code.
- (2) Operation requirements as set forth in this chapter. The permit shall establish any maximum injection volumes and/or pressures necessary to assure that fractures are not initiated in the injection zone or the confining zone, that injected fluids do not migrate into any underground source of drinking water, that formation fluids are not displaced into any underground source of drinking water, and to assure compliance with the operating requirements of this chapter.
- (3) Requirements for wells managing hazardous waste, as set forth in rule 3745-34-09 of the Administrative Code.
- (4) Monitoring and reporting requirements as set forth in this chapter. The permittee shall be required to identify types of tests and methods used to generate the monitoring data.
- (5) Plugging and abandonment. Any class I permit shall include, and any class V permit may include, conditions to ensure that plugging and

abandonment of the well will not allow the movement of fluids either into an underground source of drinking water or from one underground source of drinking water to another. Applicants for a UIC permit shall submit a plan for plugging and abandonment. For class I hazardous injection wells, such plan shall be the same as that required under rule 3745-34-36 of the Administrative Code. Where the plan meets the requirements of this paragraph, the director shall incorporate it into the permit as a condition. Where the director's review of an application indicates that the permittee's plan is inadequate, the director shall require the applicant to revise the plan, prescribe conditions meeting the requirements of this paragraph, or deny the application. For purposes of this paragraph, temporary intermittent cessation of injection operations is not abandonment.

- (6) After a cessation of operations of two years, the owner or operator shall plug and abandon the well in accordance with the plugging and abandonment plan. The owner or operator may request approval from the director to not plug and abandon the well. Such a request shall include a description of actions and procedures the owner or operator will take to ensure that the well will not endanger USDWs during the period of temporary abandonment. These actions and procedures shall include compliance with all technical requirements applicable to active injection wells.
 - (7) Financial responsibility. The permittee is required to maintain financial responsibility and resources to close, plug, and abandon the underground injection operation. The permittee must show evidence of financial responsibility to the director by the submission of surety bond, or other materials acceptable to the director. For class I hazardous injection wells, financial responsibility must be demonstrated as required under paragraph (d) of rule 3745- 34-36 of the Administrative Code.
 - (8) Mechanical integrity. A permit for any class I well or injection project which lacks mechanical integrity shall include, and for any class V well may include, a condition prohibiting injection operations until the permittee shows to the satisfaction of the director under rule 3745-34-34 of the Administrative Code that the well has mechanical integrity.
 - (9) Additional conditions. The director shall impose on a case-by-case basis such additional conditions as are necessary to prevent the migration of fluids into underground sources of drinking water.
- (C) In addition to conditions required in rule 3745-34-26 of the Administrative Code, the director shall establish conditions, as required on a case-by-case

basis under rule 3745-34-21 of the Administrative Code (duration of permits), paragraph (a) of rule 3745-34-28 of the Administrative Code (schedules of compliance), rule 3745-34-29 of the Administrative Code (monitoring), paragraph (b) of rule 3745-34-28 of the Administrative Code (alternate schedules of compliance), and rule 3745-34-02 of the Administrative Code (considerations under federal law).

- (1) In addition to conditions required in all permits, the director shall establish conditions in permits as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of sections 6111.043 and 6111.044 of the Revised Code and this chapter.
 - (2) An "applicable requirement" is any requirement which takes effect prior to the modification or revocation and reissuance of a permit, to the extent allowed in rule 3745-34-23 of the Administrative Code.
 - (3) New or reissued permits, and to the extent allowed under rule 3745-34-23 of the Administrative Code, modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in rule 3745-34-27 of the Administrative Code.
 - (4) Permits for owners or operators of hazardous waste injection wells shall include conditions meeting the requirements of rule 3745-34-09 and rules 3745-34-50 to 3745-34-62 of the Administrative Code.
- (D) Incorporation. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

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