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**3745-34-12 Application by permit; authorization by permit.**

(A) Permit application.

- (1) Except for owners of class V wells authorized in accordance with the provisions of rule 3745-34-11 of the Administrative Code, all underground injection activities, including construction and operation of an injection well, are prohibited unless authorized by permit.
- (2) Pursuant to sections 6111.043 and 6111.044 of the Revised Code, a UIC well owner must apply for a permit to drill or a permit to operate, as applicable. Obtaining a permit to drill under section 6111.044 of the Revised Code and Chapter 3745-34 of the Administrative Code satisfies the requirements of division (J) of section 6111.03 and section 6111.45 of the Revised Code.
- (3) Obtaining a permit for a class II or class III well under Chapter 1509. of the Revised Code exempts the permit holder from permit requirements under this rule.
- (4) Authorization for class V well injections for which permit applications have been submitted shall lapse for a particular class V well injection or project upon the effective date of the permit or permit denial for that well injection or project.

(B) Who applies. The owner of the proposed or existing underground injection well shall apply for the permit to drill and the permit to operate. The permit application shall be signed pursuant to rule 3745-34-17 of the Administrative Code.

(C) Time to apply. Any person who proposes an underground injection for which a permit will be required shall apply for and receive a permit to drill prior to drilling and constructing the underground injection well. Any person who proposes an underground injection for which a permit will be required shall apply for and receive a permit to operate before commencing injection into a well.

(D) Completeness. The director shall not issue a permit before receiving a complete application for a permit except for emergency permits. An application for a permit is complete when the director receives an application form and any supplemental information completed to the director's satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

(E) Considerations of federal law. The director shall issue permits in a manner and with conditions consistent with requirements of applicable federal laws. The application for a permit shall include a certification that the application is consistent with the requirements of all applicable federal laws. These laws may include any of the following:

(1) The Wild and Scenic Rivers Act, 16 U.S.C. Section 1273 et seq.

(2) The National Historic Preservation Act of 1966, 16 U.S.C. Section 470 et seq.

(3) The Endangered Species Act, 16 U.S.C. Section 1531 et seq.

(4) The Coastal Zone Management Act, 16 U.S.C. Section 1451 et seq.

(5) The Fish and Wildlife Coordination Act, 16 U.S.C. Section 661 et seq.

~~(E)~~ (F) Information requirements. All applicants for permits shall provide the following information to the

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director, using the application form provided by the director.;

- (1) The activities conducted by the applicant which require it to obtain permits under the following federal or state laws:
  - (a) The Resource Conservation and Recovery Act (RCRA), (1976), 42 U.S.C. Section 321 et seq. as amended in 1986.
  - (b) The national pollution discharge elimination system (NPDES) program under the Clean Water Act (CWA), (1977), 33 U.S.C. Section 1252 et seq. as amended in 2002 if liquid or semi-liquid waste are discharged as a publicly owned treatment works (POTW)~~POTW~~. ~~Give~~The applicant shall provide the POTW NPDES permit number.
  - (c) Chapter 6111. of the Revised Code.
  - (d) The prevention of significant deterioration program (PSD) under the Clean Air Act (CAA), (1970), 42 U.S.C. Section 7401 et seq. as amended in 1990.
  - (e) Chapter 3704. of the Revised Code.
- (2) Name, mailing address, and location of the facility.;
- (3) Up to four standard industrial classification (SIC) codes which best reflect the principal products or services provided by the facility.;
- (4) The operator's name, address, telephone number, ownership status of federal, state, private, or public ~~or~~ entity, and if a corporation, the name and address of the statutory agent.;
- (5) Whether the facility is located on Indian lands.;
- (6) A listing of all permits or construction approvals received or applied for under any of the following programs:
  - (a) Hazardous waste management program under RCRA and Chapter 3734. of the Revised Code.;
  - (b) Underground injection control (UIC) program under the Safe Drinking Water Act (SDWA), (1974), 42 U.S.C. Section 300 f et seq. as amended in 1996 and Chapter 6111. of the Revised Code.;
  - (c) NPDES program under the CWA and Chapter 6111. of the Revised Code.;
  - (d) Prevention of significant deterioration (PSD) program under the CAA and Chapter 3704. of the Revised Code.;
  - (e) Nonattainment program under the CAA and Chapter 3704. of the Revised Code.;
  - (f) National emissions for hazardous pollutants (NESHAPS) preconstruction approval under the CAA and Chapter 3704. of the Revised Code.;
  - (g) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act (MPRSA),

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(1972); 33 U.S.C. Sections 1411, 1414b, 1415, and 1417 as amended in 1988.

(h) Dredge and fill permits under Section 404 of CWA and Chapter 3745-32 of the Administrative Code.

(i) Other relevant environmental permits, including state permits.

(7) The location of the well or the location where the well is proposed to be drilled given by, the latitude and longitude to the nearest second, and the location of the tract on which the well is to be drilled identified by section or lot number, city, village, township, and county.

(8) Designation of the well by name and number.

(9) The name of the geological formation to be tested or used and the proposed total depth of the well.

(10) The type of drilling, completion, and injection equipment to be used.

(11) The plan for disposal of water and other waste substances resulted, obtained, or produced in connection with drilling, conversion, or testing.

(12) The chemical composition and physical properties of the substance to be injected.

(13) A topographic map (or other map if a topographic map is unavailable), on a scale not smaller than four hundred feet to the inch, prepared by an Ohio registered surveyor and extending one mile beyond the property boundaries of the source, shall depict the location of all of the following:

(a) The facility.

(b) Each of the facilities intake and discharge structures.

(c) The proposed injection wells.

(d) Each of the facilities hazardous waste treatment, storage, and disposal units.

(e) Solid waste disposal units at the facility.

(f) Each well where fluids from the facility are injected underground.

(g) All wells permitted to inject fluids underground.

(h) Active, closed, and temporarily abandoned oil and gas wells.

(i) Those wells, springs, and other surface water bodies; and drinking water wells listed in public records or otherwise known to the applicant including the drinking water source protection area for all public water supply wells identified.

(j) If the injection well is currently or is proposed to be located within the excavations and workings of an active mine, the map shall include all of the following:

(i) The location of the mine.

(ii) The name of the mine.

(iii) The name of the person operating the mine.

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(k) If the well is currently or is proposed to be located within the excavations and workings of an abandoned mine, the map shall include all of the following:

(i) The location of the mine.

(ii) The name of the mine, if known. ~~Where known, the name of the mine.~~

(iii) The dates the mine operated, if known. ~~Where known, the dates the mine operated.~~

(14) A brief description of the nature of business.

(15) A plugging and abandonment plan that meets the provisions of either of the following:

(a) Rule 3745-34-36 of the Administrative Code for class I UIC wells; ~~or.~~

(b) Paragraph (H) of rule 3745-34-11 of the Administrative Code for class V UIC wells.

(16) A plan for the testing, drilling, and construction of the proposed new injection well shall be included within all permit to drill applications. The director may require a demonstration of knowledge and experience by the designer for projects containing a high degree of complexity, non-standard technology, unusual features, or deviations from standards and guidelines used by the agency.

(G) Requirements for recording and reporting of monitoring results. All applications shall specify the following:

(1) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate).

(2) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including when appropriate, continuous monitoring.

(3) Applicable reporting requirements based upon the impact of the regulated activity as specified in this chapter. Reporting shall be no less frequent than specified in rule 3745-34-26 of the Administrative Code.

~~(F)~~ (H) Record keeping. Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under this rule for a period of at least three years from the date the application is signed or for the duration of the permitted life of the well, whichever time period is longer. This period may be extended by request of the director at any time.

~~(G)~~ (I) Permit application fees.

(1) An application for an injection well permit to drill shall be accompanied by a nonrefundable fee of ~~two~~three thousand dollars. An application for an injection well permit to operate shall be accompanied by a non-refundable fee of ~~two~~three thousand dollars.

(2) An application for a modification to a permit to operate for a class I well submitted pursuant to rule 3745-34-23 of the Administrative Code shall be accompanied by a nonrefundable fee of ~~five~~seven hundred and fifty dollars.