3745-42-01 **Definitions.**

(A) "Applicable laws" means any applicable provisions of Chapter 6111. of the Revised Code and rules promulgated thereunder, the federal water pollution control act (33 U.S.C. sections 1251 et seq., as amended through July 1, 2007) and 40 CFR Chapter I, subchapters D, N and O (effective July 1, 2007).

(B) "Applicant" means the person applying for the permit to install or plan approval.

(C) "Aquifer system" means one or more geologic units or formations that are wholly or partly saturated with water and are able to store, transmit and yield significant amounts of water to wells or springs.

(D) "ASTM" means the American society for testing and materials. ASTM test methods referenced in this chapter are generally available in public libraries or from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, at 610/832-9555, or available in electronic format at www.astm.org.

(E) "ASTM C117-04" means an American society of testing and material (ASTM) standard test method for materials finer than seventy-five-micrometers (No. 200) sieve in mineral aggregates by washing, as that standard was approved by ASTM on August 1, 2004.

(F) "ASTM C136-06" means an American society of testing and material (ASTM) standard test method for sieve analysis of fine and coarse aggregates, as that standard was approved by ASTM on February 15, 2006.

(G) "ASTM D451-91" means an American society of testing and material (ASTM) standard test method for sieve analysis of granular mineral surfacing for asphalt roofing products, as that standard was approved by ASTM in 2002.

(H) "ASTM D4318-05" means an American society of testing and material (ASTM) standard test methods for liquid limit, plastic limit, and plasticity index of soils, as that standard was approved by ASTM on March 1, 2005.

(I) "ASTM D698-07e1" means the American society for testing and material (ASTM) standard test methods for laboratory compaction characteristics of soil using standard effort, as that standard was approved on April 15, 2007.

(J) "ASTM D2487-06" means the American society for testing and material (ASTM)standard practice for classification of soils for engineering purposes, as that standard was approved on May 1, 2006.

(K) "At-grade system" means an onsite disposal system, where treated sewage is conveyed to a dispersal field that is constructed on or above in situ soil and covered

by soil.

(L) "CBOD5" or "five-day carbonaceous biochemical oxygen demand" has the same meaning as defined in 40 C.F.R.136 (effective July 1, 2007).

(M) "Class A treated sewage" means treated sewage treated in accordance with table K-2 of rule 3745-42-11 of the Administrative Code.

(N) "Class B treated sewage" means treated sewage treated in accordance with table K-3 of rule 3745-42-11 of the Administrative Code.

(O) "Class C treated sewage" means treated sewage treated in accordance with table K-4 of rule 3745-42-11 of the Administrative Code.

(P) "Coal waste" means residuals and earthen materials, in dry or slurry form, which are removed or otherwise separated from the product coal after physical or chemical processing, cleaning or concentrating of coal. Coal waste does not include post-combustion materials that are fly ash, bottom ash, flue gas desulfurization waste or fluidized bed desulfurization wastes, and also does not include materials that are regulated as "solid waste," "infectious waste" or "hazardous waste" as those terms are defined in Chapter 3734. of the Revised Code.

(Q) "Coal waste facility" means a disposal facility where fine coal waste is dewatered and disposed of in a slurry impoundment or where fine or coarse coal waste is disposed of in a dry placement area. Coal waste facility does not include any facility that is used for the temporary holding or treatment of liquid wastes.

(R) "Coal mining operations" means any coal mining activity which is defined in division (H) of section 1513.01 of the Revised Code as coming under the jurisdiction of the chief of the division of mineral resource management under Chapter 1513. of the Revised Code.

(S) "Complete," in reference to an application for a permit, means that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the director from requesting or accepting any additional information.

(T) "Controlled discharge" means an NPDES permitted discharge that can occur when certain stream conditions exist or when land application can not occur.

(U) "Dense glacial till" means tills that impede the movement of treated water away from the site and cause the formation of perched saturated conditions in the soil profile, especially with the addition of wastewater.

(V) "Design flow" means the average daily flow to the treatment works.

(W) "Director" means the director of the Ohio environmental protection agency.

(X) "Discharging land application system" means a land application system that:

(1) Regardless of whether a land application contract allows isolation distance requirements to be waived, does not meet the isolation distance requirements in this rule;

(2) Proposes to land apply on sites where drain tiles are, or will be, less than two vertical feet below final grade;

(3) Proposes to land apply on frozen or snow covered ground;

(4) Proposes to land apply during precipitation events; or

(5) Proposes a point source discharge to waters of the state.

(Y) "Disposal system" means disposal system, as defined in section 6111.01 of the Revised Code.

(Z) "Drinking water source protection area for a public water system using groundwater" means the surface and subsurface area surrounding a public water supply well(s) that will provide water to the well(s) within five years as delineated or endorsed by the Ohio EPA under the wellhead protection program and the source water assessment and protection program.

(AA) "Emergency management zone" or "EMZ" means the surface and subsurface area in the immediate vicinity of a public water system intake as delineated or endorsed by the Ohio EPA under the source water assessment and protection program within which the public water supply owner or operator has little or no time to respond to potential contamination from a spill, release, or weather related event. The standard emergency management zone boundary consists of a semi-circle that extends five hundred feet upstream of the intake and one hundred feet downstream of the intake, except as modified due to local conditions.

(BB) "EPA" means environmental protection agency.

(CC) "Holding tank" means any device that is not part of a larger disposal system and that is used to accumulate or store sewage or industrial waste that: (1) is not hazardous waste as defined by rule 3745-51-03 of the Administrative Code and (2) must be hauled for recycling, treatment or disposal. Holding tank does not include such a device in a fixed location that is connected by pipe or hose to a disposal system.

[Comment: A tank used for flow equalization, septage receiving at a treatment works or sludge holding at a treatment works is not considered a holding tank. These tanks are part of a larger disposal system.]

(DD) "Hydraulic balance" means an accounting of the hydraulic inputs and outputs of a land application system.

(EE) "H20 Loading" is defined by figure 3.7.6A of the 17th edition of "AASHTO Standard Specifications for Highway Bridges," copyright 2005. This publication is available from the American association of state highway and transportation officials, 444 North Capitol Street N.W., Suite 249, Washington, DC 20001, telephone (202) 624-5800, fax (202) 624-5806, web page https://bookstore.transportation.org.

(FF) "Industrial waste" means industrial waste as it is defined in section 6111.45 of the Revised Code.

(GG) "Inner management zone" means the surface and subsurface area within a drinking water source protection area for a public water system using groundwater surrounding a public water supply well(s) that will provide water to the well(s) within one year as delineated or endorsed by the Ohio EPA under the wellhead protection program and the source water assessment and protection program.

(HH) "Install" or "installation" means to begin actual construction, erect, locate or affix any treatment works or disposal system.

(II) "Karst" means a terrain with an assemblage of landforms such as sinkholes and caves that are due to weathering of predominantly carbonate bedrock.

(JJ) "Lagoon" means any earthen or partially earthen impoundment that is used for the treatment of sewage.

(KK) "Land application" means evenly spreading or spraying treated sewage onto the surface of the land for final treatment or disposal.

(LL) "Land application area" means the site or location where treated sewage is applied to the ground surface for treatment or disposal.

(MM) "Land application contract" means a deed showing ownership, or a contract or agreement that describes the land where treated sewage will be applied and that allows treated sewage to be land applied.

(NN) "Land application management plan" means a management plan governing the operation, maintenance, effluent limits, and monitoring requirements of a land application system.

(OO) "Land application system" means a disposal system that uses land application, thereby minimizing or eliminating the discharge of treated sewage to waters of the state.

(PP) "Low permeability" means a permeability of less than two tenths of one inch per hour.

(QQ) "Modify" or "modification" means any physical change in, or change in the method of operation of, a treatment works or disposal system to allow it to process water pollutants:

(1) In materially increased quantities;

(2) Of a materially different character; or

(3) In materially higher concentrations.

The addition of new connections to a public sewage system shall not be considered a modification of the sewage system.

(RR) "New source" means any disposal system for which an owner or operator undertakes a continuing program of installation or modification or enters into a binding contractual obligation to undertake and complete, within a reasonable time, a continuing program of installation or modification, after January 1, 1974, and that at the time of installation or modification would have otherwise been subject to the provisions of this chapter.

(SS) "Normal ground water table" means the shallowest depth of soil which is saturated with water for an extended or permanent time period.

(TT) "NPDES" means national pollutant discharge elimination system.

(UU) "Occupied building" means any building that is regularly occupied by people, is owned by a person other than the owner of the disposal system, and is located on a plat of land separate from the plat of land on which the disposal system is installed or operated.

(VV) "Ohio EPA" means the Ohio environmental protection agency or its director, as the context or other law or regulations may require.

(WW) "Operator" means the person in responsible charge of operating and maintaining the disposal system in compliance with the NPDES permit or land application management plan. The operator may or may not be the owner of the disposal system.

(XX) "Person" means person, as defined in section 6111.01 of the Revised Code.

(YY) "Professional soil scientist" means an individual with a baccalaureate degree with a major in agronomy, soils, or a closely allied field of principles of pedology to soil classification, investigation, education, and consultation and on the effect of

measured, observed and inferred soil properties and their use, and who is a member of the Ohio association of pedologists or the American registry of certified professionals in agronomy in crops and soil (ARCPACS).

[Comment: A list of the professional soil scientists in Ohio can be obtained from the association of Ohio pedologists web site. The web link for this site is:http://www.ohiopedologist.org/.]

(ZZ) "Public water system" has the same meaning as defined in rule 3745-81-01 of the Administrative Code.

(AAA) "Publicly owned sanitary sewers" means any centralized sewerage system other than those that are owned by a private or semi-public entity.

(BBB) "Restricted access site" means a site on which treated sewage may be placed with a limited probability that the public will come into contact with the treated sewage. Such sites include, but are not limited to, agricultural crop fields (i.e., nonhuman food crops), and fenced-off meadows, pastures, woodlands, landscaping areas and other private property.

(CCC) "Septage" means either liquid or solid material removed from any septic tank, holding tank, cesspool, portable toilet, type III marine sanitation device, or similar treatment works.

(DDD) "Sewage" means sewage, as defined in section 6111.01 of the Revised Code.

(EEE) "Sewerage system" means sewerage system, as defined in section 6111.01 of the Revised Code.

(FFF) "Significant zone of saturation" means a zone of saturation that may act as a preferential pathway of migration away from the limits of storage or application of treated sewage.

(GGG) "Soil absorption system" means the final treatment component of an on site sewage treatment system that utilizes absorption and adsorption to treat and disperse the treated sewage into subsurface soils.

(HHH) "Source water assessment and protection program" means Ohio EPA's program based on the Safe Drinking Water Act, 42 U.S.C. 300 (f), as amended in 1996, and approved by U.S. EPA, November, 1999.

(III) "Storage facility" means the part of a treatment works, such as a tank, an earthen or man-made impoundment, that is used solely for the storage of treated sewage.

(JJJ) "Surface waters of the state" means surface waters of the state, as defined in rule 3745-1-02 of the Administrative Code.

(KKK) "Total inorganic nitrogen" means the sum of nitrite-nitrogen, nitrate-nitrogen and ammonia-nitrogen.

(LLL) "Total maximum daily load" means total maximum daily load, as defined in rule 3745-2-02 of the Administrative Code.

(MMM) "Treated sewage" means sewage treated by a treatment works.

(NNN) "Treatment works" means treatment works, as defined in section 6111.01 of the Revised Code.

(OOO) "UIC class V injection well" means underground injection control (UIC) class V injection well as defined in paragraph (E) of rule 3745-34-04 of the Administrative Code.

(PPP) "Unrestricted access site" means a site on which treated sewage may be placed with a high potential for the public to come into contact with the treated sewage. Such sites include, but are not limited to, golf courses, parks, lawns and playing fields.

(QQQ) "Water pollutant" means any sewage, industrial waste or other waste, as defined by section 6111.01 of the Revised Code.

(RRR) "Waters of the state" means waters of the state, as defined in section 6111.01 of the Revised Code.

(SSS) "Wellhead protection program" means Ohio EPA's program based on the Safe Drinking Water Act, 42 U.S.C. 300 (f), as amended in 1986, and approved by U. S. EPA, November 1992.

[Comment: Federal regulations ("Code of Federal Regulations" or "C.F.R.").Information and copies may be obtained by writing to: "Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954." The full text is also available in electronic format at http://www.gpoaccess.gov/cfr/index.html.Compilations are also available for inspection and copying at the state library of Ohio and most public libraries.]

Replaces: 3745-42-01

Effective:

R.C. 119.032 review dates:

_____

Certification

_____

Date

| | |
|---|---|
| Promulgated Under: | 119.03 |
| Statutory Authority: | 6111.03 |
| Rule Amplifies: | 6111.03, 6111.44, 6111.45, 6111.46 |
| Prior Effective Dates: | None |