

*** DRAFT - NOT YET FILED ***

3745-42-06

General permit to install requirements.

(A) General permit to install coverage.

Without receiving an application for the general permit to install, the director may prepare and issue a general permit to install that covers the installation of any of the following, within a specific geographic area:

(1) Oil and water separators;

(2) Sewer extensions;

(3) Pump and treat systems for remediation of ground water;

(4) Cooling towers;

(5) Closed loop recycling systems;

(6) External fat, oil and grease interceptors; and

(7) Any other type of treatment works or sewerage system, in which the director determines that a general permit to install is an appropriate permitting mechanism.

(B) Criteria for issuing and renewing a general permit to install. The director may issue a general permit to install or renew a general permit to install if, on the basis of all information available to Ohio EPA, the director determines that:

(1) The installation of the treatment works or sewerage system will be protective of public health and the environment;

(2) The installation of the treatment works or sewerage system is more appropriately covered by a general permit to install than an individual permit to install;

(3) Technology or standards exist that make it reasonable to issue a general permit to install; and

(4) The criteria specified in rule 3745-42-04 of the Administrative Code are met.

(C) General permit to install coverage.

(1) Prohibition. No person is authorized to install a treatment works or a sewerage system under the coverage of a general permit to install until the director issues the written notification that the treatment works or sewerage system

has obtained coverage under a general permit to install.

(2) Notice of intent. Each person who wishes to obtain coverage under a general permit to install in order to install a treatment works or a sewerage system shall submit to the director, or an authorized representative, a notice of intent to comply with the general permit to install, in accordance with the deadlines specified in the general permit to install. The director may require any person who has submitted a notice of intent to obtain coverage under an individual or alternative general permit to install. A notice of intent shall:

(a) Be submitted to the director, or an authorized representative, pursuant to Chapter 3745-42 of the Administrative Code;

(b) Be submitted with fees identical to those of an application for an individual permit to install;

(c) Be made only on forms deemed acceptable by the director or an authorized representative;

(d) Be signed, as specified in rule 3745-42-03 of the Administrative Code; and

(e) Contain:

(i) The general permit to install number under which authorization to construct is requested;

(ii) The name, address, telephone number, and title of the person requesting coverage under the general permit to install, as well as, if applicable, the name of an additional contact person;

(iii) Except for proposed mobile treatment units, the location of the sewerage system or treatment works, including the latitude and longitude of its approximate center, to the nearest five seconds. The latitude and longitude coordinates shall be provided as: degrees minutes seconds, using two digits in each space;

[Comment: Latitude and longitude are available from USGS topographical maps, available at the following web link: <http://mapping.usgs.gov>.]

(iv) For mobile treatment units, a brief description of the unit and its intended use;

(v) If applicable, a description of the process generating the discharge, including;

(a) The four-digit standard industrial classification codes or the North America industry classification system (NAICS) that best represent the principle products or activities provided by the sewerage system or treatment works;

(b) Any existing quantitative data describing the concentration of pollutants in the discharge; and

(c) The volume to be discharged, if applicable;

(vi) A map showing the location of the sewerage system or treatment works and, if applicable, any point or points of discharge;

(vii) Detailed plans as specified by the general permit to install; and

(viii) Any other information deemed necessary by the director, or an authorized representative, as specified in the general permit to install.

(3) A general permit to install's coverage:

(a) Shall be effective for a fixed term not to exceed five years;

(b) Shall be automatically terminated unless construction is initiated within eighteen months after receiving notification from the director of coverage under the general permit to install;

(c) May only be extended once and only if the director, receives a written request prior to the eighteen-month termination date. Extensions of coverage under the general permit to install shall not exceed twelve months; and

(d) May be transferred, pursuant to the requirements in paragraphs (H) to (H)(2) of rule 3745-42-02 of the Administrative Code.

(D) Administrative changes or modifications to a general permit to install.

(1) The director may make an administrative changes to a general permit to install to correct typographical errors, to address new interpretations or recalculations or for other similar correction with such changes not subject to the rules of procedures in Chapter 3745-47 of the Administrative Code.

(2) The director may modify a general permit to install.

(a) When a general permit to install is modified, only the conditions subject to modification are reopened.

(b) The director may issue a general permit to install modification:

- (i) When the Ohio EPA has received new information about the sewerage system or the treatment works or the geographic area covered by the general permit to install that causes the director to conclude that the general permit to install should be modified. A general permit to install may be modified during their terms for this cause only if the information was not available to the director at the time of the general permit to install issuance; or
- (ii) When standards, criteria or technology on which the general permit to install was based have been changed by new or amended statutes or standards or rules or regulations or judicial decisions enacted, adopted, promulgated or issued after the general permit to install was issued.

(E) Applicability of rules of procedure. A general permit to install shall be issued, modified, revoked or denied, or may be appealed, in accordance with the provisions of the rules of procedure of Ohio EPA, Chapter 3745-47 of the Administrative Code.

(F) Revocation or denial of general permit to install coverage.

- (1) The director may revoke or deny a general permit to install's coverage or individual coverage under a general permit to install during its term for cause including, but not limited to, the criteria have not been met, or a determination that any applicable law, rule, regulation, or permit term or condition has been violated.
- (2) For any revocation or denial of permit to install coverage, the permittee may request a hearing before the director, in accordance with the provisions of the rules of procedure within Chapter 3745-47 of the Administrative Code.

[Comment: Revocations and denials are initially issued as proposed actions, which may be adjudicated, and then as final actions, which may be appealed.]

(G) Individual or alternative general permit to install requirements. The director may require any person who has requested or obtained coverage under a general permit to install to apply for and obtain:

- (1) An individual permit to install. Circumstances where the director may require an individual permit to install include, but are not limited to when:
 - (a) The proposed sewerage system or treatment works may have a potential to impact environmentally sensitive areas, such as highly susceptible groundwater containment areas or wetlands;

- (b) The proposed sewerage system or treatment works does not meet the eligibility requirements contained in the general permit to install;
 - (c) The applicant has a documented history of noncompliance with laws, rules, or permit requirements pertaining to surface or ground waters, within five years previous to the receipt of the application. A history of noncompliance includes, but is not limited to documented unsanitary conditions or issuance of finding and orders; and
 - (d) The director has revoked the general permit or individual coverage under a general permit pursuant to Chapter 3745-42 of the Administrative Code; or
- (2) An alternative general permit. Circumstances where the director may require alternative general permit coverage include, but are not limited to when:
- (a) An alternative general permit has been issued for a specific geographic area of the state;
 - (b) An alternative general permit has been issued for a specific category of a sewerage system, treatment works or dischargers;
 - (c) The proposed sewerage system or treatment works does not meet the eligibility requirements contained in the general permit, or other conditions or specifications contained in the general permit; and
 - (d) The director has revoked the general permit or individual coverage under a general permit pursuant to Chapter 3745-42 of the Administrative Code.

Effective:

R.C. 119.032 review dates:

Certification

Date

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