

July 2008

## Wastewater Pollution Control – Draft Rescinded & New Permit to Install Rules Ohio Administrative Code (OAC) Chapter 3745-42

### What does OAC Chapter 3745-42 cover?

OAC Chapter 3745-42 covers the requirements for wastewater permits to install (PTI).

### What rules are being rescinded and what types of changes are being considered for the draft replacement rules?

#### 1) Draft Rescinded & Replacement Rules Being Considered

Ohio EPA is considering rescinding the following rules and adopting new rules in their place:

- a. OAC Rule 3745-42-01 (Definitions);
- b. OAC Rule 3745-42-06 (General permit to install requirements);
- c. OAC Rule 3745-42-08 (General isolation distance requirements); and
- d. OAC Rule 3745-42-11 (Holding tanks).

The following new draft rules are being considered as replacements to the above rules and are being considered in order to meet the five year review requirements, pursuant to Ohio Revised Code (ORC) Section 119.

The revised draft rules include the following proposed changes:

#### a. OAC Rule 3745-42-01 (Definitions)

The Agency is considering changes to this rule that include the addition of the definitions currently

included in Rule 3745-42-13 (Land application systems). The Agency would like to locate all OAC Chapter 3745-42 definitions in Rule 3745-42-01 (Definitions). The definitions in Rule 3745-42-13 will remain in both rules until Rule 3745-42-13 is updated when, at that time, they will be removed from Rule 3745-42-13.

#### b. OAC Rule 3745-42-06 (General permit to install requirements)

The Agency is considering formatting changes to this rule to be consistent with other rules in this chapter.

#### c. OAC Rule 3745-42-08 (Isolation distance requirements)

The Agency is considering formatting changes to this rule to be consistent with other rules in this chapter, as well as the addition of new isolation distance requirements from waters of the state.

#### d. OAC Rule 3745-42-11 (Holding tanks)

The Agency is considering limiting the installation of new sewage holding tanks that serve new construction to only those situations where sanitary sewers will be available within twelve months.

#### 2) Draft Rescinded Rule without a Replacement Rule Being Considered

The Agency is considering rescinding the following rule (with no replacement rule at this time), and addressing these types of requirements in future wastewater technology rules, as appropriate:

- OAC Rule 3745-42-09

(Requirements for filter sand.)

### How are the changes formatted in the draft rules?

Rules to be rescinded have "TO BE RESCINDED" at the top of each page of the rule. New rules have all text underlined.

### How will the draft rules affect the regulated community?

The changes being considered to Rules 3745-42-01 and 3745-42-06 only include formatting changes, to make them consistent with other rules within this chapter. No regulatory changes are being considered for these two rules and the changes being considered should make these two rules easier to understand.

Changes being considered for Rule 3745-42-08 include adding isolation distance requirements to ensure adequate setbacks are maintained from waters of the state. These requirements will apply to new wastewater treatment works and will be evaluated on a case-by-case basis for existing wastewater treatment works.

Our consideration to rescind Rule 3745-42-09 means that we are considering the elimination of this rule and its requirements.

The revisions being considered to Rule 3745-42-11 will make it harder to gain approval for a sewage holding tank. Holding tanks containing industrial waste will not be impacted by the changes being considered to this rule.



## What is the rulemaking schedule?

At this time the Agency is soliciting interested party input on the **draft rules**. Ohio EPA is required by Section 121.39(D) of the Ohio Revised Code to contact potentially affected parties before proposing rules. After the close of this interested party comment period, the Agency will review the comments, make any necessary changes and then file the rules with the Joint Committee on Agency Rule Review (JCARR), Legislative Service Commission and Secretary of State. At that point the rules are referred to

as **proposed** rules. One or more public hearings and another comment period are then scheduled. After the close of that public comment period, the Agency will review the comments, make any necessary changes to the rules and then adopt **final** rules. Final rules could be adopted by **early 2009**.

## How can I comment on the draft revisions?

Comments should be sent to the attention of Elizabeth Bailik at Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, OH 43216-1049. Comments may also be emailed to [elizabeth.bailik@epa.state.oh.us](mailto:elizabeth.bailik@epa.state.oh.us).

Comments on the draft rule changes must be received by **5:00 p.m. on September 2, 2008**. A copy of this fact sheet is also available on the Division of Surface Water web page at [www.epa.state.oh.us/dsw](http://www.epa.state.oh.us/dsw).

## How can I get a copy of the draft rules or more information?

Go to the Division of Surface Water's Web site at: [www.epa.state.oh.us/dsw](http://www.epa.state.oh.us/dsw), or contact Elizabeth Bailik by email at [elizabeth.bailik@epa.state.oh.us](mailto:elizabeth.bailik@epa.state.oh.us) or by phone at (614) 644-2039.