

Permit to Install Guidance 1 Final	Procedure for the Review and Processing of Joint Sewer Service Contracts	
	Statutory reference: ORC 6117.42 Rule reference: none	Ohio EPA, Division of Surface Water Revision 0, November 21, 1996
This internal guidance does not affect the requirements found in the referenced rule or statute.		

Purpose

The purpose of this document is to provide the procedures to be followed by the Division of Surface Water (DSW) staff for the review and processing of joint sewer use agreements. Under Ohio Revised Code Section 6117.42, the Director of the Ohio EPA must approve all contracts entered into between a county or municipal corporation and any other county or municipal corporation for the purpose of sharing an existing or proposed sewage treatment or disposal system before such a contract can go into effect.

Procedure

The following steps should be taken when reviewing joint construction and sewer use agreements:

1. At least four (4) copies of the contract should be submitted to the appropriate district office of the Ohio Environmental Protection Agency.
2. The contract should be checked to make sure that the name and mailing address of all involved parties are included.
3. District DSW personnel should check to see if the proposed contract conforms to any applicable areawide waste treatment management plans.
4. A determination should be made as to whether or not the contract is in response to Director's Final Findings and Orders. If it is, the involved staff should determine whether the contract is consistent with the findings and orders and the general plan regarding the scope and timing of the project.
5. If the contract permits the suspension of service of the sewerage system for any reason, check to see if provisions have been included for the subsequent protection of public health and prevention of pollution.
6. If the contract could result in the construction of facilities with a construction grant or state revolving fund loan, the appropriate Division of Environmental and Financial Assistance (DEFA) personnel should be notified.
7. A short report on the situation surrounding the contract should be generated by the person reviewing the document. This should discuss the advantages and disadvantages of approval/disapproval of the joint sewer service contract. If the

district staff does not wish to approve the contract, specific reasons as to why must be included in the report. The best professional judgment of the involved district DSW staff member should be the basis for this report in reference to items three (3), four (4), and five (5) listed above.

8. Concurrence of the DSW District Manager should be obtained before the recommendation (report) is finalized. At least three (3) copies of the contract and report, whether approved or disapproved, should be sent to the Division of Surface Water, Central Office, Permit to Install (PTI) Unit of the Ohio E.P.A. for processing.
9. Upon receipt of joint sewer service contracts from the districts, Central Office PTI staff shall conduct a quick, cursory review of the joint sewer service contract package. The package will then be sent to the Duty Attorney of the Month, Central Office Legal Section along with the review procedure described in item ten (10).
10. The Duty Attorney of the Month will be responsible for drafting the approval/disapproval letter based on their own legal review and the information provided by the district. The approval/disapproval letter should be prepared for the Director's signature, and the complete package returned to the Central Office Division of Surface Water staff person from which it came. The DSW staff member shall then route the approval/disapproval letter and a copy of the contract through signoff by the Division of Surface Water Chief, to the Director.

For more information contact:

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