

3745-42-02 Applicability, exemptions and procedures.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-42-01 of the Administrative Code.]

(A) Applicability of this chapter.

(1) Permits to install and plan approvals for disposal systems.

- (a) Except as provided in paragraphs (B) to (D)(3) of this rule, no person shall cause, permit or allow the installation of a new disposal system or cause, permit or allow the modification of a disposal system without first obtaining an individual permit to install, a general permit to install or plan approval in accordance with this chapter and all other applicable rules and laws.
- (b) An application for a permit to install for any disposal system shall include detailed plans in accordance with this chapter and all other applicable rules and laws.
- (c) The approval of a permit to install shall constitute approval of the detailed plans for the disposal of waste and for the disposal system pursuant to sections 6111.44 and 6111.45 of the Revised Code.

(2) The director, at the director's discretion, may issue an order requiring any person planning to install or modify, or in the process of installing or modifying, any disposal system, which is otherwise exempted, to obtain a permit to install or plan approval before proceeding with installation or modification if, in the director's judgment, operation of the disposal system after installation or modification might result in a violation of the criteria established in paragraph (A) of rule 3745-42-04 of the Administrative Code.

(3) The director, at the director's discretion or where required by federal laws or regulations, may issue a single permit to install or plan approval having application to all pollutants of any kind emanating from any disposal system, or may issue a single permit to install or plan approval having applicability to more than one disposal system controlled by a common owner or operator located in the same county.

(4) Notwithstanding any other provision of this rule, compliance with this chapter does not relieve any person from the requirements of Chapter 3734. or 3714. of the Revised Code and rules adopted thereunder, including provisions prohibiting the establishment of a facility.

(B) Permit to install and plan approval exemptions from applicability. Unless deemed otherwise by the director, a permit to install or plan approval, whichever is applicable, is not required for the following:

- (1) Site preparation activities in accordance with paragraphs (B)(1)(c) to (B)(1)(c)(xix) of this rule.

(a) Risk to the owner or operator.

- (i) This rule does not in any way guarantee that a permit to install or plan approval will be issued.
- (ii) The implementation of any of the activities described in paragraphs (B)(1)(c) to (B)(1)(c)(xix) of this rule are at the entire risk of the owner or operator.
- (iii) If a permit to install or plan approval is issued, any necessary design changes, and the costs associated with those design changes, including costs due to delayed construction, in order to comply with the terms of the permit to install or plan approval are entirely at the owner or operator's risk. Any costs associated with these design changes shall not be used as part of any cost effectiveness evaluation.

(b) General prohibitions and restrictions.

- (i) Site preparation activities performed prior to the issuance of a permit to install or plan approval shall comply with all of the following:

- (a) Be in accordance with all other applicable rules and laws, including rule 3745-1-05 of the Administrative Code and this chapter.

[Comment: If applicable, it is recommended that an applicant obtain a national pollutant discharge elimination system (NPDES) permit, prior to beginning site preparation activities.]

- (b) As applicable, not begin until any of the following are obtained:

- (i) A 401 water quality certification or isolated wetland permit.

- (ii) A construction site storm water permit.

- (ii) Site activities that are prohibited prior to obtaining a permit to install or plan approval include any of the following:

- (a) The construction of buildings or structures that are directly related to the installation of a treatment works or disposal system and will convey sewage to a disposal system, including any of the following:

- (i) Residential homes.

- (ii) Clubhouses or banquet halls.

- (iii) Restaurants.

- (b) The construction of buildings or structures that will house or shelter any part of a disposal system, including storage facilities or sewage treatment lagoons.

- (c) The construction or installation of tankage and other equipment that will be

used to store, process, treat or test wastewater to be discharged from the site to a municipal sewer or in accordance with an NPDES permit.

- (d) The construction of any other structure or building determined by the director to convey sewage to the proposed disposal system.
- (e) The construction activities directly related to the construction or installation of any onsite sewage treatment system soil dispersal component. A soil and site evaluation for any soil based treatment system shall be approved prior to beginning any site preparation activities.
- (f) The construction activities directly related to any land application area. A soil and site evaluation for any land application area shall be approved prior to beginning any site preparation activities.

[Comment: Rule 3745-42-13 of the Administrative Code outlines the requirements for a land application system for treated sewage or liquid industrial waste.]

- (c) Except as provided in paragraphs (B) to (B)(1)(b)(ii)(f) of this rule, site preparation activities that are not directly related to the installation of any treatment works or disposal system that can be undertaken prior to obtaining a permit to install or plan approval include any of the following:
 - (i) Constructing buildings or structures that will not convey sewage to the proposed disposal system, such as any of the following:
 - (a) Warehouses.
 - (b) Office buildings.
 - (c) Garages.
 - (ii) Clearing the site of existing vegetation, old buildings, or old equipment.
 - (iii) Grading and clearing of land, stripping and stockpiling topsoil, earthwork cut and fill for foundations in preparation for construction.
 - (iv) Installing temporary site access roadways and parking areas.
 - (v) Installing temporary construction equipment storage areas.
 - (vi) Storing of construction equipment including temporary buildings and trailers for equipment storage and for construction offices.
 - (vii) Except as provided in paragraphs (B)(1)(b)(ii)(e) to (B)(1)(b)(ii)(f) of this rule, exploratory excavation and borings to assess the suitability of a site for the intended building or installation activities.
 - (viii) Provided no concrete is poured, any of the following:

- (a) Excavating building footers, pilings, foundations, pads, and platforms.
 - (b) Installing concrete forms and reinforcing bar for any concrete footers, pilings, foundations, pads and platforms.
 - (ix) Installing temporary utilities for site construction trailers, including electricity, gas, and communication, provided the owner or operator of the disposal system has submitted the complete plans for the disposal system to the director and has notified the director that this activity will be taken prior to the issuance of the permit to install or plan approval.
 - (x) Removing old equipment from existing buildings.
 - (xi) Installing any temporary construction dust control systems, such as sprinklers.
 - (xii) Installing any signage or traffic control signs.
 - (xiii) Installing any utility poles by a utility company.
 - (xiv) Installing temporary erosion and sedimentation control systems including filter sock, silt fence, rip-rap, sandbags or any sediment settling pond used for mitigating storm water discharges associated with construction activity.
 - (xv) Installing new landscaping, including trees, bushes and seeding of disturbed earthwork.
 - (xvi) Installing landscaping fencing.
 - (xvii) Installing temporary fences and signs around the construction site.
 - (xviii) Stockpiling of stone, soil and other materials for future construction.
 - (xix) Storing onsite portable parts and equipment.
- (2) Coal waste facilities provided that all of the following conditions are met:
- (a) The coal waste facility is located entirely within the permitted area of a coal mining operation regulated under Chapter 1513. of the Revised Code.
 - (b) The owner or operator of the coal mining operation has applied for and obtained approval for the design, construction, operation and closure of the coal waste facility from the division of mineral resources management of the Ohio department of natural resources in accordance with Chapter 1513. of the Revised Code and the rules adopted thereunder.
- (3) External interceptors for fats, oils or greases (FOG) in accordance with paragraphs (B)(3)(a) to (B)(3)(a)(xi) of this rule.
- (a) Except as provided in paragraph (B)(3)(b) of this rule, a permit to install or plan approval is not required for an external FOG interceptor, where the external FOG interceptor meets all of the following conditions:

- (i) Discharges to a publicly owned or public utilities commission of Ohio regulated disposal system owned or operated by the holder of a valid NPDES permit issued by the director.
 - (ii) Is designed by a registered or licensed professional, such as a registered professional engineer, and installed in accordance with applicable sections of the Ohio plumbing code set forth in division-level designation 4101:3 of the Administrative Code.
 - (iii) Is designed to have a minimum contact time within the interceptor of twenty minutes.
 - (iv) Is designed to remove at least ninety-five per cent of the incoming FOG or to meet applicable local FOG effluent limits imposed by the owner or operator of the disposal system, whichever is more stringent.
 - (v) Incorporates an observation or monitoring well or device at its discharge point, prior to entering the disposal system.

[Comment: A control manhole that is used for observation or monitoring of effluent from a FOG interceptor and is located upstream of the collector sewer meets the intent of an observation or monitoring well or device.]
 - (vi) Serves only establishments that generate peak flows of no more than five hundred gallons per minute (g.p.m.) of FOG laden sewage.
 - (vii) Is designed to retain intercepted FOG material without permitting discharge of said material to the sanitary sewerage system.
 - (viii) Is designed in such a way as to not allow material to permanently accumulate within the FOG interceptor.
 - (ix) Is maintained on a planned and scheduled basis so as to properly provide its intended purpose, FOG interception.
 - (x) Is designed to facilitate ease of cleaning and maintenance as well as not contaminating the surrounding area.
 - (xi) Is permitted, inspected and approved by the plumbing authority having jurisdiction.
- (b) The director may require a permit to install or plan approval, as applicable, for any FOG interceptor that receives industrial wastewater or wastewater that does not meet the definition of sewage, as defined by Chapter 6111. of the Revised Code.
- (4) A disposal system for a not for profit car wash, including those used for charity fund raisers by school or church groups, unless the director determines the need to protect human health or the environment or if the director determines there is a potential for discharge to waters of the state.
- (5) A disposal system for a mobile carpet cleaner, unless the director determines the need to

protect human health or the environment or if the director determines there is a potential for discharge to waters of the state. Waste from a mobile carpet cleaner shall be disposed of at a publicly owned treatment works or a commercial wastewater treatment works with an effective NPDES permit.

- (6) A disposal system for mobile power washers, unless the director determines the need to protect human health or the environment or if the director determines there is a potential for discharge to waters of the state.
- (7) Recycle systems inside a building, such as those used for any of the following:
 - (a) Hydrostatic test water.
 - (b) Water conservation.
 - (c) Non contact cooling water, where the cooling tower meets both of the following conditions:
 - (i) Does not discharge to waters of the state.
 - (ii) Has a water supply rate less than ten thousand gallons per day.
- (8) Oil and water separators, provided that all of the following conditions are met:
 - (a) The oil and water separator has a volume not to exceed one thousand gallons.
 - (b) The effluent from the oil and water separator is conveyed to a publicly owned treatment works.
 - (c) The owner obtains a letter, or another form of documentation such as a plan approval, from the publicly owned treatment works, acknowledging that they are aware of the oil and water separator.
 - (d) Any industrial waste is disposed of in accordance with all applicable rules and laws.
- (9) Under the sink grease traps.
- (10) Any storm water conveyance or system of conveyances included in any of the following:

[Comment: A conveyance system may include roads, catch basins, curbs, gutters, ditches, storm water manholes, man-made channels or basins, or storm drains.]

 - (a) A municipal separate storm sewer system (MS4), provided that all of the following conditions are met:
 - (i) The MS4 is owned or operated by a public entity.
 - (ii) The MS4 is designed and used for collecting or conveying solely storm water.
 - (iii) The MS4 is not a combined sewer.
 - (iv) The MS4 is not part of a publicly owned treatment works.

- (b) A construction general storm water permit.
 - (c) The post construction storm water management requirements of an NPDES general permit for storm water discharges associated with construction activities.
- (11) A wastewater treatment works, provided that all of the following conditions are met:
- (a) The treatment works is located upstream of the building drain.
 - (b) The treatment works has a design flow of not more than five hundred gallons per day.
 - (c) The treatment works will be utilized for industrial or commercial wastewater and will discharge to a publicly owned treatment works with an effective NPDES permit.
 - (d) The treatment works is in accordance with all applicable rules and laws, including rule 3745-42-05 of the Administrative Code and Chapters 3745-3 and 3745-36 of the Administrative Code and all applicable sections of the Ohio plumbing code. The director may require a permit to install, plan approval or an NPDES permit to protect public health or the environment.
 - (e) The treatment works is not subject to the national categorical pretreatment standards discharge limits, in accordance with subchapter (N) of Chapter 40 of the Code of Federal Regulations.
 - (f) The treatment works is limited to any of the following:
 - (i) Neutralization.
 - (ii) Silver recovery.
 - (iii) Photo processing.
 - (iv) Treating dental or medical office wastewater.
 - (v) Treating dry cleaning wastewater.
 - (vi) Activated carbon treatment for treating petroleum contaminated ground water, where the temporary unit is used on site for less than two years and is designed to achieve less than detection for benzene, toluene, ethylbenzene or xylene.
- (12) A manhole, provided the manhole meets all of the following conditions:
- (a) Is located on a sewer lateral and upstream of any collector sewer.
 - (b) Includes not more than one influent pipe.
 - (c) Does not house any equipment, such as a pump.
- (13) A building sewer, as defined in division 4101:3 of the Administrative Code, provided that both of the following conditions are met:
- (a) Only gravity conveyance systems are used.

- (b) The building sewer connects directly into a common or collector sewer and not directly into a treatment works.
- (14) Sanitary sewer replacement projects, provided that all of the following conditions are met:
- (a) The total length of sewer per project is not more than one thousand feet.
 - (b) There are no changes in pipe size.
 - (c) There are no additional manholes.
 - (d) There are no significant changes in elevation.
 - (e) There are no lateral shifts exceeding twenty feet or that will not maintain a ten foot separation from water lines.
 - (f) The sewer is not located in a stream bed and will not shift into a stream bed.
 - (g) The new pipe material, if changed, is on Ohio EPA's pipe specification list, updated as of January 1, 2013, available on the internet at:
<http://epa.ohio.gov/dsw/pti/PipeSpecs.aspx>.
- (15) In situ sanitary sewer repairs, such as sliplining.
- (16) Any repair or replacement of a component, media or equipment within a treatment works, provided the repair or replacement meets both of the following conditions:
- (a) Is intended to maintain treatment and serve the same function as the existing component, media or equipment.
 - (b) Does not result in increased hydraulic capacity of the treatment works or significantly alter the sewage flow through the treatment works.
- The repair or replacement shall be considered operation and maintenance issues and not the installation of treatment systems. Examples may include, but are not limited to, replacing pumps or mixers with more efficient pumps or mixers, installation of fine bubble diffusers, replacing piping and replacement of sand in sand filters.
- (17) Modifications within the existing treatment works infrastructure that are intended to increase operational flexibility or efficiency of the treatment works. This may include, but is not limited to any of the following:
- (a) Installation of piping and valves to provide variable modes of treatment, provided the changes do not result in the possibility to bypass any treatment unit.
 - (b) Installation of internal structures in treatment works tanks such as floating screens or baffles to improve efficiency.
 - (c) Modification of biological environment within existing treatment works tanks to promote efficiency.

- (18) A disposal system designed to be a best management practice under the requirements of an NPDES storm water permit in accordance with Chapter 3745-39 of the Administrative Code. If the disposal system is installed to meet a specific numeric effluent limitation in an NPDES permit or is required as a result of director's findings and orders or alternative judicial or administrative order, a permit to install or plan approval shall be obtained.
- (19) A treatment works pilot study, provided that all of the following conditions are met:
- (a) Utilizes only a portion of the wastewater stream off line from the existing treatment train, for example less than twenty-five per cent of the design flow.
 - (b) Treated effluent recombines with the overall treatment works effluent before discharge to the receiving water.
 - (c) Does not exceed a time frame of twelve months.
 - (d) Is not intended to be a permanent structure at the treatment works. If at the end of the pilot study, the owner or operator chooses to incorporate pilot study components into the existing treatment works, a permit to install shall be obtained.
- (20) Installation of any on line monitoring or process control equipment such as supervisory control and data acquisition (SCADA) or other similar equipment.
- (21) Installation of any odor control equipment on a disposal system provided that the equipment does not modify or change the treatment works or characteristics of the sewage.
- (22) Remodel or replacement of buildings or laboratories located at a treatment works.
- (23) Filtration systems, ion exchange systems, and oil skimmers installed at or in process tanks that directly serve manufacturing equipment, provided the filtration system, ion exchange system, or oil skimmer meets all of the following conditions:
- (a) Is intended to extend the life of the process solution or to conserve water.
 - (b) Operates continuously.
 - (c) Is not installed at or in a process tank that discharges to a sanitary or storm sewer.
- (C) The director may waive the permit to install or plan approval requirement for either of the following:
- (1) A site preparation activity not listed in paragraphs (B)(1)(c) to (B)(1)(c)(xix) of this rule, as a site preparation activity that can be undertaken prior to obtaining a permit to install, provided that all of the following conditions are met:
 - (a) The site preparation activity is in accordance with all applicable rules and laws.
 - (b) Prior to beginning the site preparation activity, the permittee provides the director with a written request for approval that includes all of the following:

- (i) A detailed description of any proposed site preparation activity.
 - (ii) An explanation of why the site preparation activity is in accordance with all applicable rules and laws.
 - (iii) An explanation of how all applicable permits will be obtained prior to the site preparation activity.
 - (iv) A description of the potential adverse consequences that could occur to the permittee if the director did not approve the site preparation activities prior to obtaining a permit to install.
- (2) Any wastewater treatment works not listed in paragraphs (B)(11)(f)(i) to (B)(11)(f)(vi) of this rule, provided that all of the following conditions are met:
- (a) The treatment works is located upstream of the building drain.
 - (b) The treatment works has a design flow of not more than five hundred gallons per day.
 - (c) The treatment works will be utilized for industrial or commercial wastewater and will discharge to a publicly owned treatment works with an effective NPDES permit.
 - (d) The treatment works is in accordance with all applicable rules and laws, including rules 3745-42-05, 3745-3-04, and 3745-3-09 of the Administrative Code, applicable sections of the Ohio plumbing code, and Chapters 3745-3 and 3745-36 of the Administrative Code.
 - (e) The treatment works is not an industry subject to the national categorical pretreatment standards discharge limits, in accordance with subchapter (N) of Chapter 40 of the Code of Federal Regulations.
 - (f) The owner or operator submits a written request for a waiver that includes a description of the treatment works and a demonstration of compliance with the requirements in paragraphs (C)(2)(a) to (C)(2)(e) of this rule.
- (D) Permit to install or plan approval modification. No permit to install or plan approval, whichever is applicable, is required for the modification of a disposal system if any of the following conditions are met:
- (1) After modification, the disposal system will be a type that could have been installed without a permit to install or plan approval.
 - (2) The result of the modification on environmental quality is so slight that the director has, by rule, exempted the modification from the requirements of paragraphs (A) to (A)(3) of this rule.
 - (3) The director has determined that the proposed work will not significantly change the overall disposal system.
- (E) Administrative changes to a permit to install or plan approval. The director may make administrative changes to a permit to install or plan approval. An administrative change to

the permit to install or plan approval is an amendment to the permit to install or plan approval issued by Ohio EPA that does not result in a modification or alteration of the treatment or disposal system. An administrative change to a permit to install or plan approval may be made for any of the following reasons:

- (1) To correct technical errors, such as errors in calculations, that result in the improper determination of permit to install or plan approval conditions.
 - (2) To correct typographical errors.
 - (3) To change a term or condition of the permit to install or plan approval that does not constitute modification or alteration of the treatment or disposal system.
 - (4) To update administrative information including, but not limited to, the name of the applicant or telephone number, address or name of the treatment or disposal system.
- (F) Termination of a permit to install or plan approval.
- (1) A permit to install or plan approval shall terminate eighteen months from the effective date of the permit to install if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete, within a reasonable time, a continuing program of installation or modification.
 - (2) The director may modify a permit to install or plan approval to extend the dates of expiration by up to twelve months if the applicant submits, within a reasonable time before the termination date, a written request containing information that, in the judgment of the director, adequately justifies an extension of time. No appeal taken from denial of extension of an expiration date shall prevent termination of a permit during the period between denial of extension and final disposition of the appeal unless prohibited by any court or administrative body having jurisdiction over the matter.
- (G) Revocation of a permit to install or plan approval.
- (1) The director may revoke a permit to install or plan approval if the director concludes at any time that any applicable laws have been or are likely to be violated.
 - (2) The director may also revoke a permit to install or plan approval at the permittee's request if the director determines that granting the requested revocation will not result in the violation of any applicable laws. When a permittee requests a revocation, the director, without prior hearing, shall make a final determination on the application.
- (H) Transfer of a permit to install or plan approval.
- (1) The director may transfer a permit to install or plan approval for a disposal system to a new owner of a disposal system. Transfers shall only be made for permits to install or plan approvals that meet any of the following conditions:
 - (a) Contain operating conditions.
 - (b) Are for systems that are currently in the installation process.

- (c) Are for systems that are currently undergoing a continuing program of modification.
 - (d) Are for systems where construction has not yet commenced.
- (2) Written application for a transfer shall be submitted to the director at least sixty days prior to any proposed transfer. The transferee shall be responsible for informing Ohio EPA that the transferee will assume the responsibilities of the original permittee transferor. The director may prevent the permit transfer if the director concludes that the transferee will jeopardize compliance with the terms and conditions of the permit. The director shall notify both the original permittee transferor or the transferee in writing of the decision.
- (I) Applicability of rules of procedure. A permit to install or plan approval shall be issued, modified, revoked or denied and may be challenged in accordance with the provisions of the rules of procedure of the Ohio EPA, Chapters 3745-47 and 3745-49 of the Administrative Code.

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