



Early Stakeholder Outreach — Permit to Install: Storage and Treatment Facilities (OAC 3745-42-14)

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What will OAC 3745-42-14 cover?

The Permit to Install (PTI) program rules in Ohio Administrative Code (OAC) Chapter 3745-42 cover administrative requirements for submitting a PTI or plan approval application to the Agency for approval, and technical requirements for wastewater treatment and disposal.

Rule 3745-42-13 only contains requirements for storage facilities associated with land application systems. Ohio EPA has recently seen an increase in PTI applications to store other types of materials on a much larger scale in sensitive geological areas prompting the need to create a rule. Rule 3745-42-14 will establish requirements for entities submitting a PTI or plan approval application to construct other types of storage facilities. These include impoundments, defined as any clay or synthetically lined earthen structure for the treatment or storage of sewage, sewage sludge, biosolids, industrial waste, sludge materials, or other wastes and fabricated structures (e.g. concrete or metal tanks) for storage of these materials. These impoundments are also commonly referred to as storage ponds or lagoons. This rule will not apply to fabricated structures for the treatment of any of these materials (e.g. concrete or metal tanks at a wastewater treatment facility).

The Agency is considering moving or modifying applicable parts of rule 3745-42-13: Land Application Systems to create rule 3745-42-14, and incorporating parts of the Ohio Department of Agriculture (ODA) rules for manure storage and treatment facilities, as necessary.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What requirements are being considered?

Ohio EPA is considering design and siting requirements for storage facilities such as isolation distances, liners, and siting criteria and freeboard; ground water monitoring requirements in specific circumstances; and hydrogeologic site investigation requirements.

How can I provide input?

The Agency is seeking stakeholder input on the rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business **May 6, 2019**. Please submit input to:

Rule Coordinator
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1019
dsw_rulecomments@epa.ohio.gov

What if I have questions?

For more information about the rulemaking, please contact

betsy.vanwormer@epa.ohio.gov

Early Stakeholder Outreach — Permit to Install: Storage Ponds and Lagoons

Ohio EPA Division of Surface Water seeks to clarify requirements for storage facilities not associated with land application systems and provide consistency with the storage facility requirements of ODA, the National Resources Conservation Service, and Ohio EPA's Division of Materials and Waste Management, which regulate other, similar types of materials.

Who is regulated by these rules?

Any applicant for a PTI or plan approval for an impoundment as described above. This includes government entities, businesses and industries.

What is the rulemaking schedule?

Depending upon feedback provided during this comment period, the Agency is planning to release a draft version of these rules for interested party review and comment in Spring of 2019.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving the existing rule?
- Are there considerations the Agency should take into account when updating the existing rule?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by this program:

- Does this regulatory program have a positive impact on your business? Please explain how.
- Does this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

How can I get more information?

Information is available on the Ohio EPA Division of Surface Water website:

- This fact sheet is available on the Division of Surface Water website at: <https://epa.ohio.gov/dsw/dswrules>
- Current PTI rules in OAC 3745-42 are available at: https://epa.ohio.gov/dsw/rules/3745_42.
- Current Biosolids rules in OAC 3745-40 are available at: https://epa.ohio.gov/dsw/rules/3745_40.
- For additional information on the Permit to Install Program, see the program's website at: <https://epa.ohio.gov/dsw/pti/index>.
- For additional information on the Biosolids Program, see the program's website at: <https://epa.ohio.gov/dsw/sludge/biosolid>.