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CLASS V WELLS.

- (A) (1) Injection into existing class V wells is authorized by rule pursuant to section 6111.043 of the Revised Code unless at least one of paragraphs (A)(2) to (A)(8) of this rule is applicable. Injection into new class V wells is authorized by rule pursuant to section 6111.043 of the Revised Code unless paragraphs (A)(2) to (A)(8) of this rule are applicable. Well authorization expires upon proper closure of the class V well per paragraph (F) of this rule.
- (2) Unless at least one of paragraphs (A)(2) to (A)(8) of this rule is applicable, the injection of sanitary waste using a class V well is authorized by rule if:
- (a) Only sanitary waste is injected; and
 - (b) (i) A permit to install in accordance with sections 6111.44 and 6111.45 of the Revised Code is issued by the director prior to the commencement of injection; or
(ii) An installation permit and operation permit in accordance with rule 3701-29-04 of the Administrative Code is obtained prior to the commencement of injection; and
 - (c) The information required under paragraph (D) of this rule is submitted to the director.
- (3) No person shall inject industrial wastes or other wastes, into or above a USDW without first obtaining a UIC permit to drill, where applicable, and a permit to operate under rule 3745-34-16 of the Administrative Code.
- (4) No person shall inject industrial wastes or other wastes into or above a USDW through an existing well not previously used for that purpose and for which no UIC permit to drill would be required, without first obtaining a permit to install in accordance with sections 6111.44 and 6111.45 of the Revised Code, applicable rules of the Administrative Code and a UIC permit to operate under rule 3745-34-16 of the Administrative Code.
- (5) Injection into all large capacity cesspools whose construction was not started prior to April 5, 2000 is prohibited. All remaining large capacity cesspools shall close according to paragraph (F) of this rule by April 5, 2005. All large capacity cesspools shall be properly closed according to paragraph (F) of this rule within one hundred twenty days of the cessation of injection.
- (6) Injection into all motor vehicle waste disposal wells whose construction was not started prior to April 5, 2000 is prohibited. All motor vehicle waste disposal wells regulated by this paragraph shall be properly closed according to paragraph (F) of this rule within one hundred twenty days of the cessation of injection.
- (7) Owners and operators of all motor vehicle waste disposal wells whose construction was started prior to April 5, 2000 shall comply with the following requirements of this paragraph.

- (a) For purposes of this rule, a “drinking water source protection area for a public water system using ground water” means the surface and subsurface area that provides water to a public water system’s supply well(s) via subsurface transport within a time period of five years or less as delineated or endorsed by the Ohio EPA. “Drinking water source protection areas for public water systems using ground water” include “wellhead protection areas” endorsed by the Ohio EPA .
- (b) If the motor vehicle waste disposal well is within a drinking water source protection area for a public water system using ground water for a community public water system or a non-transient non-community public water system as defined by Chapter 3745-81 of the Administrative Code, the owner or operator of the motor vehicle waste disposal well shall:
- (i) Close the motor vehicle waste disposal well within one year of the completion of the source water assessment for the drinking water source protection area in which the motor vehicle waste disposal well is located; or
 - (ii) Obtain a permit to operate according to paragraph (H) of this rule within one year of the completion of the source water assessment for the drinking water source protection area in which the motor vehicle waste disposal well is located.
- (c) For purposes of this rule, source water assessments for a drinking water source protection area for a public water system using ground water for a community public water system or a non-transient non-community public water system as defined by Chapter 3745-81 of the Administrative Code is complete when the following four requirements are met:
- (i) The delineation of the boundaries of the assessment area of the drinking water source protection area for a public water system using ground water for the community public water system or the non-transient non-community public water system as defined by Chapter 3745-81 of the Administrative Code is completed;
 - (ii) The initial identification of significant potential sources of contamination in the delineated area is completed;
 - (iii) The determination of the susceptibility of community public water system or a non-transient non-community public water system as defined by Chapter 3745-81 of the Administrative Code in the delineated area to such contaminants is completed; and
 - (iv) Upon completion of all the source water assessments for all the drinking water source protection areas for public water systems using ground water within an entire Ohio county, a press release from Ohio EPA will notify the public of the availability of all the source water assessments for all the drinking water source protection areas for public water systems using ground water for that county on the Ohio EPA internet page and at each relevant public water supply within that county. The date of the press release will be the official date of the public availability and completion of the source water assessments for all the drinking water source protection

- (d) If the Ohio EPA fails to complete all the source water assessments for the drinking water source protection areas for public water systems using ground water for all community public water system and all non-transient non-community public water systems as defined by Chapter 3745-81 of the Administrative Code in Ohio by January 1, 2004 and fails to be granted by U.S. EPA an extension until January 1, 2005 to complete the source water assessments, then the owners and operators of all motor vehicle waste disposal wells not closed according to paragraphs (A)(6) or (A)(7)(b) of this rule shall:
- (i) Cease injection into and close the motor vehicle waste disposal well by January 1, 2005; or
 - (ii) Obtain a permit to operate according to paragraph (H) of this rule by January 1, 2005.
- (e) If the Ohio EPA is granted an extension to complete the source water assessment by U.S. EPA and fails to complete all the source water assessments for the drinking water source protection areas for public water systems using ground water for all community public water system and all non-transient non-community public water systems as defined by Chapter 3745-81 of the Administrative Code in Ohio by January 1, 2005, then the owners and operators of all motor vehicle waste disposal wells not closed according to paragraphs (A)(6) or (A)(7)(b) of this rule shall:
- (i) Cease injection into and close the motor vehicle waste disposal well by January 1, 2006; or
 - (ii) Obtain a permit to operate according to paragraph (H) of this rule by January 1, 2006.
- (f) If the Ohio EPA completes all the source water assessments for the drinking water source protection areas for public water systems using ground water for all community public water systems and all non-transient non-community public water systems as defined by Chapter 3745-81 of the Administrative Code in Ohio by January 1, 2004 or if granted an extension by U.S. EPA and Ohio EPA completes all the source water assessments for the drinking water source protection areas for public water systems using ground water for all community public water system and all non-transient non-community public water systems as defined by Chapter 3745-81 of the Administrative Code in Ohio by January 1, 2005, then the owners and operators of all motor vehicle waste disposal wells not closed according to paragraphs (A)(6) or (A)(7)(b) of this rule shall:
- (i) Cease injection into and close the motor vehicle waste disposal well by January 1, 2007; or
 - (ii) Obtain a permit to operate per paragraph (H) of this rule by January 1, 2007.
- (g) The director may extend the closure deadline for a motor vehicle waste disposal well, but not the requirement to submit a permit to operate application, for up to

one year if the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology.

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- (h) When required to close, all motor vehicle waste disposal wells shall be properly closed in compliance with paragraph (F) of this rule.
- (8) A class V well is not authorized to operate by rule if:
 - (a) The owner or operator failed to comply with paragraph (A) of rule 3745-34-07 of the Administrative Code;
 - (b) The director requires a permit under rule 3745-34-16 of the Administrative Code or closure under paragraph (F) of this rule. The rule authorization for the well expires upon issuance of the permit. Injection into the class V well is prohibited if the owner or operator fails to submit a permit application in the time frame specified on the director's notice for a permit application or upon denial of the permit.
 - (c) The owner or operator fails to submit the information about the well required by paragraph (D) of this rule. Rule authorization for injection into the class V well resumes upon submittal of the information required by paragraph (D) of this rule.
- (B) The director may require any class V injection well authorized by rule to apply for and obtain an individual or area UIC permit. Cases where individual or area UIC permits may be required include:
 - (1) The injection well is not in compliance with any requirement of this chapter pertaining to class V wells;
 - (2) The injection well is not or no longer is within the category of wells and types of well operations authorized in this rule; or
 - (3) The protection of USDWs requires that the injection operation be regulated by requirements, such as for corrective action, monitoring and reporting, or operation, which are not contained in this rule.
- (C) Any owner or operator authorized by rule may request to be excluded from the coverage of this rule by applying for an individual or area UIC permit. The owner or operator shall submit an application under rule 3745-34-16 of the Administrative Code with reasons supporting the request to the director. The director may grant any such requests.
- (D) The owner or operator of any class V well shall notify the director of the existence of any well under the owner or operator's control meeting the definition of class V contained within paragraph (E) of rule 3745-34-04 of the Administrative Code. The owner or operator of a new class V well shall submit the notification within thirty days of installing the well. Unless the owner or operator has previously submitted inventory information for a class V well to the director prior to the effective date of this rule, the owner or operator shall submit the following information for each well under the owner or operator's control with the notification:
 - (1) Facility name, postal address of the well location, and location of each well given by latitude and longitude to the nearest second;
 - (2) Name and address of legal contact;

(3) Identification of the owner and/or operator of the well;
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- (4) Nature and type of injection well;
- (5) Operating status of injection well;
- (6) Date of completion of each well;
- (7) Total depth of each well;
- (8) Construction narrative;
- (9) Nature of the injected fluid;
- (10) Maintenance and inspection schedule; and
- (11) Average and maximum injection rate.

(E) The director may require the owner or operator of a class V well to submit other information believed necessary to protect underground sources of drinking water.

- (1) Such information requirements may include, but are not limited to:
 - (a) Performing ground water monitoring and periodically submitting monitoring results;
 - (b) Analyzing the fluids injected into the well and periodically submitting the results of the analysis;
 - (c) Describing the geologic layers through which and into which the injection is taking place; and
 - (d) Conducting other analyses and submitting other information, if needed to protect underground sources of drinking water.

(2) If the director requires the information in paragraph (E)(1) of this rule, the director shall request the information in writing, along with a brief statement on why the information is required. This written notification shall specify when the information is required to be submitted.

(3) The owner or operator is prohibited from using the injection well if the information required under paragraph (E)(1) of this rule is not submitted within the time frame specified by the director under paragraph (E)(2) of this rule. The owner or operator shall only resume injection into the well upon receiving a permit under rule 3745-34-16 of the Administrative Code.

(F) All class V wells undergoing closure shall be closed in compliance with rule 3745-34-07 of the Administrative Code. Any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the well being closed shall be disposed of or managed in accordance with all applicable federal, state or local regulations and requirements.

- (1) The owner or operator of a class V well shall notify the director of the intent to close the class V well at least thirty days prior to commencing closure of the well.

- (2) The intent to close notification for class V wells used to inject industrial or other wastes shall include the submission of a plan for closing the well that meets the requirements of this paragraph. The submitted plan shall be followed during closure of the well. This plan shall include:
 - (a) A copy of the information required in paragraph (D) of this rule; and
 - (b) Procedures for the removal of any solids and sludges from the class V well being closed; and
 - (c) Procedures for plugging the class V well. This procedure shall be consistent with paragraph (A) of rule 3745-34-07 of the Administrative Code and all other applicable federal, state or local regulations and requirements; and
 - (d) Any other information deemed necessary by the director.
 - (3) Upon completion of closure, the owner or operator of class V wells that were used to inject industrial or other wastes shall certify to the director in a report according to rule 3745-34-17 of the Administrative Code that the class V well was closed in compliance with this rule.
- (G) The director may authorize the conversion of a motor vehicle waste disposal well whose construction was started prior to April 5, 2000 to another type of class V well. The use of a semi-permanent plug as the means to segregate waste is not sufficient to convert a motor vehicle waste disposal well to another type of class V well.
- (1) Motor vehicle waste disposal wells may only be converted to another type of class V well if:
 - (a) All motor vehicle fluids are segregated by physical barriers and are not allowed to enter the well; and
 - (b) Injection of motor vehicle waste is unlikely based on the facility's compliance history and records showing proper waste disposal.
 - (2) The owner or operator shall submit a conversion plan for the well with the request for authorization. This plan shall contain:
 - (a) The location of all floor drains at the facility connected to the class V well;
 - (b) Provisions for removing solids from the oil/water separator, septic tank and well. Disposal of any removed fluids, sludges or solids shall be in accordance with all applicable federal, state, and local requirements;
 - (c) A demonstration, using chemical analysis results of representative samples from both the liquid and sludge phases of the oil/water separator and the septic tank and well, that no violations of rule 3745-34-07 of the Administrative Code or rule 3745-34-08 of the Administrative Code have occurred due to historical use of the well. The procedures used to sample and analyze the sludges and fluids shall be described in detail within the request for conversion;

- (d) Drawings of the waste removal and injection system indicating which parts of the system will be plugged and abandoned and which shall remain after conversion;
 - (e) A description of the procedures to be used to convert the well including a description of the methods used to plug and abandon any parts of the waste removal and injection system;
 - (f) A description of procedures to be used to prevent motor vehicle waste from entering the converted well; and
 - (g) Any other information deemed necessary by the director.
- (H) The owner or operator of a motor vehicle waste disposal well whose construction was started prior to April 5, 2000 may continue to inject waste if a permit to operate is approved by the director prior to the applicable date of closure of the well required under paragraph (A)(7) of this rule. Any permit to operate application shall be submitted according to rule 3745-34-16 of the Administrative Code.
- (1) The owner or operator shall, in addition to the information required by rule 3745-34-16 of the Administrative Code, include within the permit to operate application:
 - (a) A demonstration, using chemical analysis results of representative samples from both the liquid and sludge phases of the oil/water separator and the septic tank and well, that no violations of rule 3745-34-07 of the Administrative Code or rule 3745-34-08 of the Administrative Code have occurred due to historical use of the well. The procedures used to sample and analyze the sludges and fluids shall be described in detail within the application;
 - (b) A description of the best management practices to be used by the owner or operator to ensure hazardous wastes are not injected into the well and to prevent constituents within the injected wastes or fluids from exceeding, at the point of injection, the maximum contaminant levels as described within the primary drinking water regulations under chapter 3745-81 of the Administrative Code; and
 - (c) A description of the procedures for collecting information to be included in a monthly report. These procedures shall detail the collection of the following information:
 - (i) The amount of waste injected into the well since the last reporting period; and
 - (ii) Methods for collecting and analyzing the injected fluids and sludges in order to demonstrate no exceedances of the maximum contaminant levels as described within the primary drinking water regulations under Chapter 3745-81 of the Administrative Code occur at the point of injection;
 - (2) The owner or operator may continue to inject into the motor vehicle waste disposal well during consideration of the permit to operate application only if:

- (a) The constituents within the waste injected do not exceed maximum contaminant levels as described within the primary drinking water regulations under Chapter 3745-81 of the Administrative Code at the point of injection; and
 - (b) The injection of the waste will not cause a violation of rule 3745-34-07 of the Administrative Code or rule 3745-34-08 of the Administrative Code; and
 - (c) The owner or operator submits a monthly report specifying:
 - (i) The amount of waste injected into the well since the last reporting period;
 - (ii) Analysis of the waste demonstrating no exceedances of maximum contaminant levels as described within the primary drinking water regulations under chapter 3745-81 of the administrative Code at the point of injection; and
 - (iii) The owner or operator shall certify the monthly report according to rule 3745-34-17 of the Administrative Code.
- (3) If the owner or operator receives a permit to operate and if the owner or operator chooses to continue to operate the motor vehicle waste disposal well, the owner or operator shall comply with all permit conditions including requirements to meet maximum contaminant levels as described within the primary drinking water regulations under Chapter 3745-81 of the Administrative Code and other health based standards at the point of injection, follow best management practices, and monitor the injectate and sludge quality.

(Effective December 19, 1982, July 25, 1984, January 20, 1995, March 11, 2002)