

3745-34-16 Application for permit: authorization by permit.

- (A) Permit application. Except for owners or operators of class V wells authorized by rule in accordance with the provisions of rule 3745-34-13 of the Administrative Code, all underground injection wells are prohibited unless authorized by permit. Pursuant to sections 6111.043 and 6111.044 of the Revised Code, a UIC well owner or operator must apply for a permit to drill or a permit to operate, whichever applies. Obtaining a permit to drill under section 6111.044 of the Revised Code and these rules satisfies the requirements of division (J) of section 6111.03 and section 6111.45 of the Revised Code. Obtaining a permit for a class II or class III well under Chapter 1509. of the Revised Code exempts the permit holder from permit requirements under this rule. Owners or operators of class V wells currently authorized by rule in accordance with the provisions of rule 3745-34-13 of the Administrative Code must still apply for a permit under this rule unless authorization was for the life of the well or project. Rules authorizing class V well injections for which permit applications have been submitted shall lapse for a particular class V well injection or project upon the effective date of the permit or permit denial for that well injection or project. Procedures for applications, issuance and administration of emergency permits are found in rule 3745-34-19 of the Administrative Code.
- (B) Who applies. When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.
- (C) Time to apply. Any person who proposes an underground injection for which a permit will be required shall apply for a permit to drill before starting any work on the underground injection well.
- (D) Completeness. The director shall not issue a permit before receiving a complete application for a permit except for emergency permits. An application for a permit is complete when the director receives an application form and any supplemental information completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.
- (E) Information requirements. All applicants for permits shall provide the following information to the director, using the application form provided by the director.
 - (1) The activities conducted by the applicant which require it to obtain permits under the following federal or state laws and If liquid or semi-liquid wastes are discharged to a POTW, give POTW NPDES permit number.
 - (a) The Resource Conservation and Recovery Act (RCRA), (1976), 42

U.S.C. section 321 et seq. as amended in 1986.

- (b) The national pollution discharge elimination system (NPDES) program under the Clean Water Act (CWA), (1977), 33 U.S.C. section 1252 et seq. as amended in 2002.
 - (c) Chapter 6111. of the Revised Code.
 - (d) The prevention of significant deterioration program (PSD) under the Clean Air Act (CAA), (1970), 42 U.S.C. section 7401 et seq. as amended in 1990.
 - (e) Chapter 3704. of the Revised Code.
- (2) Name, mailing address, and location of the facility for which the application is submitted;
 - (3) Up to four SIC codes which best reflect the principal products or services provided by facility;
 - (4) The operator's name, address, telephone number, ownership status as federal, state, private, public or other entity, and if a corporation, the name and address of the statutory agent;
 - (5) Whether the facility is located on Indian lands;
 - (6) A listing of all permits or construction approvals received or applied for under any of the following programs:
 - (a) Hazardous waste management program under RCRA and Chapter 3734. of the Revised Code;
 - (b) Underground injection control (UIC) program under the Safe Drinking Water Act (SDWA), (1974), 42 U.S.C. section 300f et seq. as amended in 1996 and Chapter 6111. of the Revised Code;
 - (c) NPDES program under CWA and Chapter 6111. of the Revised Code;
 - (d) Prevention of significant deterioration (PSD) program under the Clean Air Act and Chapter 3704. of the Revised Code;
 - (e) Nonattainment program under the Clean Air Act and Chapter

3704. of the Revised Code;
- (f) National emission standards for hazardous pollutants (NESHAPS) preconstruction approval under the Clean Air Act and Chapter 3704. of the Revised Code;
 - (g) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act (MPRSA), (1972); 33 U.S.C. sections 1411, 1414b, 1415, and 1417 as amended in 1988;
 - (h) Dredge and fill permits under section 404 of CWA and Chapter 3745-32 of the Administrative Code;
 - (i) Other relevant environmental permits, including state permits.
- (7) The location of the well or the location where the well is proposed to be drilled given by latitude and longitude to the nearest second and the location of the tract on which the well is to be drilled identified by section or lot number, city, village, township, and county.
 - (8) Designation of the well by name and number.
 - (9) The name of the geological formation to be tested or used and the proposed total depth of the well.
 - (10) The type of drilling equipment to be used.
 - (11) The plan for disposal of water and other waste substances resulting, obtained or produced in connection with drilling, conversion, or testing.
 - (12) The composition of the substance to be injected.
 - (13) A topographic map (or other map if a topographic map is unavailable) on a scale not smaller than four hundred feet to the inch, prepared by an Ohio registered surveyor, extending one mile beyond the property boundaries of the source depicting the facility and each of its intake and discharge; each of its hazardous waste treatment, storage, or disposal facilities, including but not limited to neutralization ponds, segregating or mixing tanks, and any solid waste disposal areas on site; each well where fluids from the facility are injected underground including but not limited to known mines, mineral deposits, and other oil and gas reserves; and those wells, springs, and other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within

a quarter mile of the facility property boundary. If the well is or is to be located within the excavations and workings of a mine the map shall also include the location of such mine, the name of the mine, and the name of the person operating the mine.

- (14) A brief description of the nature of the business.
 - (15) A plugging and abandonment plan that meets the provisions of:
 - (a) Rule 3745-34-36 of the Administrative Code for class I UIC wells;
or
 - (b) Paragraph (F) of rule 3745-34-13 of the Administrative Code for class V UIC wells.
 - (16) A plan for the testing, drilling and construction of the proposed new injection well shall be included within all permit to drill applications. Plans for the design of new class I wells shall be prepared by a professional engineer registered under Chapter 4733. of the Revised Code whenever required by the director to protect the public welfare or to safeguard life, health or property, or whenever the contemplated expenditure by the state or any of its political subdivisions or any municipal corporation for the completed project exceeds five thousand dollars. The director may require, in addition to preparation by a professional engineer registered under Chapter 4733. of the Revised Code, a demonstration of knowledge and experience by the designer for projects containing a high degree of complexity, non-standard technology, unusual features or deviations from standards or guidelines used by the agency.
- (F) Recordkeeping. Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under this rule for a period of at least three years from the date the application is signed or for the duration of the permitted life of the well, whichever time period is longer. This period may be extended by request of the director at any time.
- (G) Information requirements for class I hazardous waste injection wells permits.
- (1) The following information is required for each active class I hazardous waste injection well at a facility seeking a UIC permit:
 - (a) Dates the well was operated; and
 - (b) Specification of all wastes which have been injected in the well, if

available.

- (2) The owner or operator of any facility containing one or more active hazardous waste injection wells must submit all available information pertaining to any release of hazardous waste or constituents from any active hazardous waste injection well at the facility.
- (3) The owner or operator of any facility containing one or more active class I hazardous waste injection wells must conduct such preliminary site investigations as are necessary to determine whether a release is occurring, has occurred, or is likely to have occurred.

(H) Fees.

- (1) An application for an injection well permit to drill shall be accompanied by a non-refundable fee of two thousand dollars. An application for an injection well permit to operate shall be accompanied by a non-refundable fee of two thousand dollars.
- (2) An application for a modification to a permit to inject for a class I well submitted pursuant to rule 3745-34-23 of the Administrative Code shall be accompanied by a non-refundable fee of five hundred dollars.
- (3)
 - (a) The owner or operator of a class I injection well for which the director has issued a permit or renewal of a permit for the disposal of any hazardous waste identified in or listed under section 3743.12 of the Revised Code or the rules adopted thereunder, and that waste is generated on the premises where the injection well is located shall pay an annual permit fee of thirty thousand dollars. Said fee shall be payable by certified check drawn to the "Director of Environmental Protection - Underground Injection Control Fund," within thirty days of the issuance of a permit or renewal of a permit, and annually thereafter during the term of the permit or renewal of the permit. Annual payment shall be tendered within thirty days prior to the anniversary date of the issuance of the permit or renewal of the permit. Failure to timely remit the annual permit fee shall be a violation of the permit or renewal of the permit, this rule, and section 6111.045 of the Revised Code.
 - (b) The owner or operator of a class I injection well for which the director has issued a permit or renewal of a permit for the injection

of any waste other than that identified in paragraph (H)(3)(a) of this rule, shall pay an annual permit fee of twelve thousand five hundred dollars. Said fee shall be payable by certified check drawn to the "Director of Environmental Protection - Underground Injection Control Fund," within thirty days of the issuance of a permit or renewal of a permit, and annually thereafter during the term of the permit or renewal of the permit. Annual payment shall be tendered within thirty days prior to the anniversary date of the issuance of the permit or renewal of the permit. Failure to timely remit the annual permit fee shall be a violation of the permit or renewal of the permit, this rule and section 6111.046 of the Revised Code.

- (c) The owner or operator of each class I injection facility shall act as trustee for the state of Ohio and collect a fee of one dollar per ton of industrial waste or other waste, to a maximum of twenty-five thousand dollars per year, irrespective of the number of wells at that facility. The owner or operator shall maintain appropriate records of the amount of waste injected at the facility. The owner or operator shall remit said fees payable by certified check drawn to the "Director of Environmental Protection - Underground Injection Control Fund" within thirty days prior to the anniversary date of the permit or renewal of the permit. For facilities where multiple permits are held, for purposes of this fee, the anniversary date shall be the date of issuance of the permit or the renewal of the permit closest to January first of the year of issuance. A penalty of ten percent of the amount of the fee shall be assessed for each month of late payment. Failure to remit the appropriate fee shall be a violation of the permit or renewal of the permit, this rule and section 6111.047 of the Revised Code.
 - (i) This fee does not apply to the owner or operator of any well injecting hazardous waste as identified or listed under section 3734.12 of the Revised Code or the rules adopted thereunder.
 - (ii) This fee does not apply to the owner or operator of an existing well that disposes of naturally occurring formation fluids extracted during salt mining processes by injection into a zone consisting of the Oriskany sandstone at depths of not more than one thousand five hundred feet.
- (d) Pursuant to section 6111.046 of the Revised Code, on or about

July first of each year, the director shall request, in writing, that the office of budget and management transfer fifteen per cent of the moneys in the "Underground Injection Control Fund to the Injection Well Review Fund" created in section 1501.022 of the Revised Code.

Effective: 10/17/2003

R.C. 119.032 review dates: 07/31/2003 and 10/17/2008

Promulgated Under: 119.03

Statutory Authority: 6111.043, 6111.044, 6111.046, 6111.047, 6111.049

Rule Amplifies: 6111.043

Prior Effective Dates: 7/25/1984, 09/15/1992, 01/24/00