

State of Ohio
Environmental Protection Agency

PUBLIC NOTICE

December 13, 2007

Request for Comment on Draft Rules

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) is proposing revisions to rules in Ohio Administrative Code (OAC) that set forth the requirements for underground injection controls (UIC) wells. The draft amendments are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

The division is proposing reorganized, revised and condensed UIC rules. Reorganization of the rules includes renumbering OAC rule 3745-34-13 to 3745-34-11 (Class V wells), and 3745-34-16 to 3745-34-12 (Application by permit; authorization by permit). The drafts also include rule clarifications and establishes new requirements for new Class V storm water drainage wells. The following new draft rules were added to compile related requirements in one location:

3745-34-11, Class V wells;
3745-34-12, Application by permit; authorization by permit;
3745-34-13, Class I permit application;
3745-34-14, Class I permit to drill applications;
3745-34-15, Class I permit to operate applications;
3745-34-16, Class V permit requirements; and
3745-34-63, Class I annual permit fee; fee per ton of waste injected.

OAC rules 3745-34-01 and 3745-34-04 include definitions and well classifications found throughout Chapter 3745-34. Definitions that are no longer applicable due to rule revisions were removed. Rules 3745-34-08 and 3745-34-09 were revised to correct citations, clarify language, and identify the content of cross-references not located in OAC Chapter 3745-34. In addition, several corrections were made in the rules to identify the authorized permit applicant (the owner) in order to be consistent with section 6111.043 of the Revised Code.

Draft rule 3745-34-11 establishes that the transition period for either closing or obtaining a permit for motor vehicle waste disposal (MVWD) wells and large capacity cesspools has expired. Plain language was added to ban MVWD wells and large capacity cesspools, and permit approval of injection wells used for remediation purposes, and prior to injecting treated drinking water as part of an aquifer storage and recovery project. Additionally, language was added requiring owners of Class V storm water drainage wells to construct such wells in a manner that minimizes the injection of contaminants.

Annual fee requirements were moved from draft rule 3745-34-12 to rule 3745-34-63, which establishes language for submitting annual fees and fees per ton of waste injected. Additional changes to this rule were made to make it consistent with section 6111.044 of the Ohio Revised Code and federal requirements.

Draft rule 3745-34-07 contains language which notes that fluids injected into an underground source of drinking water shall not exceed established primary drinking water standards. Additionally, language was added to prevent injection into Class V wells at concentrations that cause adverse environmental impacts.

Finally, the division amended rules to correct cross-references and citations affected by the proposed revisions. These rules include, 3745-34-17, 3745-34-32, 3745-34-35, 3745-34-39, 3745-34-49, 3745-34-54, and 3745-34-59.

As part of the rule-making process, the Agency is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The Agency is offering you and your organization the opportunity to comment on these rules before the division formally proposes them.

To obtain a copy of the draft rules, call Donna Roberts at Ohio EPA at (614) 644-2755, send email to "donna.roberts@epa.state.oh.us", or write to "Ohio Environmental Protection Agency, Division of Drinking and Ground Waters, P.O. Box 1049, Lazarus Government Center, Columbus, Ohio 43216-1049, Attn: Donna Roberts". Please request the "draft UIC rules" and be sure to include your name, telephone number, and complete mailing address. There is no charge to receive a copy of these draft rules. The draft rules will be available on the Ohio EPA web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html#drafrules>.

Questions concerning these draft rules, other than obtaining copies of the proposed rules, may be addressed to Susan Baughman at (614) 644-2763. Comments can be submitted in hard copy to the following address: "Ohio Environmental Protection Agency, Division of Drinking and Ground Waters, P.O. Box 1049, Lazarus Government Center, Columbus, Ohio 43216-1049, Attn: Susan Baughman" or by email to "ddagw_rulecomments@epa.state.oh.us". Comments should be received at the above address by close of business, January 11, 2007.