



Environmental Permitting Guide for Ethanol Facilities in Ohio



Ohio EPA
Office of Compliance Assistance and Pollution Prevention

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Introduction

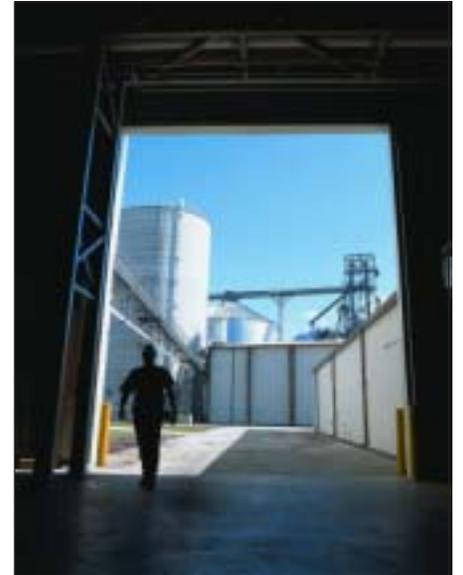
Ohio strongly supports ethanol production and recognizes its potential for contributing to the state's economic growth as well the environmental benefits of being a cleaner fuel technology. If you are interested in starting an ethanol production facility, this guidebook will help you determine what environmental permits you may need from Ohio EPA. Understanding these requirements and working with Ohio EPA early in the process can help avoid delays that can cost you time and money.

Many think the process of getting an environmental permit, such as an air or water permit, is quick and easy, like getting a routine construction permit. This is not always the case. Most environmental permits are written specifically for a facility and the permitting process can take several months, particularly if the permit is for a technically complex and/or major project. You will benefit by looking into your environmental permitting requirements when you start planning your project.

With proper planning and good communication, getting environmental permits is not a difficult process. Ohio EPA will work with you to make sure your environmental permitting experience goes as smoothly and quickly as possible. This guide will get you started in determining what permits you need, why you need them and how to get them. This guide is a tool, and should not be your only resource in determining your permitting and compliance responsibilities.

It is also important to know that ethanol plants usually require multiple permits, so you should review all sections of this guide to get a complete picture of your permitting requirements. For example, if your activities will involve air and wastewater discharges, you will need both air and water permits. If the project involves construction, a storm water construction permit and water quality certification (for construction in or near a wetland area) also may be needed. Applying for multiple permits means that you will be working with several divisions within Ohio EPA.

For more help with your permitting requirements, start by contacting your local Ohio EPA district office or Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP).



Glossary

This glossary will give you a general understanding of the terms used in this handbook. These definitions may vary from specific legal definitions found in the regulations. For a more comprehensive list of environmental terms, visit U.S. EPA's Web site at www.epa.gov/OCEPATERMS/.

Asbestos - A mineral fiber that can cause cancer or asbestosis when inhaled. U.S. EPA has banned or severely restricted the use of asbestos in manufacturing and construction.

Asbestos-containing Material - Any material containing more than one percent asbestos by weight, including particulate asbestos material.

Criteria Pollutant - Any pollutant for which U.S. EPA has established a National Ambient Air Quality Standard (NAAQS), specifically carbon monoxide, lead, nitrogen oxides, ozone, particulates and sulfur dioxide.

Direct Discharger - Facilities that discharge any of the following either directly to surface water or through any conveyance system through which water flows and then is discharged directly to surface waters: process wastewater, cooling water (contact or non-contact) and/or storm water. Facilities classified as a direct discharger must obtain a discharge permit under EPA's NPDES program.

Friable Asbestos Material - Any material containing more than one percent asbestos that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

Hazardous Air Pollutant - A hazardous air pollutant is a substance that is listed by U.S. EPA in Section 112(b) of the Federal Clean Air Act. These substances include certain volatile organic chemicals, pesticides, herbicides, and radionuclides that present a hazard, based on scientific studies of exposure to humans and other mammals. Currently 189 chemicals are classified as HAPs (40 CFR 61).

Indirect Discharger - A facility that discharges non-domestic pollutants into a publicly owned wastewater treatment system.

Major Source (air pollution) - Under Title V, major sources are stationary sources with a potential to emit:

- 100 tons per year or more of any one regulated pollutant (PM10, nitrogen oxides, sulfur dioxide, carbon monoxide, volatile organic compounds and lead).
- 10 tons per year or more of any one hazardous air pollutant (HAPs), or
- 25 tons per year or more of any two or more hazardous air pollutants.

Multimedia - Applying to all environmental media: land, water and air.

National Pollutant Discharge Elimination System (NPDES) - The Clean Water Act prohibits any facility from discharging pollutants through a point source into a water of the United States unless they have an NPDES permit. The permit will contain limits on what you can discharge, monitoring and reporting requirements and other provisions. The National Pollutant Discharge Elimination System (NPDES) permit regulates wastewater. There are two types of wastewater discharge controlled by NPDES permits - process and storm water. An NPDES permit may be required at one business for either type of wastewater or for both.

Non-friable Asbestos-Containing Material - Any asbestos-containing materials that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.

POTWs (Publicly Owned Treatment Works) - Public sewage/wastewater treatment facilities.

Pollutant - Generally, any substance introduced into the environment that can adversely affect the usefulness of a resource.

Potential to Emit - The maximum capacity of a stationary source to emit any air pollutant under its physical and operational design.

Pretreatment - Processes used to reduce or eliminate wastewater pollutants before they are discharged into a publicly owned treatment works (POTW).

Process Wastewater - Any water that comes into contact with any raw material, product, by-product or waste.

SIC Codes - Standard Industrial Classification codes. An indexing and classification system of business types. The SIC was developed by the U.S. Department of Commerce and is used for census and statistical information. [The North American Industry Classification System (NAICS) has replaced the SIC system. The U.S. Census Bureau has a conversion table to bridge the two systems.]

Sanitary Waste - Waste discharged from sinks, showers, kitchens, rest rooms or other nonindustrial operations.

Storm Sewer - A system of pipes (separate from sanitary sewers) that carries only water runoff from buildings and land surfaces.

Surface Runoff - Precipitation, snow melt or irrigation water in excess of what can infiltrate the soil surface and be stored in small surface depressions; a major transporter of non-point source pollutants in rivers, streams, and lakes.

Surface Water - All water naturally open to the atmosphere (rivers, lakes, reservoirs, streams, wetlands, impoundments, seas, estuaries, etc.). This also refers to springs, wells or other collectors that are directly influenced by surface water.

Volatile Organic Compounds (VOCs) - Chemical compounds that easily evaporate into the atmosphere where they can react with sunlight to produce ground-level ozone or smog.

Wastewater - The spent or used water from a home, community, farm or industry that contains dissolved or suspended matter.

Water Pollution - The presence in water of enough harmful or objectionable material to damage the water's quality.

Wetlands - An area that is saturated by surface or ground water with vegetation adapted for life under those soil conditions, as swamps, bogs, fens, marshes and estuaries.

Environmental Acronyms

Below are some common abbreviations and acronyms used for various EPA divisions, offices and environmental regulations

CAA	Clean Air Act
CWA	Clean Water Act
CDO	Central District Office
CFR	Code of Federal Regulations
CRO	Cessation of Regulated Operations
DAPC	Division of Air Pollution Control
DDAGW	Division of Drinking and Ground Waters
DEFA	Division of Environmental and Financial Assistance
DERR	Division of Emergency and Remedial Response
DHWM	Division of Hazardous Waste Management
DO	District Office
DSIWM	Division of Solid and Infectious Waste Management
DSW	Division of Surface Water
ERAC	Environmental Review Appeals Commission
LAA	Local Air Agency
NEDO	Northeast District Office
NWDO	Northwest District Office
OAC	Ohio Administrative Code
OCAPP	Office of Compliance Assistance and Pollution Prevention
ORC	Ohio Revised Code
PIC	Public Interest Center
POTW	Publicly Owned Treatment Works
PTI	Permit-to-Install
PTO	Permit-to-Operate
RCRA	Resource Conservation and Recovery Act
SDWA	Safe Drinking Water Act
SEDO	Southeast District Office
SWDO	Southwest District Office
UIC	Underground Injection Control
VAP	Voluntary Action Program

General Overview of Ohio EPA's Permit Processes

This section provides a summary of Ohio EPA's permit process, which is generally the same for most of our permits. For more specific information on each permit, see the individual permit sections in this guidebook.

The initial point of contact for permitting is either your local Ohio EPA district office or, in some areas of the state, a local air pollution agency (for air permits). We strongly recommend that you meet with the appropriate office to discuss your project *before you submit your permit applications*. A pre-application meeting is a good opportunity to discuss the scope of the project and technical information that you will need to submit as part of the application process. This meeting also gives the parties an opportunity to discuss the permit review time frames and any important time considerations related to your construction schedule for the project.

Once you submit an application, Ohio EPA completes a preliminary review (called a completeness review) to make sure all necessary information is included with the application. This is a cursory review to make sure that forms have been filled out, signatures provided and any necessary supporting data or technical information is included with the application package. It's important that you submit a complete application, because the more in-depth technical review process does not begin until the application is complete.

Once complete, the application and all supporting information (e.g., data, calculations, design drawings) undergo a detailed technical review. The technical review is a longer process, ranging from several weeks to a few months, depending on the type and complexity of the permit. Once the review is finished and the application is considered technically adequate, a permit recommendation is prepared for the director of Ohio EPA. The permit is issued either as a draft permit (subject to public notice and comment) or as a final permit. Although not common, a permit may also be denied.

Certain types of permits are required to be issued as draft. A permit will also be issued as draft if the project has a high degree of public interest. When a draft permit is issued, a legal notice is published in the newspaper where the facility is located. At this point, the public comment period begins and, based on feedback, Ohio EPA decides if there is sufficient interest to warrant a public hearing and/or public information session.

A public information session is a panel forum where Ohio EPA staff present information concerning the draft permit and respond to questions. The session includes an overview of the permit application, review process and requirements applicable to the project (design, siting, etc.).

A public hearing is a formal session where comments are placed on the record. A stenographer records oral comments during the hearing. Written comments may also be submitted as part of the record. The testimony, or administrative record, is reviewed by Ohio EPA in deciding whether to issue or deny a permit. After the hearing, it typically takes two to three weeks for Ohio EPA to prepare a responsiveness summary, which is a written response from Ohio EPA to comments received. The time it takes to prepare a responsiveness summary depends largely on the number and scope of comments received.

Permit actions and adjudication: Final actions of the director, including issuance of permits, are appealable to the Environmental Review Appeals Commission (ERAC). In some instances, Ohio EPA is required to, or chooses to, provide the person subject to an action an opportunity for a prior hearing. These instances will most often involve the denial of a permit. In these cases, the director will issue a proposed action that may be adjudicated before the Ohio EPA hearing examiner.

For more information, visit Ohio EPA's Web sites at www.epa.state.oh.us/pic/facts/pub.html and www.epa.state.oh.us/legal/information.html.



Keys to Successful Permitting

Below are some important steps you can take to help ensure that you get all the proper permits as quickly as possible.

-  **Select your business site carefully.** If you're planning to locate in an area where you do not have access to city water and sewer, you could need several additional permits related to construction, installation and discharges. Locating in a sewered area with access to a treatment facility that has adequate capacity to handle your discharges can help reduce your permitting requirements. Also, when configuring your site, plan to avoid impacts to wetlands and streams. This could eliminate the need for state water quality certification and a permit from the U.S. Army Corps of Engineers.
-  **Plan ahead and talk with Ohio EPA early.** Meet with your Ohio EPA district office or local air agency (LAA) before you submit your permit applications. This pre-application meeting is very helpful to give you an idea of what permits and information will be needed by Ohio EPA and to discuss the permit review process.
-  When you talk with the district (or local air agency) about your project, **convey any significant scheduling or construction time frames.** Ohio EPA does its best to process permits as quickly as possible, but if you have a need to expedite your review because of significant business/economic considerations, it is very helpful for us to be aware of this early on.
-  **File complete permit applications.** Include all the information needed on application forms and any additional materials such as design drawings, process information, equipment specifications, etc., required as part of the application. Make sure you have all the proper signatures needed on your forms and, if required, items like a P.E. certification, etc. Forgetting even small items can add time to the review process.
-  **Review permits that have been issued to other Ohio ethanol facilities** to help you understand what requirements and issues you should be addressing in your permit applications. You may be able to streamline the process of preparing your permit application by reviewing the terms and conditions in other ethanol permits.
-  **Make sure you've submitted all the permit applications needed for the project** (air, waste, water, construction storm water, water quality certification). **Submit all your permit applications at the same time to help avoid delays.** Failing to submit one permit application may delay your entire project. When multiple permits are needed for a project, Ohio EPA works to coordinate the issuance, so all permits will be ready at the same time. If there are multiple permits that require a public hearing or information session, Ohio EPA can schedule a single hearing or session on all permits to save time.
-  After submitting your applications, **talk directly with your district office or local air agency to monitor the progress of your permit application review.**
-  **Respond promptly to information requests** from the district office or local air agency. The faster you respond, the faster we can continue to process your permits.
-  **Once an application is submitted, try to avoid making significant changes** to the application during the permit review process (unless being advised to do this by Ohio EPA or LAA). Major changes may cause the need to re-review some or all of the permit.
-  Some pre-construction activities may be authorized before you actually get your permit, but it's important to talk with the district office (or local air agency) about what may be allowed before you begin *any* site activity. See *Commonly Asked Questions* section for more detail. Again, **planning ahead and working on getting permits early is the best strategy to help avoid delays when you need to start construction.**
-  Once you get your permits, **read and make sure you understand them.** If you have questions about the terms and conditions of your permits, contact your local Ohio EPA district office or LAA for clarification.

Commonly Asked Questions About Permits

1. Under what circumstances would I need a permit?

If your project will discharge pollutants to the air, land, water or sewers, you probably need a permit. Sometimes, whether you need a permit depends on the type and quantity of your emissions or discharge. See the *Self-Evaluation: What Permits Do I Need?* section of this guide for more information.

2. I'm not sure what permits I need. How can I find out?

Call the Ohio EPA district office that handles your area. See Appendix A for a map and phone numbers. Ohio EPA also has a Permit Wizard at <http://epawebapps.epa.state.oh.us/PermitWizard/jsp/index.jsp>. The Permit Wizard is a Web-based tool, designed to help you identify the permit, licensing and registration requirements that may apply to your business. Using your answers to a series of questions, the Permit Wizard creates customized information to help you get started on the right track with the proper permits.

3. I need to apply for permits. What should I do first?

Before actually submitting any permit applications to Ohio EPA, contact your local district office (or local air agency for some areas of the state) to set up a meeting. A lot of time and effort can be saved in the permit review process by discussing your project *before* you fill out any forms. This will help ensure that you file a complete application - one that contains all of the data and information needed to prepare a permit. See *Appendix A* for the district office or local air agency covering your area.

4. What about confidentiality and trade secrets?

Every permit application is a public record and available for review upon request. If your permit application will include business information you feel needs to be kept confidential, there are procedures for this. This should be discussed at the initial meeting or directly with the permit writer.

5. How can I get copies of rules and permit forms?

You can download rules and permit forms from Ohio EPA's Web site. See *Appendix C* for more information. Or, contact your local Ohio EPA district office to get the appropriate application forms.

6. How long does it take to get a permit?

This depends on many factors. For some permits, such as air and water, Ohio law generally sets a maximum of 180 days to act on a permit after receipt of a complete application, so we recommend that you submit your application six months before you want to start construction. The permit review process generally goes faster than 180 days and we can try to further expedite the review if you are facing significant scheduling/construction constraints. The best strategy to avoid delays, however, is to plan ahead, get your applications in early and stay in contact with your permit writer.

7. How much does a permit cost?

It varies according to the type of permit. For current fees, refer to Ohio EPA's Fee Schedule at www.epa.state.oh.us/pic/fees.pdf.

8. How long does a permit last?

It depends on the type of permit (see individual permit information sheets for more information). For permits to construct sources, you usually have 18 months to initiate construction after you get your permit. For air and water permits, you can submit a request for a 12-month extension.

Operating and discharge permits typically last five years. If your operating permit is set to expire, you are required to get it renewed. Your previously issued permit and the regulations outline the time frames and when a renewal application is required. Your Ohio EPA local district office can also help you determine when renewal applications are due.

If you make changes to your process or operations, this may require that you modify any existing permits for these activities.

9. Should I hire a consultant to help me?

This depends on the technical skills of you and/or your staff. Some permits are fairly simple. For those that are complex, outside help can be beneficial. Ohio EPA doesn't maintain a list or make recommendations on consulting or legal firms to use. If you belong to a business or trade association, they may be able to help you locate consulting resources.

As a general rule, you should seek help from someone who specializes in the particular permitting area that you need assistance with (e.g., air permitting, wastewater system design and installation). If you can get consulting help from someone with technical expertise in writing permits for operations similar to yours, this may also help save you time in getting permits.

10. Can Ohio EPA help me during the permit process?

Yes. You should definitely work with Ohio EPA staff during the permit application process. In a pre-application meeting, we can discuss what needs to be in the application, what other data may be needed, etc. The responsibility for actually filling out the forms, however, remains with the applicant.

If you operate a small business with fewer than 100 employees (and are a non-Title V air facility), you can also contact Ohio EPA's Office of Compliance Assistance and Pollution Prevention for help in filling out application forms at 800-329-7518.

What can I do on the site prior to getting an air permit?

OAC Rule 3745-31-01(R) defines the term *begin actual construction* to mean, "in general, initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures." Under this rule, in general, you are allowed to clear the site of vegetation, old buildings, dig holes for building or equipment footers, but you cannot pour concrete.

In 2006, Senate Bill 265 expanded the types of activities that would be permissible prior to obtaining an air permit-to-install for certain air contaminant sources. Once finalized, the rule will allow installation of electrical and other utilities for the source and construction of foundations or buildings that do not emit air pollution, prior to issuance of a permit-to-install. These activities can occur under rule, provided that the owner or operator of the source has filed a complete application for a permit-to-install, the director or the director's designee has determined that the application is complete, and the owner or operator of the source has notified the director that this activity will be undertaken prior to the issuance of a permit-to-install.

S.B. 265 makes clear that activity that is undertaken by the source under those rules will be at the risk of the owner or operator. The rules will not apply to activities associated with a major source (Title V) or a synthetic minor permit.

Please contact your permit writer to have them review pre-construction activities to help you decide what can and cannot be done before a final permit is obtained. If these activities would disturb more than one acre of the site, a construction storm water permit would also be required. Permit holders are required to develop and implement storm water pollution prevention plans as a condition to the permit. Ohio has developed a general permit for most sites. An applicant would submit a Notice of Intent to Ohio EPA to be covered by this permit.

Self Evaluation: What Permits Do I Need?

Ohio EPA frequently receives calls from people interested in starting a business. When we do get calls, we ask questions to help you understand what possible Ohio EPA permits you might need for your business. Because we have programs that cover so many areas, from the source of your drinking water to disposing of your wastes, there can be a lot of questions to ask. The questions we do ask, though, are intended to help get you started on the right foot, with the proper permits and in compliance. Some of the common areas we cover include:

General Information	
When do you plan to start construction and begin operating the business?	To give you an idea of typical time frames for getting Ohio EPA permits, so you know how far in advance you should submit permit applications.
Where will your business be located?	To get you contact information for your Ohio EPA district office or local air agency (for air permitting in some areas of the state) responsible for reviewing your permit applications.
Air Emissions	
<p>Will you have activities/units that discharge air pollutants? Activities/sources at ethanol plants that will likely need air permits include:</p> <ul style="list-style-type: none"> • natural gas-fired boilers • roadways and parking areas • denatured ethanol loading racks • grain handling, storage and hammer mill operations • mash and yeast operations • liquefaction and fermentation tanks • distillation process equipment • storage tanks • dryers and coolers 	You need an air pollution permit-to-install and permit-to-operate from Ohio EPA's Division of Air Pollution Control. In some areas of the state, local air agencies are responsible for reviewing permit applications.
Do you plan to have any buildings on the property demolished or renovated?	You are required to notify Ohio EPA's Division of Air Pollution Control (or local air agency) of your demolition activities. Notification is required for <i>all</i> facility demolition projects, even if no asbestos is present. Some renovation activities also require notification. You may also generate construction/demolition debris which must be properly managed.
Wetlands/Construction Permits	
Will site construction activities disturb one or more acres of land?	For construction activities disturbing one or more acres, you need a National Pollutant Discharge Elimination System (NPDES) construction storm water permit from Ohio EPA's Division of Surface Water.
<p>Are there wetlands, lakes or streams where you want to locate your business?</p> <p>Will you be conducting activities that involve excavating or placing fill material in a wetland, stream or lake, such as:</p> <ul style="list-style-type: none"> • stream piping, rerouting, straightening; • channelization; • dredging a wetlands to create a pond; • dredging or placing fill into waters of the state; • crossing streams or wetlands for water or wastewater piping. 	For projects that would physically impact waters of the state, including wetlands, streams and lakes, you need a Section 401 certification from Ohio EPA's Division of Surface Water and a Section 404 permit from the U.S. Army Corps of Engineers or State of Ohio Isolated Wetland Permit.

Sewage Treatment, Wastewater Management and Industrial Storm Water

Will your business be in an area with access to city sewer for wastewater discharges?

Will you connect to an existing sewer (install a line, force main, pump station)?

Have you talked with the local wastewater treatment plant* about your proposed operations?

* A municipal wastewater plant is also called a publicly owned treatment works, or POTW

Sanitary sewer extension projects (constructing sewers, force mains, pump stations, etc.) need a permit-to-install (PTI) from Ohio EPA's Division of Surface Water prior to construction.

You will need to get permission from the local POTW to discharge to them and ensure they have adequate capacity to handle your wastewater. You will likely need a discharge permit from the POTW or from Ohio EPA's Division of Surface Water.

Depending on the contaminants in your wastewater discharge, you may need to treat it before discharging it to the POTW. You need a permit-to-install (PTI) from Ohio EPA's Division of Surface Water to construct a wastewater pretreatment system.

Will your business be located in an area that does not have sewers? If so, will you need to construct an on-site sewage treatment system (for example, package plant) or process wastewater treatment system?

Have you contacted the Division of Surface Water in your local Ohio EPA district office to talk about your proposed location?

You need a permit-to-install (PTI) from Ohio EPA's Division of Surface Water to construct a sewage or wastewater treatment, disposal, recycling, storage or collection system (including holding tanks).

There are many factors that go into siting an on-site sewage or wastewater treatment system and it's important to know this to ensure that the site will be adequate and that Ohio EPA can approve the installation of an on-site system. Some of these factors include property size, soil type, depth to bedrock, location of wells, access to receiving streams and access to existing sanitary sewers. There are also strict limitations on the use of holding tanks for sewage.

Do you plan to expand or modify an existing sewage or wastewater treatment system?

You need a permit-to-install (PTI) from Ohio EPA's Division of Surface Water to expand or otherwise modify an existing sewage or wastewater treatment facility.

Will your business discharge wastewater:

- Directly to waters of the state (for example stream, river or lake); or
- To a ditch or storm sewer (also referred to as a conveyance system) that leads to a waterway?

You need a National Pollutant Discharge Elimination System Permit (NPDES) from Ohio EPA's Division of Surface Water for this discharge.

Do you know your SIC/NAICS code(s) for the business? Are you familiar with the industrial storm water permit requirements?

If you do not know what SIC/NAICS codes apply to your business, you can find a search engine for these codes through the U.S. Department of Labor's Web site at www.osha.gov/oshstats/naics-manual.html.

Facilities with certain SIC codes and other operations where there is a potential for storm water contamination from outdoor material handling or storage need an industrial storm water permit from Ohio EPA's Division of Surface Water.

Ethanol production plants fall under the major SIC industrial group 28 (2800-2899) and are regulated under the industrial storm water program.

The industrial storm water permit is separate from the storm water permit which may be required during construction activities (see previous section).

Drinking Water Supply

Will you get your drinking water from a municipal supply or will you need to construct an on-site well?

If you plan to construct an on-site well system, how many people will it be providing water to (includes employees and customers)?

[Non-potable water wells are handled through the Ohio Department of Natural Resources.]

This helps determine if your on-site system meets Ohio EPA's definition of a public water system. If so, you are required to submit detailed plans to Ohio EPA's Division of Drinking and Ground Waters for approval before installing the well system. You must also get a license to operate the system from Ohio EPA and monitor water regularly for contaminants. Depending on the number of people the system serves, you may need a certified operator for the system.

Air Pollution

Permit-to-Install and Permit-to-Operate

Who must apply?

Air pollution permits are required for air contaminant sources. An air contaminant source is anything that emits air pollution. Commonly regulated air pollutants from ethanol production include nitrogen oxides (NO_x), carbon monoxide (CO), particulate emissions, sulfur dioxide (SO₂) and volatile organic compounds (VOCs). A facility may have several air contaminant sources on-site that require a permit.

Sources require a permit-to-install (PTI) and a permit-to-operate (PTO). A PTI is needed before installing or modifying a source. A PTO is needed to operate the source after installation. Permit conditions will include emission limits for pollutants and outline monitoring, operating conditions and record keeping requirements for the facility.



“Major” sources of air pollution have emissions over certain thresholds (see Glossary for Title V major source definition). Major sources are subject to more stringent and complex air pollution control requirements. This is particularly true for major sources locating in air quality non attainment areas. Additional requirements for non attainment areas include more stringent control technologies and obtaining offsets for emissions. This is generally done by getting emission credits from another source or a combination of existing sources within the same non attainment area to offset the increase in emissions from the new operation. The ratio of offsets depends on the non attainment designation for the area. Information on Ohio’s non attainment status is available through our Web site at www.epa.state.oh.us/dapc/general/nonattain.html.

Because of this, new facilities are designed and operated so that their emissions stay below major source thresholds. A new facility wanting to stay below major source thresholds can obtain a “synthetic minor” permit, which includes terms and conditions that lower the facility’s potential to emit air contaminants below the major source thresholds.

It is common for ethanol production facilities to get a synthetic minor permit, thus avoiding the more complex and stringent major source permitting requirements. Again, Ohio EPA can work with you to determine the best permitting option for your operations.

Common units/activities at ethanol production operations that may be covered under an air permit include:

- natural gas-fired boilers;
- roadways and parking areas;
- denatured ethanol loading racks;
- grain handling, storage and hammer mill operations;
- mash and yeast operations;
- liquefaction and fermentation tanks;
- distillation process equipment;
- storage tanks;
- dryers and coolers.

What are the applicable laws or rules?

- Clean Air Act
- 40 CFR Parts 60, 61 and 63
- ORC Chapters 3704 and 3745
- OAC Chapters 3745-15, 3745-17, 3745-21, 3745-31, 3745-35, 3745-77

How long is the permit valid?

PTIs allow 18 months to begin construction of the source. [A request for a 12-month extension can be submitted.] If construction isn’t started by this time, the permit expires. PTOs are valid for five years and are renewable.

What is the permit process?

Please note that the process outlined below is for a typical PTI and PTO. Depending on the complexity of the permit, the process could take longer and include additional steps.

1. Contact your Ohio EPA district office, Division of Air Pollution Control (DAPC) or local air agency (LAA) (see www.epa.state.oh.us/dapc/general/dolaa.html) and discuss the proposed source. Discuss permit fees, permit processing time, application forms, monitoring/testing requirements, control technology, permit limits and any other pertinent topics. It is best to arrange for a pre-application meeting, if possible, at least six to eight months before construction is scheduled to start (or earlier for large projects).
2. Complete and submit the PTI application along with any supporting documentation to the Ohio EPA district office or LAA. Ohio's statute allows the Agency 180 days to process a permit after receipt of a complete application, so we recommend that you submit your application six months before construction starts. The permit review process generally goes faster than 180 days and we can try and further expedite the review if you are facing significant scheduling/construction constraints. The best strategy to avoid delays, however, is to plan ahead and get your application in early.
3. Upon receipt of the PTI application, Ohio EPA district office or LAA reviews the application to determine if it is complete (i.e., contains all the necessary information). A company is notified of whether an application is complete within 14 days after submitting their application. It's important to note that the Ohio EPA or LAA cannot proceed with a more detailed technical evaluation of the PTI application until it is considered complete. Therefore, it's important that you respond to any requests for information promptly.
4. Once the application is considered complete, a more detailed technical review is done to. During this process, the permit writer develops any necessary terms and conditions. The permit writer may have questions for you or need additional information. If so, it's again important that you respond quickly to information requests, so that the reviewer can keep the permit process moving forward.
5. After the local office completes its review and permit terms and conditions are drafted, the application package is sent to Ohio EPA, central office, DAPC. The central office does a final review of the application and prepares the permit to be issued. In some cases, although not common, the division may prepare a recommendation to the director for denial of a permit.
6. For some sources, Ohio EPA is required to issue a permit as a draft action. For draft actions, Ohio EPA puts a notice in the local paper regarding the proposed installation. This notice provides for a 30-day public comment period. A public meeting may be held as part of this process. If no comments are received, then the process goes on to step seven. Otherwise the permit is either modified and reissued as a draft (steps 5 and 6) or denied.
7. Ohio EPA issues a final permit. Issuance of a final permit and issuance of a final denial are actions of the director. Ohio EPA issues a public notice announcing issuance or denial. Final actions may be appealed to the Environmental Reviews Appeals Commission (ERAC).
8. After receiving a final permit-to-install, the company sends a permit-to-operate (PTO) application to the Ohio EPA district office or LAA. The local office does a technical review, develops terms and conditions, submits to central office for review and then a PTO is issued. The time frame for this varies.

How much does a permit cost?

For a current listing of fees, see Ohio EPA's Fee Schedule at www.epa.state.oh.us/pic/fees.pdf.

Where do I get application forms?

Application forms can be downloaded at www.epa.state.oh.us/dapc/permits/permits.html. Or, contact your local Ohio EPA district office or LAA to receive application forms.

You can also review permits issued to other Ohio ethanol production facilities. Ohio EPA uses similar terms and conditions for ethanol facilities with similar process technologies/equipment. Reviewing these permits will give you an idea of what to expect in your permit. You can view recently issued air permits-to-install at www.epa.state.oh.us/dapc/pti_issued/pti.html or by contacting your local Ohio EPA district office or LAA.

Demolition and Renovation Activities

Asbestos Notification

Who must apply?

In May 1990, Ohio EPA adopted Ohio Administrative Code Chapter 3745-20 which sets into state regulations the National Emission Standard Hazardous Air Pollutants (NESHAP) Standard for Asbestos. These regulations apply to demolition and renovation activities.

Under the regulations, individuals undertaking a facility demolition project are required to submit a notification of demolition activity *regardless of whether asbestos is involved*. The notification is sent to the Ohio EPA district office, Division of Air Pollution Control or local air agency with jurisdiction over the county where the operations will occur. Examples of activities that require notification include demolitions of institutional, commercial, public, industrial or residential structures. This also includes bridges, tunnels, apartments with more than four dwelling units, homes which are part of a development project (not privately owned), partial demolitions, churches, power plants, parking garages and farms. Privately owned homes, residential structures with four or fewer dwelling units and mobile sources do not require notification.

If the project is a facility renovation, notification is required when the amount of regulated asbestos-containing material (RACM) which is stripped, removed, dislodged, cut, drilled, or similarly disturbed exceeds 260 linear feet on pipes, 160 square feet on other facility components or 35 cubic feet off facility components.

What are the applicable rules or laws?

- Clean Air Act
- 40 CFR Part 61, Subpart M
- OAC Chapter 3745-20

How much does the notification cost?

For a current listing of fees, refer to Ohio EPA's Fee Schedule at www.epa.state.oh.us/pic/fees.pdf.

What is the notification process?

The notification form must be submitted at least 10 working days (Monday-Friday excluding weekends) before operations begin. A phone call is not acceptable for original notification. Information required as part of the notification:

- A complete facility description, including the specific portion of the facility affected by the operations. The description must include an estimate of the building size (in square feet), number of floors and age in years. This also includes a description of present and prior use (i.e., industrial, commercial, institutional).
- Description of planned demolition or renovation work to be performed, demolition or renovation techniques to be used and description of affected facility components.
- Information on whether or not asbestos is present in any quantity.
- The procedures used to detect and analyze asbestos. Such records would include a list of materials assessed, locations sampled and the sample results. [Note: All operations need to have the records of the inspection and analyses on-site during active operations for inspection.]
- Types of asbestos (RACM, non-friable asbestos material to be removed, non-friable asbestos material not to be removed).
- The start and end date for the demolition or renovation.
- Scheduled hours of operation, dates and days of the week the operations will be active.
- Names, addresses and phone numbers of any waste transporters.
- Identification of the disposal site for the material (including physical location).
- Description of work practices and engineering controls to be used to comply with the requirements, including asbestos removal and waste handling emission control procedures.
- Procedures to be followed in the event unexpected asbestos is found or non-friable asbestos becomes RACM.
- Certification that a NESHAP-trained person will be available during normal business hours at the demolition or renovation site.

Notification must be updated when substantive information changes or the amount of asbestos changes by more than 20 percent. Updated notification may be provided by phone or fax followed in writing before the operations continue.

What are some of the typical requirements?

In addition to the notification requirements, a site owner or operator is required to complete a waste shipment record prior to consigning any asbestos waste materials. Each owner or operator must also follow procedures to prevent emissions of particulate asbestos material to the ambient air.

Where can I get the notification form and waste shipment form?

You can get both of these forms through the DAPC Web site at www.epa.state.oh.us/dapc/atu/asbestos/asbestos.html.

Wastewater Treatment, Collection and Disposal Systems Permit-to-Install and Plan Approval

Who must apply?

A surface water permit-to-install (PTI) from Ohio EPA is required for constructing wastewater treatment, collection, recycling or disposal systems. The PTI requirements also apply to sewer extensions, installation or modification of an on-site sewage treatment system and to land application of sewage sludge. The PTI outlines technical and design requirements for the system as well as operating conditions, monitoring, record keeping and reporting requirements. A PTI is required before installing any new wastewater system or before modifying an existing system.



What are the applicable laws or rules?

- Clean Water Act
- ORC 6111
- OAC Chapter 3745-42
- OAC Rule 3745-1-05

Are there exceptions to the PTI requirements?

For industrial activities, there are specific exemptions for some modifications, certain coal washing situations and certain interceptors for oil and grease. For more information on these see OAC 3745-42-02 (B).

How long is the permit or plan approval valid?

Plan approvals are not usually issued for a specified time period. However, the PTI will expire 18 months after receipt if you haven't started construction within this time. [A request for a 12-month extension can be submitted.]

How much does a permit cost?

For a current listing of fees, refer to Ohio EPA's Fee Schedule at www.epa.state.oh.us/pic/fees.pdf.

What are the general steps in the PTI process?

Please note that the process outlined below is for a typical permit-to-install. The process could take longer and include additional steps, depending on the complexity of the permit and the applicability of antidegradation requirements.

1. Ohio EPA receives the PTI application at the appropriate district office. The application must include detailed engineering plans and technical specifications for the wastewater treatment, collection or disposal facility.
2. Ohio EPA publishes a notice in Ohio EPA's Weekly Review that a PTI application has been received. A news release may be sent to local papers for projects known to have significant public interest.

3. Ohio EPA conducts a detailed technical review of the application and plans. Additional technical information may be requested from the applicant.
4. Agency staff prepares a recommended permit action. The director of Ohio EPA may issue a final permit, issue a proposed denial or request additional information.
5. Final and proposed actions are published in Ohio EPA's Weekly Review and a legal notice is published in a newspaper of general circulation in the county where the project would be located. When a draft permit is issued, a 30-day comment period begins, providing citizens an opportunity to comment on the draft and to request a public hearing.

Issuance of a final permit and issuance of a final denial are actions of the director. Ohio EPA issues a public notice announcing issuance or denial. Final actions may be appealed to the Environmental Reviews Appeals Commission (ERAC).

What are typical permit requirements?

- Appropriate application forms.
- Engineering plans/design criteria (signed, stamped by a professional engineer).
- Use of best available technology or best available demonstrated control technology.
- Conformance with Ohio EPA guidelines and policies, or justification for variance.
- Compliance with effluent limitations.
- Operation and maintenance information.

How long does the permit review process take?

Generally, Ohio EPA's review process for PTIs takes up to 180 days after receiving a complete application. For smaller less complex projects, this process can go more quickly. For more complex projects, it may take additional time to complete the review. To ensure that adequate time is provided to get through the review process, it is recommended that you submit your PTI application six months before construction is scheduled to start (or earlier for large projects).

The Division of Surface Water (DSW) has a helpful resource entitled "Common Errors on Wastewater Permit-to-Install Applications," available through their Web site at www.epa.state.oh.us/dsw/pti/index.html. This includes a list of items that frequently result in comments and revisions to PTI applications.

What is antidegradation and how can it affect my permit?

A permit application (PTI or NPDES) that increases the quantity of pollutants discharged to a receiving stream may require an antidegradation review. Antidegradation review applies to both new discharges and facility expansions. Through the review process, Ohio EPA evaluates the change in water quality of the receiving stream due to the new or increased discharge. Under the antidegradation process, the applicant must:

- Identify substances to be discharged (concentration and mass).
- Demonstrate the social, economic and environmental benefits of the project to the public.
- Provide an estimate of social, economic and environmental costs if water quality is lowered.
- Evaluate alternatives that would reduce the total quantity of pollutants to be discharged.
- Implement one of the alternatives if determined by the director of Ohio EPA to be reasonable and achievable.

Note: Six months is usually needed to complete the antidegradation review process. Formal public hearings may be required as part of the permit process.

Where do I get application forms?

Wastewater PTI application forms can be downloaded through the DSW Web site at www.epa.state.oh.us/dsw/pti/index.html. Or, contact your local Ohio EPA district office to receive application forms.

Wastewater Discharges National Pollutant Discharge Elimination System (NPDES) Permit

Who must apply?

If a facility wants to discharge wastewater to waters of the state, it must first obtain a permit from Ohio EPA's Division of Surface Water (DSW). This permit is called a National Pollutant Discharge Elimination System (NPDES) permit. Examples of waters of the state include streams, rivers, lakes, ponds, marshes, watercourses, waterways, wells and springs. Wastewater discharges entering a conveyance system (like a ditch or storm sewer) that leads to a waterway may also require an NPDES permit. NPDES permits limit the quantity of pollutants in wastewater discharges and establish other compliance requirements, such as monitoring, record keeping and operating conditions. The conditions of the permit help protect public health and the aquatic environment by ensuring compliance with Ohio's water quality standards and federal regulations.

What are the applicable rules or laws?

- Clean Water Act, 40 CFR 122 through 136 and 400 through 471
- ORC 6111 and OAC Rules 3745-1-06 and 33-02

How long is the permit valid?

NPDES permits are issued for five years.

How much does a permit cost?

For a current listing of fees, refer to Ohio EPA's Fee Schedule at www.epa.state.oh.us/pic/fees.pdf.

What are some typical requirements in an NPDES permit?

- Effluent limitations and monitoring requirements (frequencies, sample type, seasonal, parameters, etc.)
- Operating conditions.
- Compliance schedules for submissions of reports, plant upgrades, studies, etc.
- Pretreatment program implementation and whole effluent toxicity monitoring (where applicable).

How long does the review process take?

Generally, Ohio EPA's review process takes up to 180 days after receiving a complete application. For smaller less complex projects, this process can go more quickly. For more complex projects, it may take additional time to complete the review. Because of this, it is recommended that you submit your PTI application six months before construction is scheduled to start (or earlier for large projects). It's important to know that if the antidegradation rule is involved, this may add more time to the review process. The Division of Surface Water has a helpful resource entitled "*Tips to Getting a Quicker and Better NPDES Permit*," available through their Web site at www.epa.state.oh.us/dsw/permits/permits.html.

What is antidegradation and how can it affect my permit?

A permit application (PTI or NPDES) that increases the quantity of pollutants discharged to a receiving stream may require an antidegradation review. Antidegradation review applies to both new discharges and facility expansions. Through the review process, Ohio EPA evaluates the change in water quality of the receiving stream due to the new or increased discharge. Under the antidegradation process, the applicant must:

- Identify substances to be discharged (concentration and mass).
- Demonstrate the social, economic and environmental benefits of the project to the public.
- Provide an estimate of social, economic and environmental costs if water quality is lowered.
- Evaluate and implement alternatives that would reduce the total quantity of pollutants to be discharged.

Note: A minimum of six months is usually needed to complete the antidegradation review process. Formal public hearings may be conducted as part of the permit process.

Where can I get application forms?

Download application forms at www.epa.state.oh.us/dsw/permits/permits.html.



Wastewater Discharges

Indirect Discharge Permit and Pretreatment Program Permit

Who must apply?

Facilities discharging industrial or process wastewater to a publicly owned treatment work (POTW) are regulated under Ohio EPA's pretreatment program and are called indirect dischargers. Industrial/process wastewaters typically contain contaminants such as chemicals, heavy metals, oils and grease, solids and other pollutants that can be harmful to the POTW's operations. And because POTWs are not specifically designed to treat industrial wastes, pretreatment programs are needed to help control contaminants in discharges and prevent problems before wastewater gets to the POTW.

Ohio EPA's Division of Surface Water (DSW) is responsible for implementing the pretreatment program. Since, in many cases, control over what goes into sewers is best handled at the local level, Ohio EPA has also delegated pretreatment program responsibilities to some local governments. These areas have Ohio EPA-approved pretreatment programs. An industrial user that discharges to an Ohio EPA-approved pretreatment program must contact the local POTW for any discharge permitting requirements. Some areas may not have an approved pretreatment program. Any discharger that is classified as a significant industrial user (defined in OAC Chapter 3745-36(U)) that discharges process wastewater into a POTW that does not have an Ohio EPA-approved pretreatment program must apply for an indirect discharge permit from Ohio EPA.

How do I know if my local POTW has an approved program?

You can find out if a POTW has an approved pretreatment program through the DSW Web site at www.epa.state.oh.us/dsw/pretreatment/index.html. You can also call the POTW directly.

What are the applicable laws or rules?

- Clean Water Act
- ORC 6111 and OAC Chapters 3745-3 and 3745-36

How long is Ohio EPA's indirect discharge permit valid?

An Ohio EPA indirect discharge permit is effective for five years.

How much does Ohio EPA's indirect discharge permit cost?

For a current listing of fees, refer to Ohio EPA's Fee Schedule at www.epa.state.oh.us/pic/fees.pdf.

What are some typical requirements of Ohio EPA's indirect discharge permit?

- Effluent limitations, monitoring and/or best management practices (BMPs), Toxic Organic Management Plans (TOMPs) and pollution prevention plans.
- Procedures for submitting compliance monitoring reports (e.g., sampling for noncompliance, slug loading notification, record keeping and disposal of residuals).
- Compliance schedules for treatment system installation and upgrades.
- Discharge prohibitions.
- Notification requirements for discharge changes.

What is Ohio EPA's indirect discharge permit application process?

1. Facility submits a complete application at least 180 days prior to discharging.
2. Ohio EPA reviews application, informs the applicant of any deficiencies and requests additional information. This usually happens within 30 days of receiving the application.
3. Once the application is complete and technically adequate, Ohio EPA drafts the permit.
4. Ohio EPA announces, through a public notice, receipt of the application and the proposed draft permit. There is a 30-day public comment period.
5. After the 30-day comment period, Ohio EPA responds to comments and may hold a public hearing.
6. The final permit is prepared and issued by Ohio EPA after considering any comments. In some situations, although not common, Ohio EPA may deny a discharge permit. Issuance of a final permit and issuance of a final denial are actions of the director. Ohio EPA issues a public notice announcing issuance or denial. Final actions may be appealed to the Environmental Reviews Appeals Commission (ERAC).

How long does Ohio EPA's indirect discharge permit process take?

Generally, Ohio EPA's review process takes up to 180 days after receiving a complete application. For some smaller projects that are less technically complex, this process can go more quickly. For more complex projects, it may take additional time to complete the review. To ensure that adequate time is provided to get through the review process, it is recommended that you submit your PTI application six months before construction is scheduled to start (or earlier for large projects).

Where do I get application forms?

Ohio EPA's indirect discharge permit application forms can be downloaded through the DSW Web site at www.epa.state.oh.us/dsw/pretreatment/forms.html. Or, contact your local Ohio EPA district office to receive application forms. For facilities discharging to a POTW with an approved pretreatment program, contact the POTW directly for permit application forms.

Storm Water Discharges National Pollutant Discharge Elimination System (NPDES) Permit

Who must apply?

The Clean Water Act NPDES storm water program addresses sources of storm water discharges that can adversely affect water quality. The program includes a permitting mechanism and implementation of controls to prevent harmful pollutants from being carried by storm water runoff into local water bodies. Those regulated under the program must obtain coverage under an NPDES storm water permit and implement pollution prevention plans or management programs to reduce or prevent the discharge of pollutants into receiving waters. There are two different storm water permits that may be needed:

Storm Water Permit for Construction Activities

Ohio EPA requires storm water permits for construction projects to help prevent soil erosion and control the amount of sediment and other pollutants that leave sites. For any construction activity that disturbs one or more acres, a storm water permit and pollution prevention plan are required. [This would include any construction activity that might itself be less than one acre but is part of a larger project that disturbs one or more acres in its entirety.]

Storm Water Permit Associated with Industrial Activities

If your facility falls into any of eleven specific categories outlined in the storm water regulations, you need a storm water permit. These categories include facilities with specific Standard Industrial Classification (SIC) codes. Other operations where there is a potential for storm water contamination from outdoor material handling or storage are also included under these categories. A list of the activities regulated under the storm water program is at <http://cfpub2.epa.gov/npdes/stormwater/indust.cfm> or by contacting Ohio EPA's Division of Surface Water. Ethanol production plants fall under the major SIC industrial group 28 (2800-2899) and are required to get a storm water permit for their industrial activities.

NOTE: The industrial storm water permit is separate from the storm water permit which may be required during construction activities.

What are the applicable rules or laws?

- Clean Water Act and 40 CFR 122.26
- ORC 6111

Are there any exemptions?

Under the storm water "no exposure" Exemption, industrial facilities in any of the 11 categories mentioned above (*except* construction activities) have the opportunity to certify a condition of "no exposure" if materials and operations at the site are not exposed to storm water. As long as no exposure exists, the facility is excluded from NPDES industrial storm water permit requirements. More information on the "no exposure" certification can be found at www.epa.state.oh.us/dsw/storm/ind_noexp_cert.html.

How long is the permit valid?

Most storm water discharges are regulated by a general permit which is effective for five years.

How much does it cost?

For a current listing of fees, please refer to Ohio EPA's Fee Schedule at www.epa.state.oh.us/pic/fees.pdf.

What is the typical process for getting a permit?

There are two types of storm water permits, individual and general. A general permit is one permit that covers facilities that have similar operations and discharges. There are several storm water discharge activities that can be covered under a general permit. There is a general permit for construction storm water activities and also a general permit for industrial activities. There are certain circumstances where a general permit is either not available or not applicable to a specific activity. In these situations, an individual NPDES storm water permit is required. To obtain coverage under a general permit for either construction or industrial activity:

1. Submit a Notice of Intent (NOI) to Ohio EPA to apply for coverage under the appropriate general permit.
2. Where applicable, develop your Storm Water Pollution Prevention Plan (SWP3). This does not need to be submitted with your permit application, but kept on-site and implemented.
3. Ohio EPA logs in the NOI and processes the application fee.
4. Ohio EPA forwards a copy of the appropriate general permit to the applicant along with a letter indicating that the applicant is now covered by that general permit. The letter and general permit should be kept on-site.

Note: For construction storm water permits, you must wait until you receive the Ohio EPA approval letter stating that you are covered under the general permit *before* you begin construction activity.

5. Implement the SWP3 and ensure that site personnel, including contractors, subcontractors and staff understand their responsibilities in carrying out the SWP3.
6. Comply with the permit, including addressing any regular maintenance or inspection requirements that may apply.

Note: If your activities are not eligible for coverage under the general permit, you must apply for an individual storm water management permit. Contact Ohio EPA's Division of Surface Water for more information on obtaining an individual NPDES permit.

How long does the review process take?

NOIs are processed as they are received. For construction activities, the NOI should be submitted at least 21 days prior to the start of construction (disturbance of surface). For the industrial activity storm water permit, we recommend you submit the NOI 180 days prior to beginning operations.

Where can I get more information on developing a storm water pollution prevention plan for construction activity?

Visit Ohio EPA's Web site at www.epa.state.oh.us/dsw/storm/const_SWP3_check.html for more information on pollution prevention plans. Also visit U.S. EPA's Web site at <http://cfpub.epa.gov/npdes/stormwater/const.cfm>.

Where can I get application forms?

Application forms can be downloaded through the Ohio EPA Division of Surface Water's Web site, or contact your local Ohio EPA district office to receive application forms.

Storm Water Program Web Site - www.epa.state.oh.us/dsw/storm/index.html

Construction Storm Water Permit - www.epa.state.oh.us/dsw/storm/construction_index.html

Industrial Activity Storm Water Permit - www.epa.state.oh.us/dsw/storm/industrial_index.html

When the general permit is renewed (at least once every five years), all parties must reapply for coverage under that permit in accordance with instructions issued by Ohio EPA. Construction activity projects may request continued coverage once contacted by Ohio EPA while other activities must submit a new NOI.

Wetlands Activity

Section 401 Water Quality Certification

Who must apply?

According to the federal Clean Water Act, anyone who wishes to discharge dredged or fill material into the waters of the U.S., regardless of whether on private or public property, must obtain a Section 404 permit from the U.S. Army Corps of Engineers (Corps) and a Section 401 Water Quality Certification (WQC) from the state.

Any person who wishes to place dredged or fill material into wetlands or streams must apply for an individual Section 401 certification unless the project meets the applicable conditions for a nationwide permit (see below). Activities typically requiring 401 certifications include stream rerouting, placing streams in culverts, filling wetlands and filling in lakes. Projects that are typically regulated include construction activities at commercial or industrial sites, highways, marinas/docks, shopping malls, housing subdivisions and strip mining operations.

What are the applicable laws and regulations?

- Clean Water Act
- 40 CFR Parts 230 through 233 and 33 CFR Parts 320 through 330
- ORC 6111 and OAC Chapter 3745-52
- OAC 3745-1-01 through 32 and OAC 3745-1-50 through 54



How long is the 401 certification valid?

Unless a different time frame is established, the 401 certification is valid for five years when issued in conjunction with a U.S. Army Corps of Engineers individual Section 404 permit.

How much does it cost?

For a current listing of fees, refer to Ohio EPA's Fee Schedule at www.epa.state.oh.us/pic/fees.pdf.

What are the requirements of a Section 401 certification?

1. A complete 401 Water Quality Certification application form;
2. A copy of the U.S. Army Corps of Engineers' jurisdictional determination letter. If no jurisdictional determination is to be issued by the Corps, the public notice or notification that the project is authorized under a general permit will fulfill this requirement;
3. If the project impacts a wetland, a wetland characterization analysis consistent with the Ohio Rapid Assessment Method;
4. If the project impacts a stream for which a specific aquatic life use designation has not been made, a use attainability analysis;
5. A specific and detailed mitigation proposal, including the location and proposed legal mechanism for protecting the property in perpetuity;
6. Applicable permit fees;
7. Site photographs;
8. Adequate documentation confirming that the applicant has requested comments from the Ohio Department of Natural Resources and the United States Fish & Wildlife Service regarding threatened and endangered species, including the presence or absence of critical habitat;
9. Descriptions, schematics, and appropriate economic information of the applicant's preferred alternative, non-degradation alternatives and minimal degradation alternatives for design and operation of the activity;
10. The applicant's investigation report of the waters of the United States in support of the 404 permit application. If no investigation report is required by the Corps, the public notice or notification that the project is to be authorized under a general permit will fulfill this requirement; and
11. A copy of the U.S. Army Corps of Engineers' public notice regarding the 404 permit application. If no public notice is to be issued by the Corps, notification that the project is authorized under a general permit will fulfill this requirement.

What is the application process?

Ohio EPA must issue a public notice of receipt of every individual application for Section 401 water quality certification for a period of 30 days to solicit public comment. A public notice for a Section 401 application can only be published after Ohio EPA has received (1) Army Corps of Engineers notification on the project (when applicable) and (2) a complete 401 application package. Ohio EPA may conduct a public hearing for projects if the director determines the project to be complex or controversial, or if requested by the public. If Ohio EPA receives request for a public hearing during the comment period, the hearing will be scheduled and a second public notice will be published giving at least 45 days prior notice of the hearing.

Under ORC 6111, Ohio EPA is required to review an application within 15 business days of submission and to notify the applicant in writing whether the application is considered complete, or not. If incomplete, the letter will specify what parts of the application package are missing. If complete, the letter will specify what type of public notice is required for the proposed project. The letter will also provide the name and contact information for the application reviewer assigned to that project. The statute also requires Ohio EPA to take action within 180 days of receiving a complete application. The Director has the authority to either issue, modify, revoke or deny a section 401 water quality certification.

What are nationwide permits?

Specific activities that will have minimal environmental impacts may be authorized by the Corps of Engineers under nationwide permits. If the activities meet the conditions of the nationwide permit, the project does not need an individual Section 401 water quality certification. There are currently nationwide permits for approximately 40 specific activities. To determine if your project qualifies for Nationwide Permits coverage, or requires an individual Section 401 Water Quality Certification from Ohio EPA, applicants should contact the Corps and Ohio EPA's Division of Surface Water to discuss the project.

Pre-Application Guidelines for 401 Certifications

The following is a set of general guidelines to help ensure that your project is feasible and correctly planned. It is recommended that you determine the quantity and quality of streams and wetlands present on the proposed project site *before* purchasing the land or designing the project. Once this determination has been made, the next step should be an analysis of the economic feasibility of your project, including an evaluation of the steps potential steps necessary to avoid or minimize impacts to streams and wetlands on the site. If the project is still feasible, a pre-application meeting with Ohio EPA should be arranged prior to the completing any final engineering designs.

- To avoid costly redesign or delays to the project, it is recommended that the applicant involve Ohio EPA early in the planning process before any plans are finalized, not as the last step.
- Ohio EPA expects projects with old or outdated designs and/or studies to be redesigned such that they conform to current water quality rules and regulations before submitting them for review. Failing to update the design and Section 401 application will result in delays in the review process.
- Ohio EPA's goal is to act on the certification of projects within 60 days of receipt of a complete application. However, certification times could be longer depending on the complexity of the project and public involvement requirements. Therefore, Ohio EPA recommends that applicants allow 180 days from the date of submittal of a complete application for 401 certification review, and plan accordingly.
- Any deadlines that applicants feel are necessary for the success of their project must be communicated to Ohio EPA at the time the application is submitted. Ohio EPA cannot make changes or exceptions in review procedures which are required by laws and rules.
- Projects that include green space or parkland set-asides may be able to utilize these set-asides to fulfill Ohio EPA's avoidance and minimization guidelines. When the project design layout is developed, Ohio EPA recommends applicants incorporate areas such as the higher quality wetlands, streams and mature forest buffers on the site as these set-asides. Project layouts which set-aside such areas are more likely to meet the guidelines. Similarly, for applicants requesting certification for linear projects, Ohio EPA recommends locating projects and reducing construction limits to avoid and minimize impacts to high quality resources.

Where can I get application forms?

Visit the DSW Web site at www.epa.state.oh.us/dsw/401/WQC.html for additional information and to download the 401 certification application form, or contact the division directly.

Isolated Wetland Permit

Who must apply?

In a 2001 decision, the U.S. Supreme Court ruled that the U.S. Army Corps of Engineers did not have authority to regulate isolated wetlands under Section 404 of the Clean Water Act (CWA). Prior to that ruling, the Corps regulated activities in all streams and wetlands through the issuance of Section 404 permits. Following that court decision, the Ohio legislature gave Ohio EPA authority to issue permits for activities in isolated wetlands.

Any person who wishes to place dredged or fill material into isolated wetlands must apply for and receive an isolated wetland permit from Ohio EPA. An isolated wetland is one that is not adjacent or connected to navigable waters (e.g., lakes, ponds, streams, rivers). Typical projects that may require an isolated wetland permit include highway construction, commercial development, utility line projects and residential development.

What are the applicable laws and regulations?

- ORC 6111 and ORC Chapter 3745-113
- OAC Rule 3745-45-02 and 3745-1-54

How long is the isolated wetland permit valid?

It is valid for five years.

How much does it cost?

For a current listing of fees, refer to Ohio EPA's Fee Schedule at www.epa.state.oh.us/pic/fees.pdf.

What is the application review process?

The application review process includes three different levels, depending on the type and size of wetlands that will be disturbed in the project:

(1) For a proposal to fill a category 1 or a category 2 isolated wetland (½ acre or less in size):

This requires a general state isolated wetland permit and is subject to a level one review. A level one review requires the submission of a pre-activity notice that includes an application, an acceptable wetland delineation, a wetland categorization, a description of the project, a description of the acreage of the isolated wetland that will be subject to filling, site photographs and a mitigation proposal for the impact to the isolated wetland. A general permit is effective for five years.

Within 15 days after receiving the pre-activity notice, Ohio EPA will notify the applicant whether the application is complete, including an identification of any additional information needed. If the applicant fails to provide additional information within 60 days, Ohio EPA may return the application and take no further action on it.

After receiving a complete pre-activity notice, the applicant will receive notice within 30 days if the project is not authorized under the general permit. Within 30 days, if the applicant does not receive a notice that the project is not authorized, the applicant may move forward with the proposed project in accordance with the conditions stated in the general permit. You can find the general permit for isolated wetland activities at www.epa.state.oh.us/dsw/401/index.html.

(2) For a proposal to fill a category 1 isolated wetland (greater than ½ acre in size) or a category 2 isolated wetland (> ½ acre but less than 3 acres):

This requires an individual state isolated wetland permit and is subject to level two review. The level two review requires submission of a pre-activity notice and supporting information (see above), an analysis of practicable on-site alternatives that would have a less adverse impact on the isolated wetland ecosystem and information indicating whether high quality waters (as defined in the OAC) are to be avoided by the proposed filling of the isolated wetland. An individual permit is effective for five years.

(3) For a proposal to fill a category 2 isolated wetland (> 3 acres) or a category 3 isolated wetland requires an individual state isolated wetland permit and is subject to level three review requirements.

The level three review requires submission of a pre-activity notice and supporting information (see above) and information indicating whether high quality waters (as defined in the OAC) are to be avoided by the proposed filling of the isolated wetland. In addition, level three review requires a full antidegradation review. An individual permit is effective for five years

Both Level 2 and 3 reviews require public notice and possible public hearings. Ohio EPA must take an action within 90 days for Level 2 reviews and 180 days for Level 3 reviews.

What are some typical requirements of an isolated wetland permit?

Applicants must mitigate isolated wetland impacts by restoring, enhancing or preserving wetlands in accordance with ORC 6111. Mitigation can occur on-site, in the watershed or at a mitigation bank approved by the director of Ohio EPA.

Where can I get more information?

For more information, visit the DSW Web site at www.epa.state.oh.us/dsw/401/index.html. You can find the general permit for isolated wetland activities at www.epa.state.oh.us/dsw/401/index.html.

Public Water Systems Plan Review and License to Operate

Who must apply?

Water wells used for public water supplies are regulated by Ohio EPA's Division of Drinking and Ground Waters. A public water system is any system providing water through collection, treatment, and distribution facilities where at least 25 people have access to the water any 60 days out of the year. This includes water used for drinking, bathing, showering, tooth brushing, food preparation or dishwashing. Public water systems fall into three categories:

- Community water systems (municipal systems, rural water districts and mobile home parks)
- Nontransient, noncommunity water systems (schools, factories and office buildings)
- Transient, noncommunity water systems (parks, motels, restaurants and churches)

Someone interested in putting in a well that meets the definition of a public water system is required to submit detailed plans to Ohio EPA for approval before installing a new well, or before making any substantial changes to an existing well or water treatment process. Public water systems are also required to obtain a license to operate from Ohio EPA (there are some exceptions to this). Larger public water systems are required to have a certified operator in charge of the system.

What are the applicable laws or rules?

- ORC 6109 and OAC Chapters 3745-91 and 3745-81

How much does it cost?

For a current listing of fees, refer to Ohio EPA's Fee Schedule at www.epa.state.oh.us/pic/fees.pdf.

What is the plan approval process?

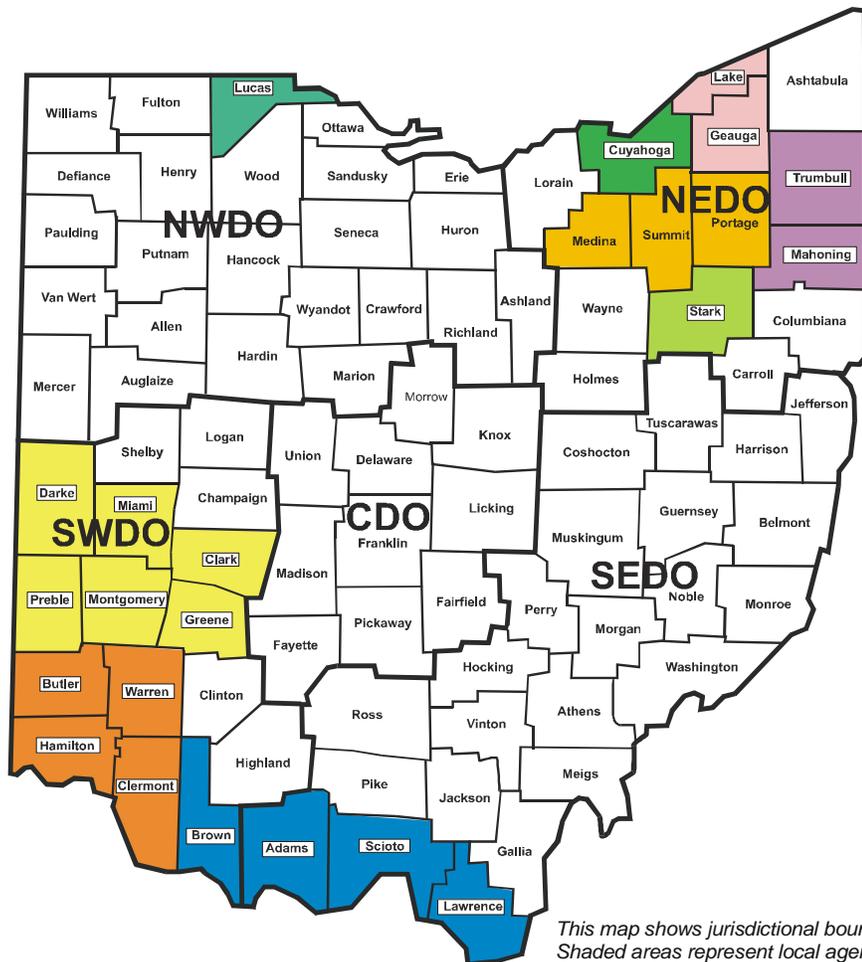
For a detailed description of the plan review and approval process for public water systems, Ohio EPA has published "Plan Review Procedures for Drinking Water Facilities," available through the DDAGW Web site at www.epa.state.oh.us/ddagw/prvwproc.html.

Where can I get more information?

More information and forms can be downloaded through the DDAGW Web site at www.epa.state.oh.us/ddagw/index.htm. Or, contact your local Ohio EPA district office to receive application forms.

Local Air Pollution Control Agencies

Division of Air Pollution Control
Ohio EPA, Central Office
(614) 644-2270



This map shows jurisdictional boundaries.
Shaded areas represent local agencies within Ohio EPA districts.



District Offices

CDO Isaac Robinson, APC Manager
01 Central District Office
50 West Town Street, Suite 700
Columbus, OH 43215
(614) 728-3778 FAX (614) 728-3898
e-mail: isaac.robinson@epa.state.oh.us

SEDO Bruce Weinberg, APC Manager
06 Southeast District Office
2195 Front St.
Logan, OH 43138
(740) 385-8501 FAX (740) 385-6490
e-mail: bruce.weinberg@epa.state.oh.us

NEDO Dennis Bush, APC Manager
02 Northeast District Office
2110 E. Aurora Rd.
Twinsburg, OH 44087
(330) 425-9171 FAX (330) 487-0769
e-mail: dennis.bush@epa.state.oh.us

NWDO Mark Budge, APC Manager
03 Northwest District Office
347 North Dunbridge Rd.
Bowling Green, OH 43402
(419) 352-8461 FAX (419) 352-8468
e-mail: mark.budge@epa.state.oh.us

SWDO Tom Schneider, APC Manager
05 Southwest District Office
401 E. Fifth St.
Dayton, OH 45402-2911
(937) 285-6357 FAX (937) 285-6249
e-mail: tom.schneider@epa.state.oh.us

16 Lynn Malcolm, Administrator
Akron Regional Air Quality
Management District
146 South High St, Room 904
Akron, Ohio 44308
(330) 375-2480 FAX (330) 375-2402
e-mail: Malcoly@ci.akron.oh.us

13 Richard L. Nemeth, Commissioner
Cleveland Dept. of Public Health
Division of Air Quality
1925 St. Clair Ave.
Cleveland, Ohio 44114-2080
(216) 664-2297 FAX (216) 420-8047
e-mail: Rnemeth@city.cleveland.oh.us

07 Phillip H. Thompson, Director
Portsmouth Local Air Agency
605 Washington St., Third Floor
Portsmouth, Ohio 45662
(740) 353-5156 FAX (740) 353-3638
e-mail: phillip.thompson@ohio.epa.state.oh.us

15 Dan Aleman, Administrator
Air Pollution Control Division
Canton City Health Dept.
420 Market Ave. North
Canton, Ohio 44702-1544
(330) 489-3385 FAX (330) 489-3335
e-mail: daleman@cantonhealth.org

08 John Paul, Administrator
Regional Air Pollution Control Agency
Montgomery County Health Dept.
117 South Main St.
Dayton, Ohio 45422-1280
(937) 225-4435 FAX (937) 225-3486
e-mail: paulja@rapca.org

04 Karen Granata, Administrator
City of Toledo
Division of Environmental Services
348 South Erie Street
Toledo, Ohio 43604
(419) 936-3015 FAX (419) 936-3959
e-mail: karen.granata@toledo.oh.gov

14 Cory R. Chadwick, Director
Dept. of Environmental Services
Air Quality Programs
250 William Howard Taft Road
Cincinnati, Ohio 45219-2660
(513) 946-7777 FAX (513) 946-7778
e-mail: cory.chadwick@hamilton-co.org

20 Bert Mechenbier, Supervisor *
Lake County General Health District
Air Pollution Control
33 Mill Street
Painesville, Ohio 44077
(440) 350-2543 FAX (440) 350-2548
e-mail: BMechenbier@lcghd.org

21 Larry Himes, Administrator *
Mahoning-Trumbull APC Agency
345 Oak Hill Ave., Suite 200
Youngstown, Ohio 44502
(330) 743-3333 FAX (330) 744-1928
e-mail: mtapca@cboss.com

*Facilities located within these jurisdictions should file air permit applications with Ohio EPA's Northeast District Office (NEDO).

Ohio EPA Central Office

Ohio EPA
 50 W. Town Street, Suite 700
 Columbus, Ohio 43215

Phone 614-644-3020 FAX 614-644-3184

Director's Office

Office of Governmental & Industrial Relations

Phone 614-644-2782 FAX 614-644-3184

Division of Air Pollution Control

Phone 614-644-2270 FAX 614-644-3681

Division of Surface Water

Phone 614-644-2001 FAX 614 644-2745

Division of Drinking & Ground Waters

Phone 614-644-2752 FAX 614-644-2909

Division of Hazardous Waste Management

Phone 614-644-2917 FAX 614-728-1245

Division of Solid & Infectious Waste Management

Phone 614-644-2621 FAX 614-728-5315

Division of Emergency & Remedial Response

Phone 614-644-2924 FAX 614-644-3146

Division of Environmental Services

Phone 614-644-4247 FAX 614-644-4272

Office of Compliance Assistance and Pollution Prevention

Phone 800-329-7518
 614-644-3469 FAX 614-644-2807

Other Agencies**Bureau of Underground Storage Tanks (BUSTR)
State Fire Marshal's Office**

Phone 614-752-7938

Occupational Safety and Health Administration (OSHA)

General Information
 On-site Consultation Service

Phone 800-582-1708
 800-282-1425

Ohio Department of Agriculture

Ethanol and Biofuels Program

Phone 614-752-9712

Ohio Department of Natural Resources

well sealing
 gas/oil wells

Phone 614-265-6717

Phone 614-265-6922

Public Utilities Commission of Ohio

Transportation of Hazardous Materials

Phone 614-466-0351

Ohio Department of Transportation

Phone 614-466-7100

Ohio Department of Development

Agricultural Liaison

Phone 614-466-3164

The Clean Air Resource Center

50 West Broad Street, Suite 1901
 Columbus, Ohio 43215-5985

Phone 614-728-3540

The Clean Air Resource Center offers free and confidential assistance to small business owners in Ohio on compliance with Ohio's air pollution control regulations. The Center provides loans for small businesses to purchase and install necessary air pollution control equipment. The Clean Air Resource Center's services are available at no cost.

U.S. Army Corps of Engineers

Huntington District
 Buffalo District
 Louisville District
 Pittsburgh District

www.lrh.usace.army.mil/or/permits/
www.lrb.usace.army.mil/orgs/reg/index.htm
www.lrl.usace.army.mil/
www.lrp.usace.army.mil/or/or-f/permits.htm

Appendix B Ohio EPA Web Sites

Division of Air Pollution Control (www.epa.state.oh.us/dapc/)

The Clean Air Act requires U.S. EPA to set air standards to protect the public health and the environment. Ohio EPA's Division of Air Pollution Control (DAPC) has adopted rules that ensure those standards are met throughout Ohio. Goals of the division are to (1) attain and maintain Ambient Air Quality Standards (2) conform with the requirements of the Clean Air Act and Ohio Law and (3) protect public health.

To help in meeting these goals, DAPC staff in the districts conduct field inspections and review plans/permit applications to ensure compliance with the rules. In addition, there are several local air pollution control agencies throughout Ohio delegated certain responsibilities from Ohio EPA.

Division of Drinking & Ground Waters (www.epa.state.oh.us/ddagw/)

The Safe Drinking Water Act helps to assure that Ohio's citizens have an adequate supply of safe drinking water. The Division of Drinking and Ground Waters regulates all public water supply systems (PWSs). The Drinking Water Section oversees more than 6,500 PWSs in Ohio, ranging from large community systems for major Ohio cities to smaller public water systems such as those in schools, businesses and campgrounds. The Ground Water Section works to ensure the availability of uncontaminated water for public drinking water systems supplied by ground water resources. This section is responsible for Ohio EPA's Underground Injection Control (UIC) Program which regulates the types and amounts of waste that can be injected into underground geologic formations. The section coordinates activities within Ohio EPA and with other state agencies on issues related to ground water.

Division of Environmental & Financial Assistance (www.epa.state.oh.us/defa/)

This office provides financial and technical assistance for wastewater and public water system projects. The Ohio Water Pollution Control Loan Fund (WPCLF), Drinking Water Assistance Fund (DWAF) and Village Capital Improvement Fund (VCIF) are administered by this office. The WPCLF provides below-market interest rate loans to municipalities for wastewater treatment improvements and to public and private entities for non-point source pollution controls. The VCIF provides planning and design loans to villages for water supply and wastewater treatment projects. The DWAF provides below-market interest rate loans to eligible public water systems for improvements.

Division of Surface Water (www.epa.state.oh.us/dsw/)

The Division of Surface Water is responsible for restoring and maintaining the quality of Ohio's rivers and streams. This division has many technical, permitting, educational and enforcement responsibilities that include:

- Reviewing permit applications for municipal, commercial and industrial dischargers.
- Reviewing plans for wastewater treatment systems, sanitary sewers, sludge disposal and land application of wastes.
- Reviewing permit applications for storm water related discharges.
- Regulating and monitoring discharge activities to determine compliance.
- Assisting in the development and implementation of plans to help clean up Ohio's rivers.
- Overseeing wetland related activities.

Office of Compliance Assistance and Pollution Prevention (www.epa.state.oh.us/ocapp/sb/index.html)

Compliance assistance resources include: a toll-free compliance hotline staffed by environmental specialists M-F (8:00-5:00); workshops on environmental compliance topics; on-site assistance to help small business owners complete permit applications. In addition, the office also helps businesses of all sizes to recognize pollution prevention (cost-saving) opportunities. The office has an extensive resource library containing easy-to-understand publications on a variety of compliance and pollution prevention topics.

Appendix C

Ohio EPA Permits/Web Links to Application Forms

Air Pollution Permits

www.epa.state.oh.us/dapc/permits/permits.html

- Permit-to-Install (PTI)
- Permit-to-Operate (PTO)
- Template for ethanol operations

Surface Water Permits

- Permit-to-Install (PTI) and Plan Approvals
- Pretreatment Program: Indirect Discharge
- National Pollutant Discharge Elimination System (NPDES) Permits
- NPDES Permits for Storm Water
- NPDES Permit for Industrial Activity
- 401 Certification/Wetland Permits

www.epa.state.oh.us/dsw/pti/index.html

www.epa.state.oh.us/dsw/pretreatment/index.html

www.epa.state.oh.us/dsw/permits/permits.html

www.epa.state.oh.us/dsw/storm/index.html

www.epa.state.oh.us/dsw/storm/industrial_index.html

www.epa.state.oh.us/dsw/401/index.html

Drinking Water System Plan Approval

www.epa.state.oh.us/ddagw/pubs.html#plan

This guide was produced by:



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Chris Korleski, Director

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Telephone: (800) 329-7518 or (614) 644-3469
www.epa.state.oh.us/ocapp/ocapp.html

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