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## Draft Rules – Permit to Install Program Interested Party Review OAC 3745-42-02, -06, -08, & -11

### What does OAC 3745-42 cover?

Ohio Administrative Code (OAC) Chapter 3745-42 covers the requirements for wastewater permits to install (PTIs). The following is a brief description of the rules covered in this rulemaking:

- OAC 3745-42-02 includes the applicability, exemptions and procedures for issuance and modification of permits to install or plan approvals for disposal systems.
- Rule 3745-42-06 contains the procedural and administrative requirements for general permits to install.
- Rule 3745-42-08 contains isolation distance requirements for components of a disposal system to either an occupied building or surface waters of the state.
- Rule 3745-42-11 covers the design and management requirements for holding tanks containing either sewage or industrial waste.

### What step is this in the rulemaking process?

This step in Ohio EPA's rulemaking process, required by Ohio Revised Code (ORC) 121.39, is called Interested Party Review. During this step, the Agency makes available draft rules for interested parties for review and comment. This step occurs after the Early Stakeholder Outreach comment period.

### Why are these rules under review and what changes are being considered?

Four rules under OAC Chapter 3745-42 have been reviewed and amended pursuant to section 119.032 of the ORC. Ohio EPA is required to review its rules every five years to determine if the rules need to be revisited. The Agency has reviewed the rules and has identified needed changes. The following major changes are being considered:

#### OAC 3745-42-02

- Update of references and style.
- Update of applicability exemptions. New exemptions, with qualifiers, have been included for: building sewers, sanitary sewer replacement projects, in situ sanitary sewer repairs, repair or replacement of a treatment works component, media or equipment, modifications within existing treatment works infrastructure, disposal systems designed to be a best management practice under a storm water National Pollutant Discharge Elimination System (NPDES) permit, treatment works pilot study, installation of on line monitoring or process control equipment, installation of odor control equipment, remodel or replacement of buildings or laboratories located at a treatment works, and filtration systems, ion exchange systems and oil skimmers on process tanks that serve manufacturing equipment.

#### Rule 3745-42-06

- Update of references and style.

#### Rule 3745-42-08

- Update of references and style.

#### Rule 3745-42-11

- Update of references and style.
- Minor clarifications of rule requirements on prohibitions and restrictions for sewage holding tanks. The rule considers a new allowance of a proprietary, stand alone, self-contained system to be installed, for example, to serve a restroom facility at a park.

### How will the draft rules affect the regulated community?

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The draft rule revisions will allow the regulated community to have a better understanding of when a permit to install or plan approval is required. By including more detail in the permit to install applicability and exemptions rule (OAC 3745-42-02), the Agency is providing clarity, transparency, and predictability to the regulated community.

### What additional information is the Agency seeking?

The Agency wants to hear from interested stakeholders (public, local officials, consultants and PTI applicants) who may be impacted by these rule revisions. General comments and specific factual information are welcome.

In addition to the draft rule amendments, Ohio EPA is also seeking comments and feedback on the draft Common Sense Initiative (CSI) Business Regulation Impact Analysis form, which is being released with these draft rules during interested party review.

### How are the amendments formatted in the draft rules?

Text being considered for deletion is struck through; new text being considered is underlined.

### What is the rulemaking schedule?

At this time, the Agency is soliciting interested party input on these draft rule revisions. Ohio EPA is required by Section 121.39(D) of the ORC to contact potentially affected parties prior to adopting rule changes. At the close of the interested party comment period, the Agency will review the comments and make necessary changes to the rules. The Agency will then file the proposed rules with the Joint Commission on Agency Rule Review (JCARR), the Legislative Service Commission and the Secretary of the State. At that point, another comment period, including one or more public hearings, will be scheduled. After the close of that public comment period, the Agency will review the comments, make any necessary changes and then adopt the final rules. Ohio EPA expects to file the proposed rules in spring 2017. The final rules could be adopted by summer 2017.

### How can I provide input on the draft revisions?

Please submit your comments in one of the following ways:

By email: [dsw\\_rulecomments@epa.ohio.gov](mailto:dsw_rulecomments@epa.ohio.gov)

By fax: (614) 644-2745

By postal mail:

**Rule Coordinator**

Ohio EPA, Division of Surface Water

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Columbus, Ohio 43216-1049

**Comments on the draft rules must be received no later than March 13, 2017.**

### How can I get more information?

Copies of this fact sheet, CSI form and the draft rules are on the Division of Surface Water website at [www.epa.ohio.gov/dsw/dswrules.aspx](http://www.epa.ohio.gov/dsw/dswrules.aspx).

For more information about the draft rules, please contact Mark Stump at (614) 644-2028 or [mark.stump@epa.ohio.gov](mailto:mark.stump@epa.ohio.gov).