

Hearing Summary

Rule Package: Permit to Install (PTI) Program Rules
October 11, 2017

Original filing date: October 11, 2017

Public comment start date: November 20, 2017

Public comment end date: November 20, 2017

Public hearing date: _____

List of Rules: OAC 3745-42-02, -06, -08, -11.

Were there any participants in this public hearing beyond Ohio EPA staff or JCARR staff?

☐ Yes

☒ No

Were there comments received during the public comment period outside of those presented at this hearing?

☒ Yes

☐ No

This hearing summary has been compiled to meet the requirements of Section 119.03 of the Revised Code.

This hearing summary includes this cover sheet and the following attachments:

1. **Attachment A** - A copy of the public notice for this hearing.
2. **Attachment B** - A copy of the sign-in sheet for this hearing.
3. **Attachment C** - A copy of the script read into the record to begin and end the hearing.
4. **Attachment D** - A copy of the response to comments.

Ohio EPA's response to comments document includes the comments received, who commented, the agency response to comments, and a statement of whether or not the rule was changed due to the comments.

Ohio EPA digitally records all public hearings for rules. The digital recordings are available upon request in a WAVE (.wav) file format. These recordings may be sent out for transcription if necessary.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Permit to Install Program**

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 6111.03 of the Ohio Revised Code and in accordance with Chapter 119, proposes to amend the following rules of the Ohio Administrative Code (OAC):

Rule Number	Rule Title
3745-42-02	Applicability, exemptions and procedures.
3745-42-06	General permit to install.
3745-42-08	Isolation distance requirements.
3745-42-11	Holding tanks.

The rulemaking includes the five-year review of four rules in OAC Chapter 3745-42, which covers the requirements for wastewater permits to install. The major updates being considered in this rulemaking are the addition of new applicability exemptions in rule OAC 3745-42-02, clarifications of rule requirements on prohibitions and restrictions for sewage holding tanks, including a new allowance of proprietary, stand alone, self-contained system, to be installed, for example, to serve a restroom facility at a park, and new language that allows for the approval of holding tanks in “extreme” situations where no other feasible alternative is available and not otherwise permissible in rule.

The Agency invites all interested parties to comment on these rules. The public comment period will run until **November 20, 2017**. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at **Conference Room A at the Ohio EPA Central Office, 50 West Town Street, Suite 700, Columbus, Ohio at 10:30 a.m. on November 20, 2017**. All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitors are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rulemaking.

Written testimony should be sent to the attention of Emily DeLay at the Division of Surface Water,

P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on **November 20, 2017**, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

The proposed rules and a fact sheet explaining the rule revisions are posted on the Ohio EPA website at www.epa.ohio.gov/dsw/dswrules.aspx. The proposed rules are also available on the Register of Ohio website at www.registerofohio.state.oh.us. Questions regarding this rule package should be directed to Mark Stump at the Division of Surface Water, at (614) 644-2028.



SIGN-IN SHEET

Subject: NSW PT 1 Rules
County: Statewide **Date:** 11/20/17

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT** **PLEASE PRINT**

NAME: _____ E-MAIL: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: _____ FAX: _____

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MAILING ADDRESS: _____

DSW PTI Rules Hearing

11/20/17

My name is Mary McCarron. I am with the Public Interest Center. I will be presiding over today's public hearing.

Thank you for taking time to attend this hearing before Ohio EPA. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed rules.

Ohio EPA Division of Surface Water is proposing to amend the following rules of the Ohio Administrative Code 3745-42. These rules address requirements of the permit to install program.

These rules have been filed with the Joint Committee on Agency Rule Review. Copies of the rules are available for public review at Ohio EPA's Columbus Office and on our website.

All interested persons are entitled to attend or be represented, and to present oral and/or written comments concerning the proposed rules. All written and oral comments received as part of the official record will be considered by the director of Ohio EPA before a final decision is made.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, today, November 20, 2017. These comments may be filed with me today or emailed to mark.stump@epa.ohio.gov. All written comments submitted for the record receive the same consideration as oral testimony given today.

Written statements submitted after today may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

If you wish to present oral testimony at this hearing today and have not already signed the registration sheet, please do so at this time. The sheet is available at the registration table. Persons will be called in the order in which they have registered.

There is no cross examination of speakers or of representatives of Ohio EPA in public hearings. Ohio EPA hearings such as this afford citizens the opportunity to provide comments on the official record. Therefore, we will not be able to answer questions during the hearing. However, members of the panel may ask clarifying questions of the person testifying to ensure the record is as complete and accurate as possible.

I will now read the names of those who have registered at this hearing and will give each person an opportunity to testify.

Is there anyone else who wishes to testify at this time?

Seeing no further requests for testimony, I remind you that written comments can be submitted through the close of business today.

Thank you for attending. The time is now and this hearing is adjourned.



Division of Surface Water Response to Comments

Rules: Permit to Install Program Rules: 3745-42-02, -06, -08, -11.

Agency Contact for this Package:

Division Contact: Mark Stump
Division of Surface Water
614-644-2028
Mark.Stump@epa.ohio.gov

Ohio EPA held a public hearing and a proposed comment period from October 11, 2017 to November 20, 2017 regarding four Permit to Install Program rules. This document summarizes the comments and questions received during the associated comment period.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

Comment 1: The Metropolitan Sewer District of Greater Cincinnati Industrial Waste Section (District) has carefully reviewed the Permit to Install (PTI). The PTI program permits the design and technical requirements of wastewater collection and treatment systems prior to their construction. The District has prepared its comments based on its experience with industries discussed in the Guidelines. The Division has no comments at this time regarding the Permit to Install (PTI). (MSD Cincinnati)

Response 1: No response required.

Comment 2: We agree with the new exemption added under 3745-42-02(B)(18) for disposal systems designed to be a best management practice and covered under the requirements of an NPDES storm water permit. However, the remainder of this

exemption includes language that disposal systems installed as a result of water quality impacts require agency approval. It is unclear what water quality impacts and associated disposal systems would necessitate agency approval. Therefore, we recommend Ohio EPA either clarify this statement or revise the language to

"...If the disposal system is installed to meet a specific numeric effluent limitation in an NPDES permit or is required as a result of the Director's Findings and Orders ~~water quality impacts~~, a permit to install or plan approval shall be obtained."
(American Electric Power, AEP)

Response 2: Ohio EPA acknowledges the issues raised in this comment and will change the language to read:

"...If the disposal system is installed to meet a specific numeric effluent limitation in an NPDES permit or is required as a result of director's findings and orders or alternative judicial or administrative order ~~water quality impacts~~, a permit to install or plan approval shall be obtained."

Comment 3: In some cases, a temporary storage container may be used for collection of industrial waste that is disposed offsite (e.g., frac out container). These containers are temporary in nature, portable, have relatively small storage capacities, associated with maintenance activities, and may or may not have connective piping. These containers are similar to portable sanitary sewage holding tanks currently exempt under OAC 3745-42-11. Therefore, we request an exemption is included in the rule for temporary storage containers used for the collection of industrial waste disposed of offsite. (American Electric Power, AEP)

Response 3: Ohio EPA acknowledges the fact that similar portable or temporary holding tanks may exist or be in extensive use in the industrial waste field and agrees to expand the holding tank exemption under OAC 3745-42-11(B)(2) to apply to sewage or industrial waste.

End of Response to Comments