

**Environmental
Protection
Agency**

Hearing Summary

Rule Package: Underground Injection Control

Original filing date: September 11, 2024

Public comment start date: September 11, 2024

Public comment end date: October 16, 2024

Public hearing date: October 16, 2024

List of Rules: 3745-34-01, 3745-34-04, 3745-34-07, 3745-34-08, 3745-34-11, 3745-34-12, 3745-34-13, 3745-34-14, 3745-34-15, 3745-34-16, 3745-34-19, 3745-34-23, 3745-34-26, 3745-34-27, 3745-34-30, 3745-34-32, 3745-34-33, 3745-34-34, 3745-34-35, 3745-34-36, 3745-34-37, 3745-34-38, 3745-34-39, 3745-34-40, 3745-34-50, 3745-34-51, 3745-34-52, 3745-34-53, 3745-34-54, 3745-34-55, 3745-34-56, 3745-34-57, 3745-34-58, 3745-34-59, 3745-34-60, 3745-34-61, 3745-34-62

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** - 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. These recordings may be sent out for transcription if necessary.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Underground Injection Control**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 6109.23, 6109.04 of the Ohio Revised Code and in accordance with Chapter 119, proposes to amend the following rule of the Ohio Administrative Code:

3745-34-01	Underground Injection Control Definitions
3745-34-04	Classification of Wells
3745-34-07	Prohibition of Movement of Fluid into Underground Injection
3745-34-08	Prohibition of Class IV Wells
3745-34-11	Class V Wells
3745-34-12	Application by Permit; Authorization by Permit
3745-34-13	Class I Permit Application
3745-34-14	Class I Permit to Drill Applications
3745-34-15	Class I permit to Operate Applications
3745-34-16	Class V Permit Requirements
3745-34-19	Emergency Permits
3745-34-23	Modification or Revocation and Re-issuance of Permits
3745-34-26	Conditions applicable to all permits
3745-34-27	Establishing Drilling Permit and Operating Permit Conditions
3745-34-30	Plan of Corrective Action
3745-34-32	Area of Review
3745-34-33	Corrective Action
3745-34-34	Mechanical Integrity
3745-34-35	Criteria for Establishing Permitting Priorities
3745-34-36	Plugging and Abandoning Class I Wells
3745-34-37	Construction Requirements for Class I Wells
3745-34-38	Operating, Monitoring and Reporting Requirements for Class I Wells
3745-34-39	Information to be Considered by the Director in Authorizing Class I Wells
3745-34-40	Seismic Reflection Survey Requirements for Class I Wells
3745-34-50	Criteria and Standards for Class I Injection Wells
3745-34-51	Minimum Criteria for Siting Class I Hazardous Waste Injection Wells
3745-34-52	Area of Review
3745-34-53	Corrective Action for Wells in The Area for Review
3745-34-54	Construction Requirements
3745-34-55	Logging, Sampling and Testing Prior to New Well Operations
3745-34-56	Operating Requirements
3745-34-57	Testing and Monitoring Requirements
3745-34-58	Reporting Requirements

3745-34-59 **Information to be Evaluated by Director**
3745-34-60 **Closure**
3745-34-61 **Post Closure**
3745-34-62 **Financial Responsibility for closure and post closure care**

The public comment period will run until **Wednesday, October 16th, 2024**. 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. Ohio EPA will be holding an in-person and virtual public hearing on the rules on **Wednesday, October 16th, 2024, at 10:30 AM – 11:00 AM EDT**. The in-person hearing will be at the same time and date and will be located at Ohio EPA, Suite 700, 50 W. Town Street, Columbus, Ohio 43215. During the hearing, the public may submit written comments on the record about the proposed rules if participating virtually and verbally if participating in person.

Citizens who want to participate virtually must register in advance for the meeting at: <https://attendee.gotowebinar.com/register/4423256555561700444>

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 **Rylee Lane** at the Division of Drinking and Ground Water (DDAGW) 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 **Wednesday, October 16th, 2024**, 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.

Questions regarding this rule package should be directed to **Rylee Lane** at the DDAGW at (614) (752-9725) or at ddagw_rulecomments@epa.ohio.gov.

To receive a copy of the proposed rules, please contact the DDAGW receptionist at (614) (644-3386). In addition, full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the DDAGW web page at <https://epa.ohio.gov/ddagw/DDAGWrules>.

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>

Attendee Report:

Report Generated:
10/16/2024 03:38 PM

Public Hearing: Underground Injection Control Proposed Rules (Statewide)

Webinar ID	Actual Start Date/Time	Duration	# Registered	# Attended	Clicked Registration Link	Opened Invitation
127-645-267	10/16/2024 10:17 AM EDT	43 minutes	10	8	28	0

Staff Details

Attended	Interest Rating	Last Name	First Name	Email Address	Role	Join Time - Leave Time (Time in Session)	Time in Session
Yes	Not applicable for staff	McCarron	Mary	mary.mccarron@epa.ohio.gov	Organizer	10/16/2024 10:17 AM EDT - 10/16/2024 11:00 AM EDT (43 minutes)	43 minutes
Yes	Not applicable for staff	Payton	Amanda	amanda.payton@epa.ohio.gov	External Organizer	10/16/2024 10:19 AM EDT - 10/16/2024 11:00 AM EDT (42 minutes)	42 minutes
Yes	Not applicable for staff	Lane	Rylee	Rylee.Lane@epa.ohio.gov	External Organizer	10/16/2024 10:28 AM EDT - 10/16/2024 11:00 AM EDT (33 minutes)	33 minutes

Attendee

Attended	Interest Rating	Last Name	First Name	Email Address	Registration Date/Time	Registration Date/Time	Join Time - Leave Time (Time in Session)	Time in Session
Yes	92	Billmaier	Honor	hbillmaier@jcarr.state.oh.us	10/16/2024 10:27 AM EDT	10/16/2024 10:27 AM EDT	10/16/2024 10:27 AM EDT - 10/16/2024 10:34 AM EDT (8 minutes)	8 minutes
Yes	91	Fouche	Greg	greg.fouche@jcarr.state.oh.us	10/16/2024 10:10 AM EDT	10/16/2024 10:10 AM EDT	10/16/2024 10:31 AM EDT - 10/16/2024 10:34 AM EDT (4 minutes),10/16/2024 10:31 AM EDT - 10/16/2024 10:31 AM EDT (0 minutes)	4 minutes
Yes	90	Gallo	Patrick	pat.gallo@clevelandcliffs.com	10/15/2024 04:36 PM EDT	10/15/2024 04:36 PM EDT	10/16/2024 10:24 AM EDT - 10/16/2024 10:25 AM EDT (2 minutes),10/16/2024 10:24 AM EDT - 10/16/2024 10:24 AM EDT (0 minutes)	2 minutes
Yes	92	Hamilton	Jacob	jhamilton@jcarr.state.oh.us	10/16/2024 10:07 AM EDT	10/16/2024 10:07 AM EDT	10/16/2024 10:24 AM EDT (0 minutes),10/16/2024 10:26 AM EDT - 10/16/2024 10:27 AM EDT (1 minute),10/16/2024 10:29 AM EDT - 10/16/2024 10:38 AM EDT (9 minutes),10/16/2024 10:29 AM EDT - 10/16/2024 10:29 AM EDT (0 minutes),10/16/2024 10:30 AM EDT - 10/16/2024 10:30 AM EDT (0 minutes)	9 minutes
Yes	97	Mccarthy	Colin	cmccarth@wm.com	10/15/2024 11:51 AM EDT	10/15/2024 11:51 AM EDT	10/16/2024 10:23 AM EDT - 10/16/2024 10:37 AM EDT (15 minutes),10/16/2024 10:37 AM EDT - 10/16/2024 10:53 AM EDT (17 minutes)	31 minutes
Yes	99	Rochotte	Mary	mrochotte@kemron.com	10/14/2024 09:05 PM EDT	10/14/2024 09:05 PM EDT	10/16/2024 10:20 AM EDT - 10/16/2024 11:00 AM EDT (41 minutes),10/16/2024 10:28 AM EDT - 10/16/2024 10:32 AM EDT (5 minutes),10/16/2024 10:32 AM EDT - 10/16/2024 10:38 AM EDT (7 minutes),10/16/2024 10:38 AM EDT - 10/16/2024 10:39 AM EDT (1 minute),10/16/2024 10:39 AM EDT - 10/16/2024 10:49 AM EDT (11 minutes),10/16/2024 10:49 AM EDT - 10/16/2024 11:00 AM EDT (11 minutes)	41 minutes
Yes	97	Routzong	Jamie	jamie.routzong@clevelandcliffs.com	10/14/2024 09:31 AM EDT	10/14/2024 09:31 AM EDT	10/16/2024 10:25 AM EDT - 10/16/2024 11:00 AM EDT (36 minutes)	36 minutes
Yes	98	Ulm	Chad	chad.ulm@cenovus.com	09/23/2024 02:02 PM EDT	09/23/2024 02:02 PM EDT		
No	0	Auch	Ted	auch@fractracker.org	10/03/2024 11:45 AM EDT	10/03/2024 11:45 AM EDT	n/a	n/a
No	0	Mattison	Kathrine	kathrine.mattison@essity.com	09/11/2024 04:26 PM EDT	09/11/2024 04:26 PM EDT	n/a	n/a

In-person Attendees

Yes	Not applicable	Weaver	Nicholas	weavernr@mail.uc.edu	10/16/2024 10:40am - 11:00am
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Webinar Question 1

has the meeting begun? for me its still on the main screen.
Thank you,

Webinar Response 1

It has. We are keeping the hearing open until 11 a.m. Any comments submitted online will be read for the audience to hear. I just made an announcement so hopefully you heard that.

Comment 1

This is Mary Lou Rochotte, KEMRON Environmental Services. On behalf of an interested party who is a KEMRON client, I request that the comment period be extended to 30 days from the 9/23/24 public notice, which would allow for comment submittal through 10/23/24. Thank you.

DDAGW UIC Proposed Rules

October 16, 2024

Hello and welcome to Ohio EPA's public hearing regarding the Division of Drinking and Ground Waters rules. My name is Mary McCarron and I'm hosting today's public hearing. With me today from Ohio EPA are Rylee Lane and Mandi Payton. In a moment, we will move to the public hearing where we will take official comments on the proposed rules.

I'd like to note that we are recording this hearing. We will save all comments submitted during the hearing.

Before we get started, I'd like to go over a few items to help our online participants navigate the GoTo platform.

On this slide here you will see an example screenshot of your Attendee interface. You should see something that looks like this on your computer desktop on the right-hand side of your screen. For this public hearing, you are listening in using your computer audio. If you are having sound issues, try refreshing your browser. If that doesn't work, try logging off and logging back in.

Please submit public comments by clicking on the question mark icon and typing them into the Questions pane on your attendee interface. All comments submitted online will be read aloud for the whole audience to hear.

(You can also click on the document icon to view included handouts.)

For those attending in person, you may submit your testimony verbally by moving close to the broadcast tablet, stating your name, and proceeding with your testimony when we call on you.

We will now begin the hearing.

PUBLIC HEARING SPEECH

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 rule.

Ohio EPA proposes to amend rules in Ohio Administrative Code 3745-34. These rules concern the Underground Injection Control program.

These rules have been filed with the Joint Committee on Agency Rule Review. Copies of the rule are available for public review on our website.

All interested persons are entitled to attend or be represented, and to present written comments concerning the proposed rule. All written comments received as part of the official record will be considered by the director of Ohio EPA.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, today, Oct. 16, 2024. These comments may be typed into the GoTo platform today, spoken in person, or emailed to ddagw_rulecomments@epa.ohio.gov. All emailed comments submitted for the record receive the same consideration as typed comments 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.

This hearing allows the public to provide input. Therefore, we will not be able to answer questions today.

YOU MAY NOW SUBMIT COMMENTS. I will read aloud any comments we receive in the GoTo platform. If you are attending in-person and would like to submit testimony, please raise your hand and wait to be called on. I will keep the GoTo platform open until XXXXX to provide time for participants to type in comments.

CLOSING

After the hearing closes, we will accept written comments through 5:00 p.m. today. You can send those comments to the email address on the screen.

Thank you for your comments, cooperation, and participation in Ohio EPA's decision-making process. The time is now _____ and this hearing is concluded.



Environmental Protection Agency

Division of Drinking and Ground Water Response to Comments

Rule Package: Chapter 3745-34 - Underground Injection Control

Agency Contact for this Package

Division Contact: Rylee Lane, Rylee.Lane@epa.ohio.gov, (614)752-9725

Ohio EPA held a comment period September 11, 2024, through October 16, 2024., with a public hearing on October 16, 2024. This document summarizes the comments and questions received during the 30 day comment period and public hearing.

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.

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.

General Comments

Comment 1: While perhaps not required by the administrative regulations, Cleveland-Cliffs notes that the UIC community of Class I well operators reached out and commented on the rule changes as they were issued in the January 3, 2024 public notice for Interested Party Review and, in the eight months which followed, received no follow up communication from Ohio EPA. Additionally, during that time, Ohio EPA proceeded to incorporate several significant changes that were not included in the IPR rule package without initiating any communication with Class I well operators, nor providing any explanation as to why the proposed changes have been deemed necessary. Cleveland-Cliffs continues to request that Ohio EPA's UIC program more openly communicate with operators as key stakeholders when considering changes to the UIC regulations. To that end, Cleveland-Cliffs would like to request that Ohio EPA provide written responses to comments submitted during ESO, IPR, and public comment periods for all future rule packages. **(Jamie Routzong, Cleveland Cliffs)**

Response 1: Meetings and written correspondence were held with stakeholders during the Early Stakeholder Outreach period with discussions focused on the proposed changes to the rules. Ohio EPA also conducted to interested party review period for these rules (2022 & 2024) with significant changes made after the first period based on feedback from the regulated community. The response to comments received during the second Interested Party Review period were posted on the Ohio EPA internet with the proposed rule changes and rationale for any changes not made as part of the Public Comment period. In the future, the Ohio EPA will continue to enhance its outreach to interested parties.

3745-34-13 Class I permit application.

Comment 2: Consistent with Cleveland-Cliffs comments previously submitted for the UIC rule development, please either change Paragraph (H) to state "this demonstration shall be consistent with the applicable provisions of..." OR clarify Rule 3745-34-62 as only applicable to Class I hazardous waste disposal wells, since the financial assurance mechanisms and language cited in this regulation are from the hazardous waste regulations. **(Jamie Routzong, Cleveland Cliffs)**

Response 2: The agency has determined it is necessary to protect human health and the environment to have the same financial assurance for both a non-hazardous Class I injection well as for hazardous Class I injection wells. For the two non-hazardous waste facilities in Ohio, this has been justified due the specific operations at those facilities.

3745-34-16 Class V permit requirements.

Comment 3: It appears there were inadvertent deletions at paragraph (A)(2)(a)-(c) that should be retained. Please review and clarify what the applicant is to illustrate on maps and cross-sections in this section of the rule. **(Jamie Routzong, Cleveland Cliffs)**

Response 3: The subparagraphs have been restored and this rule has been refiled with slight edits to the language of the subparagraphs to fit with the additional language in paragraph (A)(2).

3745-34-32 Area of review.

Comment 4: (A)(2) Cleveland-Cliffs suggests retaining the symbol for pi (π) as it appears in the equation for x, in lieu of the proposed change to "pi", to remain consistent with standard mathematical practices and to avoid confusion when carrying out the mathematical modeling illustrated in this paragraph. **(Jamie Routzong, Cleveland Cliffs)**

Response 4: This change is made due to Legislative Service Commission requirements. Currently the rule software does not allow for that symbol.

3745-34-30 Plan of corrective action.

3745-34-36 Plugging and abandoning class I wells.

Comment 5: Cleveland-Cliffs understands the intent of rescinding Rules 3745-34-30 and 3745-34-36 based on changes being incorporated into other rules. However, these rules are directly cited within other rules contained in Chapter 3745-34. If these rules were rescinded, additional review and clarifications will be necessary elsewhere within the Chapter to avoid confusion. Further, incorporating the nonhazardous well standards within rules otherwise focused on hazardous disposal well standards can lead to confusion as to applicability. We recommend and request retention of the two rules for clarity to the regulated community. **(Jamie Routzong, Cleveland Cliffs)**

Response 5: Rules 3745-34-30 and 34-36 of the Ohio Administrative Code were not part of the package filed with JCARR for public comment. They were inadvertently posted on the Ohio EPA website but are not being proposed to be rescinded.