



Ohio Administrative Code

Rule 3745-34-26 Conditions applicable to all permits.

Effective: January 20, 1995

The following conditions apply to all UIC permits. All conditions applicable to all permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these rules must be given in the permit.

(A) Duty to comply. The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of sections 6111.043 and 6111.044 of the Revised Code and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application; except that the permittee need not comply with the provisions of the permit to the extent and for the duration such noncompliance is authorized in an emergency permit under rule 3745-34-19 of the Administrative Code.

(B) Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.

(C) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(D) Duty to mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

(E) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. "Proper operation and maintenance" includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.



(F) Permit actions. The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(G) Property right. The permit does not convey any property rights of any sort, or any exclusive privilege.

(H) Duty to provide information. The permittee shall furnish to the director, within a time specified, any information which the director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. The permittee shall also furnish to the director, upon request, copies of records required to be kept by the permittee.

(I) Inspection and entry. The permittee shall allow the director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by Chapter 6111. of the Revised Code, any substances or parameters at any location.

(J) Monitoring and records.



- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) The permittee shall retain records of all monitoring information, including the following:
 - (a) Calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for the duration of the permitted life of the well. This period may be extended by request of the director at any time; and
 - (b) The nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under paragraph (B)(5) of rule 3745-34-27 of the Administrative Code. The director may require the owner or operator to deliver the records to the director at the conclusion of the retention period.
- (3) Records of monitoring information shall include:
 - (a) The date, exact place, and time of sampling or measurements;
 - (b) The individual(s) who performed the sampling or measurements;
 - (c) The date(s) analyses were performed;
 - (d) The individual(s) who performed the analyses;
 - (e) The analytical techniques or methods used; and
 - (f) The results of such analyses.
- (K) Signatory requirement. All applications, reports, or information submitted to the director shall be signed and certified (see rule 3745-34-17 of the Administrative Code).
- (L) Reporting requirements.



(1) Planned changes. The permittee shall give written notice to the director as soon as possible of any planned physical alterations or additions to the permitted facility.

(2) Anticipated noncompliance. The permittee shall give advance written notice to the director as soon as possible of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(3) Transfers. The permit is not transferable to any person except after written notice to the director. The director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under sections 6111.043 and 6111.044 of the Revised Code. (See rule 3745-34-22 of the Administrative Code; in some cases, modification or revocation and reissuance is mandatory.)

(4) Monitoring reports. Monitoring results shall be reported in writing at the intervals specified elsewhere in the permit.

(5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted in writing no later than thirty days following each schedule date.

(6) Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment, including:

(a) Any monitoring or other information which indicates that any contaminant may cause an endangerment to a USDW; or

(b) Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs.

Any information shall be provided orally within twenty-four hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a



description of the noncompliance including exact dates and times, and if the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(7) Other noncompliance. The permittee shall report in writing all instances of noncompliance not reported under paragraphs (L)(4), (L)(5), and (L)(6) of this rule, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (L)(6) of this rule.

(8) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the director, it shall promptly submit such facts or information in writing.

(M) Requirements prior to commencing injection. Except for all new wells authorized by a class V injection well area permit under rule 3745-34-18 of the Administrative Code, a new injection well may not commence injection until construction is complete; and

(1) The permittee has applied for and obtained a permit to operate in accordance with the requirements of this chapter, and

(2)

(a) The director has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit to drill and the permit to operate; or

(b) The permittee has not received notice from the director of his or her intent to inspect or otherwise review the new injection well within thirty days of the date of notice of completion of construction, in which case prior inspection or review is waived and the permittee may commence injection. The director shall include in his notice a reasonable time period in which he shall inspect the well.

(N) The permittee shall notify the director at such times as the permit requires before conversion or abandonment of the well or in the case of area permits before closure of the project.