



Ohio Administrative Code

Rule 901:10-1-02 General administrative requirements for permits.

Effective: February 13, 2021

(A) Requirements for an individual permit to install, an individual permit to operate, or an individual NPDES permit:

(1) A person who is required to obtain both a permit to install pursuant to section 903.02 of the Revised Code and a permit to operate pursuant to section 903.03 of the Revised Code shall submit both applications for these permits simultaneously.

(2) A facility that is required to obtain both an NPDES permit and a permit to operate shall be issued a single permit to operate incorporating the terms and conditions established by both permits. The permit to operate expressly shall designate the terms and conditions required under the NPDES permit as federally enforceable. For purposes of Chapters 901:10-1 to 901:10-6 of the Administrative Code, the term NPDES permit, NPDES operation, and concentrated animal feeding operation is an animal feeding facility that is subject to the NPDES permit as established in section 402 of the act and includes the renewal of such a permit. NPDES permit includes the federally enforceable provisions of a permit to operate into which NPDES permit provisions have been incorporated.

A person who seeks coverage by a general permit must refer to rules 901:10-3-11, and 901:10-4-01 to 901:10-4-05 of the Administrative Code for a general permit to operate, general NPDES permit or general NPDES stormwater permit.

(3) An application for a permit to install, a permit to operate, or a NPDES permit to be deemed complete, must include:

(a) All required information as set forth in Chapter 901:10-2 and, if applicable, Chapter 901:10-3 of the Administrative Code, and shall accompany the application; and

(b) An appropriate fee as stated in rule 901:10-1-04 of the Administrative Code.



- (c) Any supplemental information which is completed to the satisfaction of the director.
- (d) If the application and accompanying materials submitted to the department is deemed to be incomplete, the department will notify the owner or operator with instructions as to what is missing or what needs to be completed.
- (4) An application for a permit to install, permit to operate or NPDES permit shall include information on ownership and background, including but not limited to, the following information:
- (a) The name and address of the applicant, of all partners if the applicant is a partnership or all officers and directors if the applicant is a corporation, and of any other person who has a right to control or in fact controls management of the applicant or the selection of officers, directors or managers of the applicant;
- (b) When required by section 903.05 of the Revised Code, each application for a permit to install or permit to operate must contain information on a record of past compliance if the applicant has not operated a concentrated animal feeding facility in Ohio for at least two of the five years immediately preceding the submission of the application. If the permit to install and the permit to operate are submitted simultaneously as provided in division (A)(9) of section 903.10 of the Revised Code, then the following information is sufficient to satisfy the requirements of the permits:
- (i) A listing of all concentrated animal feeding facilities that the owner or operator of the proposed new or modified concentrated animal feeding facility has operated or is operating in Ohio;
- (ii) A listing of the concentrated animal feeding facilities that the owner or operator has operated or is operating elsewhere in the United States and that are regulated under the Federal Water Pollution Control Act together with a listing of the concentrated animal feeding facilities that the owner or operator has operated or is operating outside the United States;
- (iii) A listing of all administrative enforcement orders issued to the owner or operator, all civil actions in which the owner or operator was determined by the trier of fact to be liable in damages or was the subject of injunctive relief or another type of civil relief, and all criminal actions in which the owner or operator pleaded guilty or was convicted during the five years immediately preceding



the submission of the application in connection with any violation of the federal Water Pollution Control Act, the Safe Drinking Water Act, as defined in section 6109.01 of the Revised Code or any other applicable state laws pertaining to environmental protection that was alleged to have occurred or to be occurring at any concentrated animal feeding facility that the owner or operator has operated or is operating in the United States or with any violation of the environmental laws of another country that was alleged to have occurred or to be occurring at any concentrated animal feeding facility that the owner or operator has operated or is operating outside of the United States. The lists of concentrated animal feeding facilities operated by the owner or operator within or outside this state or outside the United States shall include, respectively, all such facilities operated by the owner or operator during the five year period immediately preceding the submission of the application.

(5) In the case of an application for a major concentrated animal feeding facility, written proof that the person who would be responsible for the supervision of the management and handling of manure at the facility has been issued a livestock manager certification in accordance with section 903.07 of the Revised Code or will obtain a livestock manager certification prior to applying any manure to land.

(6) In the case of an application that meets the criteria established in sections 307.204 and 505.266 of the Revised Code, written statements from the board of county commissioners of the county and the board of township trustees of the township in which the facility will be located, certifying that, in accordance with those sections, the applicant has provided the boards with the required written notification and that final recommendations, if any, regarding improvements and costs of improvements have been made by the boards.

(7) An application for a permit to install a concentrated animal feeding facility shall contain documentation or correspondence that verifies that the owner or operator has notified local officials, including boards of county commissioners, county engineer, and boards of township trustees to address infrastructure needs and financing of that infrastructure which includes but is not limited to:

(a) The anticipated travel routes of motor vehicles to and from the facility;

(b) Notwithstanding any exemptions that may be applicable under section 5577.042 of the Revised



Code, the owner or operator shall provide the anticipated number and weights of motor vehicles traveling to and from the facility with an estimated maximum overall gross weight of vehicles upon the road surface;

(c) Operational needs of the proposed facility for access to roads and location of such access; and

(d) Operational needs of the proposed facility for access to tiles, culverts, off-site drainage, rights-of-way for manure transport.

(8) A certification statement as follows: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. "Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information the information is, to the best of my knowledge and belief, true and accurate and complete. I am aware there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

(9) A complete application is required.

(a) Any person who requires a permit shall complete, sign, and submit to the director an application for each permit required and a copy of that application for each permit required.

(b) The director shall not begin the processing of a permit until the applicant has fully complied with the application requirements for the permit.

(c) Permit applications must comply with the signature and certification requirements of this rule.

(d) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied in accordance with division (F) of section 903.09 of the Revised Code and appropriate enforcement actions may be taken under applicable provisions of the Chapter 903. of the Revised Code and rules promulgated there under.

(B) The owner or operator shall maintain a copy of the current permit to install, permit to operate or



NPDES permit issued by the department at the facility site office.

(C) Duration and renewal.

(1) Permit to install.

(a) A permit to install shall expire after twenty-four months unless the applicant has undertaken a continuing program of construction or has entered into a binding contractual obligation to undertake and complete a continuing program of construction within a reasonable time.

(b) The director may extend the expiration of a permit to install upon request of the applicant. An extension, if approved, will be valid for twelve months from the previous expiration date of the permit to install.

(c) Any further extensions are at the discretion of the director.

(2) Permit to operate.

(a) A permit to operate shall be valid for a period of five years.

(b) A permit to operate may be renewed. An application for renewal of a permit to operate shall be submitted to the director at least one hundred eighty days prior to the expiration date of the permit to operate and shall comply with the requirements governing application for permits to operate that are established by rules, including rules 901:10-2-07 to 901:10-2-20 of the Administrative Code.

(D) NPDES permit.

(1) Any person who discharges or proposes to discharge pollutants and who does not have an effective permit, except persons covered by a general permit under Chapter 901:10-4 of the Administrative Code, must submit a complete application to the director in accordance with this rule and Chapter 901:10-2 of the Administrative Code.

(2) Any person proposing a new discharge shall submit an application at least one hundred and



eighty days before the date on which the discharge is to commence unless permission for a later date has been granted by the director. Facilities proposing a new discharge of storm water associated with industrial activity shall submit an application one hundred and eighty days before that facility commences industrial activity which may result in a discharge of storm water associated with that industrial activity.

(3) When a concentrated animal feeding operation is owned by one person but is operated by another person, the operator may obtain a permit.

(4) Facilities undergoing construction activities that include clearing, grading, excavating, grubbing and/or filling activities that result in the disturbance of one or more acres shall submit applications at least ninety days before the date on which construction is to commence. Different submittal dates may be required under the terms of applicable general permits.

(5) Applicants for concentrated animal feeding operations must submit form 2B.

(6) A NPDES permit shall be valid for a period not to exceed five years.

(7) A NPDES permit may be renewed. An application for renewal of a NPDES permit shall be submitted to the director at least one hundred eighty days prior to the expiration date of the NPDES permit and shall comply with the requirements governing applications for permit to operate and NPDES permit applications that are established in Chapters 901:10-2 and 901:10-3 of the Administrative Code.

(E) A permit to operate application that is not connected with an application for a NPDES permit or a permit to install shall be acted upon not later than ninety days after receipt of a complete application as provided by paragraph (A)(9) of this rule. The director or the director's authorized representative may provide guidance and technical assistance to the applicant, provided that the owner or operator is responsible for compliance with the permit and the director shall not be estopped from enforcement.