



## Ohio Administrative Code

### Rule 1501:9-4-04 Permit to construct an oil and gas waste facility.

Effective: January 13, 2022

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(A) This rule applies to oil and gas waste facilities. This rule applies to both a long-term and a short-term oil and gas waste facility unless specifically excluded within this rule. An oil and gas waste facility shall be designed, constructed, and operated in a manner that safely supports the proposed operations occurring at the oil and gas waste facility and in a manner that protects public health and safety and prevents damage to the environment. Compliance with this rule does not eliminate the requirement that a person comply with any other applicable laws.

(B) Permit and document requirements. For an application submitted or a permit issued under this rule, all of the following apply:

(1) On and after the effective date of this rule, no person may begin construction of or modify, amend, alter, or revise an oil and gas waste facility prior to issuance of a permit by the chief approving an application submitted under this rule.

(2) A permit is specific to the location at which an oil and gas waste facility is located and the location cannot be changed after the issuance of a permit.

(3) The operator of a short-term oil and gas waste facility may submit an application for renewal of its permit no later than thirty days prior to the permit's expiration. The chief may approve the renewal one time only if the permit application is identical to the original application. A person may only change a short-term oil and gas waste facility to a long-term oil and gas waste facility if an application is filed and approved by the chief. A permit to construct an oil and gas waste facility cannot be amended to change the type of permit issued.

(4) The chief may require the applicant or permittee to submit additional information pertaining to the design, construction, or operation of the proposed or permitted oil and gas waste facility that the chief determines is necessary for the protection of public health or safety or to prevent damage to the environment or is necessary to ensure compliance with the requirements of this rule.



- (C) An application for a permit includes all of the following components as applicable:
- (1) Application form prescribed by the chief.
  - (2) Description. A description of the proposed operations at the oil and gas waste facility that includes the following, if applicable:
    - (a) A summary of the design flow;
    - (b) A summary of the total primary containment capacity and of each individual primary containment capacity, that includes, at a minimum, volume of containment, type of containment, contents in containment, and location of containment;
    - (c) Mechanical processes;
    - (d) Chemical processes, including disclosure of each reagent and a general description of its function in the process;
    - (e) Discharge prevention measures from storage vessels and secondary containment, such as overfill protection, shut-off valves, and leak detection systems;
    - (f) Leak detection method for pipelines;
    - (g) Procedures for loading, unloading, transferring, and other means of handling of brine, other waste substances, or reagents;
    - (h) Methods of metering and tracking the system throughput, including details on how brine will be separated and tracked by those subject to fee(s) pursuant to division (H) of section 1509.22 of the Revised Code;
    - (i) Identification of the proposed final disposition of all brine and other waste substances handled or wastes generated by the oil and gas waste facility, that may include, disposal in an Ohio licensed solid



waste landfill, an out-of-state landfill, a class II injection well, oil and gas waste facility, and reuse at another production operation. Wastes generated may include, but not be limited to, tank bottoms, filter media, process rinsate, precipitates, sludge and sediment; and

(j) Identification of any class II disposal well(s) by API number which are proposed to be connected to the oil and gas facility.

(3) Facility plans. The plans will include the detailed drawings, reports, plans, and information specified under paragraphs (C)(3)(a) to (C)(3)(c) of this rule.

(a) Design and construction drawings. The design and construction drawings will include all of the following:

(i) A title page that contains the name of the applicant; emergency contact information to be used during construction; the name of the oil and gas waste facility; the county, township, and section or lot number where the proposed facility will be located; coordinates of the intersection of the centerline of the entrance apron at the public right-of-way using latitude and longitude, in a format of decimal degrees, to a minimum of six decimal places; and a sheet index;

(ii) A plan sheet consisting of the most recent color orthorectified aerial image known to the applicant at the time of design with pixels no larger than one foot showing the location of the proposed oil and gas waste facility;

(iii) A plan sheet sealed by a professional surveyor showing the location of the proposed oil and gas waste facility boundary and the control points used to generate the map;

(iv) The scale in feet, legend, graphical scale, and north arrow;

(v) A general layout, plan views, elevations, sections, and supplementary views that in conjunction with the specifications provide the working information related to all aspects of the proposed construction, which also locate all elements horizontally in relation to the "North American Datum of 1983" and vertically in relation to the "North American Vertical Datum 1988";



- (vi) The proposed and existing contours with an intermediate contour interval not greater than two feet and an index not greater than ten feet;
- (vii) Scaled detail drawings for all buildings and improvements including supporting drawings such as, electrical, plumbing, structural, and life safety;
- (viii) Scaled detail drawings for components including pumps, piping and valves of each system proposed that will be used for storage, recycling, treatment, processing, or disposal;
- (ix) Scaled detail drawings for all primary containment and secondary containment systems proposed and their capacities;
- (x) Scaled detail drawings for any engineering controls and features proposed for radiological protections;
- (xi) A plan sheet that identifies the traffic flow patterns of all transport vehicles within the proposed oil and gas waste facility;
- (xii) Emergency release conveyance map. An emergency release conveyance map includes all of the following on a separate drawing sheet:
  - (a) Locations downslope of the proposed oil and gas waste facility and any related pipelines where response resources may be deployed for the purposes of containment in the event of an emergency release using latitude and longitude, in a format of decimal degrees, to a minimum of six significant decimal places;
  - (b) Flow path and identification of nearest receiving streams, rivers, watercourses, ponds, lakes, or other bodies of water where fluids may migrate from the proposed facility; and
  - (c) Pipes, ditches, and other conveyances, and hydraulic control structures identified in the storm water hydraulic report and in the sediment and erosion control plan.
- (xiii) The classified soil types within one hundred feet of and within the proposed oil and gas waste



facility boundary. Soils should be classified consistent with the United States department of agriculture soil series;

(xiv) Plugged wells, producing wells, idle and orphaned, and class II disposal wells that are located within one hundred feet of and within the proposed oil and gas waste facility boundary. The information regarding the wells may be determined using information available from the Ohio department of natural resources and other publicly available or readily accessible sources;

(xv) Structural and geotechnical components that are to be located within the proposed oil and gas waste facility boundary, including those identified in the geotechnical report;

(xvi) Geotechnical borings and other geotechnical investigative information or data, which are located within the proposed oil and gas waste facility boundary, as identified in the geotechnical report;

(xvii) Boundaries of parcels of land, existing occupied and unoccupied structures, roadways, and existing utilities known to the applicant at the time of the design that are located within two hundred feet of and within the proposed oil and gas waste facility boundary;

(xviii) All springs, wetlands, streams, lakes, rivers, ponds, and creeks which may be identified using reasonably available public resources and a field review, within two hundred feet of and within the proposed oil and gas waste facility boundary;

(xix) All developed springs and water wells, which may be identified using reasonably available public resources and a field review, within one thousand, five hundred feet of and within the proposed oil and gas waste facility boundary;

(xx) Surface and underground mines, which may be determined using information available from the Ohio department of natural resources and other publicly available or readily accessible sources, that the professional engineer determines may affect design and performance of the proposed oil and gas waste facility;

(xxi) All risk zones and hazard areas delineated on the "National Flood Insurance Rate Map" within



one hundred feet of the proposed oil and gas waste boundary;

(xxii) Pipes, ditches, and other conveyances, and hydraulic control structures located within the proposed oil and gas waste facility boundary, as identified in the storm water hydraulic report and in the sediment and erosion control plan in accordance with this rule;

(xxiii) All areas within one thousand five hundred feet of the proposed oil and gas waste facility boundary that are located within the five-year time of travel associated with a public drinking water supply, as delineated or endorsed under the "Source Water Assessment and Protection Program";

(xxiv) All areas within one thousand five hundred feet of the proposed oil and gas waste facility boundary that are located within the emergency management zone of a public water system intake; and

(xxv) Any other factors that the professional engineer determines may affect the design and performance of the proposed oil and gas waste facility.

(b) Reports and plans.

(i) Design calculations for all secondary containment performed in accordance with rule 1501:9-6-08 of the Administrative Code.

(ii) Storm water hydraulic report. A storm water hydraulic report that includes hydraulic design documentation for all pipes, ditches and other conveyances, and hydraulic control structures of surface water within or from the proposed oil and gas waste facility. Storm water and hydraulic control structures may need to be capable of managing a ten-year storm event with a means to capture and screen the storm water for potential contamination prior to lawful discharge from the oil and gas waste facility, which are located within environmentally sensitive areas or as required by the chief. In addition, a report will include all of the following:

(a) A delineation of contributing drainage area boundaries and size, measured in acres;

(b) A detailed description or drawing that shows the installation requirements of all pipes, ditches,



and other conveyances and hydraulic control structures;

(c) The materials and specifications for all proposed pipes, ditches, and other conveyances;

(d) An analysis, performed by the professional engineer, of the integrity and capacity for all existing pipes, ditches, and conveyances; and

(e) The supporting calculations used to design the storm water conveyance system.

(iii) Sediment and erosion control plan. A sediment and erosion control plan for the proposed oil and gas waste facility that describes procedures to minimize the discharge of construction related sediment to any area outside of the proposed oil and gas waste facility boundary. In addition, a plan will include all of the following:

(a) Sediment and erosion controls consistent with generally accepted engineering design criteria and controls that comply with the manufacturer's specifications;

(b) A sediment basin or sediment trap if the proposed oil and gas waste facility is within or includes a total contributing drainage area that is greater than five acres in size. The minimum capacity of the sediment basin or sediment trap shall be one hundred seventeen cubic yards and designed in accordance with the "Ohio Department of Natural Resources Rainwater and Land Development Manual" as defined in Chapter 1501:9-12 of the Administrative Code;

(c) An identification of the location of each outlet of all confined discrete conveyances that may leave the proposed oil and gas waste facility;

(d) A delineation of contributing drainage area boundaries and size, measured in acres; and slope, length, and percent graded, that will be used to design the proposed sediment and erosion controls;

(e) A description of the soil stabilization measures, including vegetation, mulch, and other means of controlling erosion that will be used at the proposed oil and gas waste facility. In addition, a schedule of the implementation of the soil stabilization measures will be included; and



(f) The applicant may submit a schedule that identifies alternate options for implementation of the erosion and sediment controls and measures, which also identifies when and under what criteria the alternate controls would be implemented.

(iv) Geotechnical report. A geotechnical report is specific to the location of the proposed oil and gas waste facility, describes the proposed facility geotechnical site conditions, design considerations that address the geotechnical conditions, and construction requirements for the proposed facility that address the geotechnical conditions, and discloses the results of a surface and subsurface investigation of the proposed facility site. In addition, a report includes all of the following:

(a) An analysis of slope stability, bearing capacity, and settlements that have the potential to negatively impact the performance of the proposed oil and gas waste facility site;

(b) Geotechnical borings or other geotechnical engineering standard investigative means, of sufficient depth and quantity to substantiate the design;

(c) An evaluation of all existing infrastructure potentially related to geotechnical considerations located within the proposed oil and gas waste facility boundary that will be used, affected or incorporated in the proposed oil and gas waste facility;

(d) A summary of all subsurface exploration data specifically relevant to the geotechnical investigation and interpretation as it pertains to the design and construction of the proposed oil and gas waste facility, including subsurface soil profile, exploration logs, laboratory or in situ test results, and elevation of saturated soils at the time of exploration;

(e) An interpretation and analysis of the data required for the geotechnical report;

(f) An explanation of the geotechnical design constraints;

(g) Cross-sections through borings, critical slopes, and impacted infrastructure used in geotechnical calculations;

(h) The factor of safety for slope stability and bearing capacity. The factor of safety for slope





stability cannot be less than 1.5 and the factor of safety for bearing capacity shall not be less than 3.0; and

(i) Documents showing calculations used to determine the factor of safety and a detailed explanation of each assumption and reference used in the calculations.

(v) Dust control plan. A dust control plan that includes all of the following:

(a) An identification of the dust control measures to be used during construction and throughout the life of the proposed oil and gas waste facility;

(b) A description of the conditions for when the dust control measures are used;

(c) The name and contact information of the person who is responsible for the implementation of the dust control plan and the name of the person who has the authority to stop work if dust generated at the oil and gas waste facility is not in accordance with the dust control plan; and

(d) A description of the methods and procedures to be used to evaluate and document all complaints related to dust generation.

(vi) Radiation protection program (RPP). A radiation protection program for approval by the chief for any oil and gas waste facility that receives, possesses, uses, processes, transfers, or disposes of technologically enhanced natural occurring radioactive material (TENORM) from oil and gas wells or production operations.

(vii) Environmental assessment. A phase I environmental assessment that complies with the standards established in ASTM E1527-13, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" as defined in Chapter 1501:9-12 of the Administrative Code.

(viii) Easements. A statement attesting the applicant has the right to install and maintain any pipelines.



(c) Specifications.

(i) Material specifications, that include, but are not limited to storage vessels, containment systems, piping, pipelines, pumps, valves, meters; and

(ii) Safety data sheets for each substance that will be used at the proposed oil and gas waste facility.

(d) The chief may waive any item required to be submitted under paragraphs (C)(3)(a) to (C)(3)(c) of this rule after review of a written request submitted by the applicant with the application. A request of a waiver is to include a detailed explanation of the basis for the request.

(D) Review procedure

(1) General review procedure

(a) After receipt of any submittal or notification of completeness for a procedure identified in figures 1, 2, and 3, the chief will review the submittal to determine if the submittal is compliant with the requirements of this rule within the times identified in figures 1, 2, and 3, as applicable. If after submittal, the chief identifies items that are necessary to ensure the submittal complies with the requirements of this rule, the chief will notify the applicant or permittee of the items that are necessary with a letter of deficiency. For any period of time specified in figure 1, 2, or 3, the date will be determined by the action of the division.

(b) The applicant or permittee may submit a revised submittal or revised portions of the submittal with an identification of all the revisions. The chief may require the resubmission of the entire submittal. If the applicant or permittee has not submitted the revised submittal or revised portions of the submittal in accordance with the times established in figures 1, 2, and 3, as applicable, the chief may issue an order denying the submittal. The chief will review the revised submittal or revised portions of the submittal in accordance with the times established in figures 1, 2, and 3, as applicable. The chief may approve a longer period of time for any of the revised submittal or site review times established in figures 1, 2, and 3, as applicable, upon written request by the applicant or permittee.

(c) Failure by the applicant or permittee to submit documents compliant with this rule within three

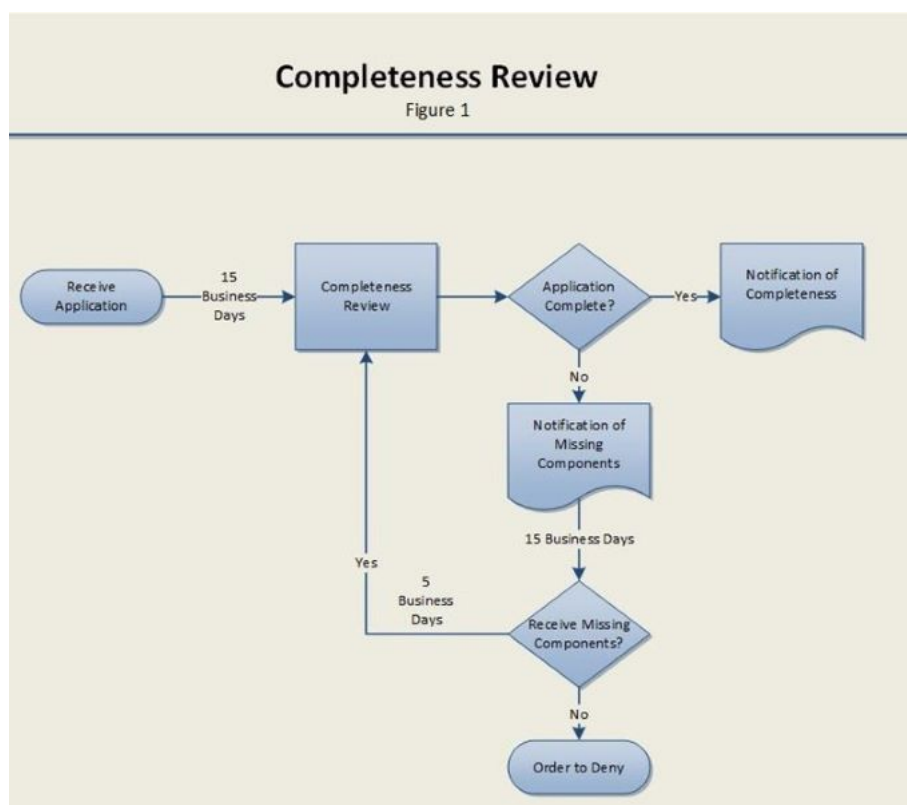


hundred and sixty-five calendar days of issuance of the initial letter of deficiency, will result in the termination of the application and the return of application to the applicant.

(d) After completing the review of all submittals, the chief will either issue a permit or deny the issuance of a permit by order.

(2) Completeness review. The chief will review the application for the oil and gas waste facility in accordance with figure 1 to determine if the application is a complete application. When the chief determines that the application is complete, the applicant will be notified in writing.

Figure 1



(3) Upon determination that the application for an oil and gas waste facility is a complete application, the chief will submit the design and construction documents to the department of commerce, division of industrial compliance if applicable. The division of industrial compliance will review the submitted design and construction documents for compliance with Ohio building code on behalf of the division.



(4) Preliminary site review. A preliminary site review will be performed in accordance with the time established in figure 2 or 3, as applicable. Prior to the preliminary site review, the applicant is to install stakes verified by the maps and drawings submitted according to this rule at the proposed oil and gas waste facility in a quantity and in a manner that delineates the proposed oil and gas waste facility, including the proposed oil and gas waste facility boundary, the corners of all proposed structures, proposed roads, features and areas that are identified in the application that will remain undisturbed, and all other elements that allow an understanding of the planned construction of the proposed oil and gas waste facility. At the preliminary site review, the chief may conduct a physical review of the location of the proposed oil and gas waste facility, discuss the application, identify elements that are necessary to ensure compliance with the requirements of this rule, and identify site-specific terms and conditions that may be attached to the permit for an oil and gas waste facility.

(5) Public notice process. Paragraph (E)(5) of this rule does not apply to an oil and gas waste facility operating under an authorization by the chief prior to the effective date of this rule or to an application for a short-term oil and gas waste facility. The chief may combine multiple applications from the same applicant, including an application for a permit to drill a class II disposal well connected to the oil and gas waste facility, into a single public notice process.

(a) Within fifteen business days after the chief's determination that an application for a permit for an oil and gas waste facility is complete, the division will provide public notice of the application by posting the application on the division's website.

(b) Within fifteen business days after the chief's determination of a complete application, the applicant shall provide notice of application in the appropriate following format:

(i) Provide by hand delivery or certified mail a notice of application to all of the following:

(a) The owner of each parcel of real property that is located within one thousand five hundred feet of the boundary of the proposed long-term oil and gas waste facility. For the purposes of determining the identity of each owner of a parcel of real property as of the date of the notice of application, the applicant may use the tax records of the county auditor of each county in which a parcel of real property is located;



(b) The county commissioners and the executive authority of each municipal corporation or the board of township trustees of each township, as applicable, in which the proposed oil and gas waste facility is to be located; and

(c) The county engineers office in each county in which the proposed oil and gas waste facility is to be located.

(ii) Published in a newspaper of general circulation in the county in which the proposed well is located either for five consecutive days or two consecutive editions of a weekly newspaper.

(iii) The applicant shall submit an affidavit attesting to the delivery and date of delivery to those entitled to notice of application, and the proof of publication and publication dates in accordance with paragraph (D)(5)(b) of this rule. The affidavit of delivery of notice will be submitted on a form prescribed and provided by the division and will include a list of all persons notified in paragraph (D)(5) of this rule. The applicant shall retain copies of proof of notification and publication for a period of up to two years and be made available to the chief upon request.

(c) Comments and objections.

(i) Any person desiring to comment or to make an objection with reference to an application for a permit under this rule shall file such comments or objections, in writing, with the division of oil and gas resources management, 2045 Morse road, building F, Columbus, Ohio 43229 or electronically through the division of oil and gas resources management website. In order for a comment or objection to be reviewed by the chief, a comment or objection must be filed with the division no later than thirty calendar days from the date of the posting of the public notice on the division's website and include the name and mailing address of the person making the comment or objection.

(ii) Before the end of the public comment period as established in this rule, any person receiving notification in paragraph (D)(5)(b) of this rule may request a public meeting. The division will hold a meeting, at a location and in a format to be determined by the chief. The division will provide notice of the public meeting at least thirty calendar days prior to the meeting. The notice will provide the date, time, format, and location of the public meeting via a posting on the divisions



website. The division also will provide the same notice to the applicant. Only those comments provided at the meeting, orally or in writing, will be reviewed by the chief. If the chief receives no requests for public meeting within the established public comment period, no meeting will be held.

(iii) The chief will review all received comments and objections within sixty calendar days after the end of the comment period or within forty-five calendar days after the conclusion of the public meeting to determine if the comments raise any legal or technical deficiency in the application related to Chapter 1509. of the Revised Code or division 1501:9 of the Administrative Code or to determine if the comments are outside the jurisdiction of Chapter 1509. of the Revised Code or division 1501:9 of the Administrative Code. If the chief determines no deficiency exists or if the comments are outside the jurisdiction of Chapter 1509. of the Revised Code or division 1501:9 of the Administrative Code, the public notice process is complete. The chief is not required to respond to each comment received. If the chief determines a comment or objection identifies a legal deficiency or technical deficiency in the application, the application will be returned to the applicant for correction of any deficiency within thirty calendar days.

(iv) Upon submittal of a revision to an application or an amendment to a permit, the chief will determine if all or any portion of paragraph (D)(5) of this rule is to be repeated by the applicant.

(6) Technical review. The chief will perform a technical review of the application for a permit for an oil and gas waste facility in accordance with the times established in figures 2 and 3 as applicable, to determine if the application for the proposed oil and gas waste facility complies with the requirements of this rule.

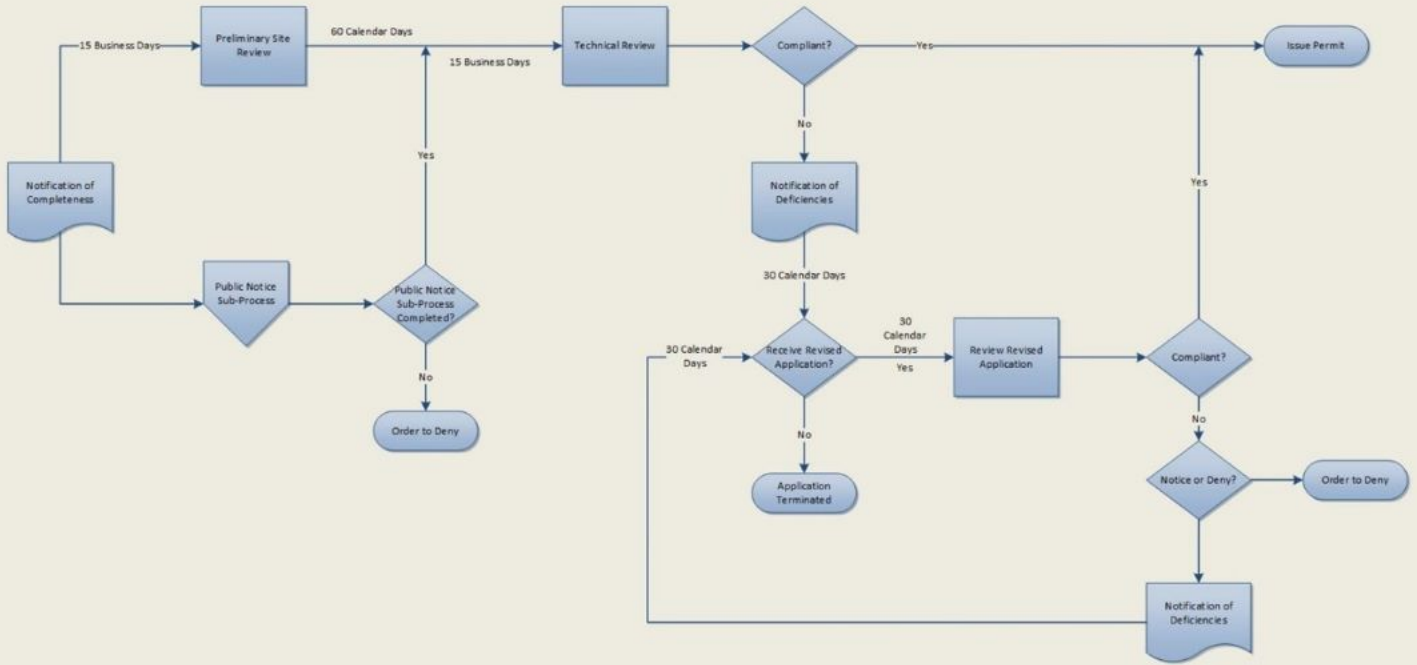
Figure 2

Figure 3



### Long-Term Oil and Gas Waste Facility Permit Procedure

Figure 2



### Short-Term Oil and Gas Waste Facility Permit Procedure

Figure 3

