



Ohio Administrative Code

Rule 1501:9-4-05 Construction, authorization to operate, and amendments to an oil and gas waste facility.

Effective: January 13, 2022

(A) Construction of an oil and gas waste facility.

(1) A permittee may commence construction of a proposed oil and gas waste facility only if the permittee provides notification to the chief forty-eight hours prior to commencing construction. A proposed oil and gas waste facility shall be constructed in accordance with the approved application and associated documents, terms and conditions of the permit and in accordance with Chapter 1509 of the Revised Code and rules adopted under it.

(2) During all phases of construction of an oil and gas waste facility, the permittee is to implement all of the following:

(a) Coordinate all building inspections as recommended by the Ohio department of commerce division of industrial compliance;

(b) Ensure as-built construction drawings are current and available at the oil and gas waste facility;

(c) Maintain a sign that is legible from the public right-of-way, which includes the county, township or municipal corporation, as applicable, section or lot number, oil and gas waste facility name, twenty-four-hour emergency contact number, and the 911 address of the oil and gas waste facility;

(d) Maintain emergency response access;

(e) Maintain safe traffic flow near the entrance to the oil and gas waste facility;

(f) Maintain sediment and erosion controls and soil stabilization measures to ensure they perform as designed in the approved application;

(g) Ensure that the pipes, ditches, and other conveyances of storm water and hydraulic control



structures perform as designed in the approved application;

(h) Ensure that the dust controls perform as designed in the approved application; and

(i) Maintain all oil and gas waste facility infrastructure, including but not limited to, structural and site stability as designed in the approved application.

(3) Modification during construction.

(a) All modifications to an approved application, including material modifications, are to be documented within one business day of implementing the modification on a modification summary form.

(b) A request for a material modification to an approved, but not yet operating, oil and gas waste facility shall be submitted in writing to the chief prior to implementation of any material modification to an oil and gas waste facility and include all of the following items:

(i) A detailed description of the proposed material modification and the potential impact to the performance of the oil and gas waste facility;

(ii) A specific identification of every portion of the application, as applicable, that is proposed to be modified; and

(iii) Revised application documents, as applicable, pertaining to the material modification.

(c) After receipt of a material modification, the chief will review the material modification to ensure compliance with the requirements of this rule within the times established in figure 4, as applicable. The chief may require a site review prior to determining whether to approve the proposed material modification or to identify items necessary to ensure compliance with the requirements of this rule. If the chief requires a site review, the applicable time established in figure 4 will be suspended until completion of the site review.

(d) Nothing in paragraph (A)(3) of this rule prohibits a permittee from taking actions necessary to



prevent harm to human health or safety or to prevent harm to the environment. A permittee may perform such actions that will result in a material modification only if the permittee submits a summary of the activities within twenty-four hours of the action and the permittee submits the material modification documents in accordance with this paragraph within three business days of the event that posed a threat to human health or safety or to the environment, or within another time frame as agreed to by the chief.

(e) Alternate options contained in the approved application that are implemented will be documented in the same manner as a modification in paragraph (A)(3) of this rule.

(f) The chief may waive all or any part of the submission required under paragraph (A)(3) of this rule.

(B) Approval to commence operations of an oil and gas waste facility. No permittee shall store, recycle, treat, process, or dispose of brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources at the oil and gas waste facility that has received a permit under this chapter or implement an amendment to an approved permit without a letter of commencement signed by the chief.

(1) Certification documents.

(a) Upon completion of construction and not later than two years after the effective date of the permit for a long-term oil and gas waste facility or not later than six months after the effective date of the permit for a short-term oil and gas waste facility, the permittee must submit certification documents to the chief.

(b) Amendment. Upon completion of an amendment and not later than five business days after completion of the amendment, the permittee must submit to the chief all portions of the certification documents that are no longer valid.

(2) Preoperational site review. The chief may require a preoperational site review prior to approving the certification documents or amended certification documents. The specified time frame for review of the certification documents will be suspended until completion of the preoperational site review.



(3) The chief will review the certification documents to ensure compliance with the requirements of this rule and the permit.

(4) Upon review of the certification documents, the chief will do one of the following: issue a letter of commencement upon approval of the certification documents or approval of the amended certification documents; notify the permittee of items deficient in the certification documents or amended certification documents and provide the permittee an opportunity to resubmit the portion of the certification documents that were deficient; or terminate the permit or amendment by order within the times established in figure 4.

(C) Amendment to the permit for an oil and gas waste facility.

(1) A request for an amendment to an operating oil and gas waste facility shall be submitted in writing to the chief prior to implementation of any revision to an oil and gas waste facility. An amendment does not include activities such as routine maintenance, replacement of equipment in kind, or repair of already installed equipment. A request for an amendment includes all of the following:

(a) A detailed description of the proposed revision and of the impact that the revision will have to the operations of the oil and gas waste facility;

(b) A specific identification of every portion of the approved application that is proposed to be altered;

(c) Revised application documents pertaining to the proposed revision; and

(d) Other items as required by the chief.

(2) The chief will review the request for an amendment to the permit to ensure compliance with the requirements of this rule and in accordance with the times established in figure 4 of this rule.

(3) The permittee may be required to perform a verification of integrity in accordance with paragraph



(D) of this rule for the amendment in accordance with the requirements established in this rule.

(4) The chief may waive all or any part of the requirements established under paragraph (C) of this rule.

(D) Verification of integrity. The person operating an oil and gas waste facility shall perform a verification of integrity prior to commencement of operation of an oil and gas waste facility that includes all of the following:

(1) Prior to testing or inspection of the oil and gas waste facility, the permittee must provide for review and acceptance by the chief a listing of the items being tested or inspected, the type of test or inspection being performed, the qualified person or persons performing the test or inspection and their qualifications, and a schedule of the tests or inspections proposed for the verification of integrity.

(a) All testing shall be performed in accordance with chapter 1501:9 of the Administrative Code or relevant and current industry standards.

(b) A verification of integrity may be performed on all or portions of the oil and gas waste facility.

(2) The chief may require additional testing or may waive any portion of the verification of integrity upon written request and justification. The chief may approve limited operation of the oil and gas waste facility in order to perform all or part of the verification of integrity, upon written request of the permittee. The verification of integrity may be performed after repairs to any containment or on the findings of an inspection conducted by the chief.

(3) Upon completion of all testing and inspections, the permittee shall provide for review and acceptance by the chief the results of all testing and inspections.

(4) The permittee will provide verification in an affidavit on a form prescribed by the chief that specifically reads, "I, as permittee of this oil and gas waste facility, do hereby certify that to the best of my knowledge the oil and gas waste facility was constructed in accordance with the approved application and the verification of integrity performed and completed according to the accepted



plan."

(E) Review procedure for an oil and gas waste facility.

(1) General review procedure.

(a) After receipt of any submittal for a procedure identified in figure 4, the chief will review the submittal to determine if the submittal is compliant with the requirements of this rule within the times established in figure 4, as applicable. If after submission of a document, 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.

(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 within the times identified in figure 4, as applicable, the chief may issue an order denying the submittal. The chief will review the revised submittal or revised portions of the submittal within the times identified in figure 4, as applicable. The chief may approve a longer period of time for any of the times identified in figure 4, as applicable, upon written request by the person or written notification from the chief to the person.

(c) If the applicant or permittee has not submitted documents compliant with this rule within one hundred twenty calendar days of issuance of the initial letter of deficiency, the chief may issue an order denying the application or applicable document.

(d) After completing the review of all submittals, the chief will either approve the submittal or issue an order denying the submittal.

	Action		Site review (Upon receipt of document)	Division review and response to submittal
Applicant/permittee resubmittal (upon notification of deficiencies from the chief)	Division review and response to resubmittal	Procedures	Time	Material modification review



5 business days	5 business days	5 business days	5 business days	Approval to commence operations review
15 business days	15 business days	10 business days	5 business days	Amendment review

(F) Oil and gas waste facility transfer. If ownership of an oil and gas waste facility is transferred to a new person, that person shall apply for a permit to operate the oil and gas waste facility on a form specified by the chief. The chief may review an application for a permit prior to transfer of ownership. The new person shall obtain financial assurance and insurance requirements in accordance with rule 1501:9-4-02 of the Administrative Code.