



Ohio Administrative Code

Rule 4906-4-07 Compliance with air, water, solid waste, and aviation regulations.

Effective: May 30, 2024

(A) The information requested in this rule is used to determine whether the facility will comply with regulations for air and water pollution, solid and hazardous wastes, and aviation. Where appropriate, the applicant may substitute all or portions of documents filed to meet federal, state, or local regulations. Existing data may be substituted for physical measurements.

(B) The applicant shall provide information on compliance with air quality regulations. Examples of information relevant to this determination include:

(1) Information regarding preconstruction air quality and permits, including

(a) Available information concerning the ambient air quality of the proposed project area and any proposed alternative project area(s).

(b) A description of the air pollution control equipment for the proposed facility. Stack gas parameters including temperature and all air pollutants regulated by the federal or state environmental protection agency as described for each proposed fuel. These parameters apply to each electric power generation unit proposed for the facility. Include tabulations of expected efficiency, power consumption, and operating costs for supplies and maintenance. Describe the reliability of the equipment and the reduction in efficiency for partial failure.

(c) A description of applicable federal and/or Ohio new source performance standards (NSPS), applicable air quality limitations, applicable national ambient air quality standards (NAAQS), and applicable prevention of significant deterioration (PSD) increments.

(d) A list of all required permits to install and operate air pollution sources. If any such permit(s) have been issued more than thirty days prior to the submittal of the certificate application, a list of all special conditions or concerns attached to the permit(s).



(e) Except for wind farms and solar facilities, a map of at least 1:100,000 scale containing:

(i) The location and elevation (ground and sea level) of Ohio environmental protection agency primary and secondary air monitoring stations or mobile vans which supplied data used by the applicant in assessing air pollution potential.

(ii) The location of major present and anticipated air pollution point sources.

(f) A description of how the proposed facility will achieve compliance with the requirements identified in paragraphs (B)(1)(c) and (B)(1)(d) of this rule.

(2) A description of plans to control emissions and fugitive dust during the site clearing and construction phase.

(3) Except for wind farms and solar facilities, information regarding air quality for the operation of the proposed facility, including:

(a) A description of ambient air quality monitoring plans for air pollutants regulated by the federal or state environmental protection agency.

(b) A map of at least 1:24,000 scale, show three isopleths of estimated concentrations that would be in excess of the U.S. environmental protection agency-defined "significant emission rates" when the facility is operating at its maximum rated output. The intervals between the isopleths should depict the concentrations within a five-mile radius of the proposed facility. A screening analysis may be used to estimate the concentrations.

(c) A description of procedures to be followed in the event of failure of air pollution control equipment, including consideration of the probability of occurrence, expected duration and resultant emissions.

(C) The applicant shall provide information on compliance with water quality regulations. Examples of relevant information include:



(1) Information regarding preconstruction water quality and permits.

(a) A list of all permits required to install and operate the facility, including water pollution control equipment and treatment processes.

(b) A map of at least 1:24,000 scale, show the location and sampling depths of all water monitoring and gauging stations used in collecting preconstruction survey data, including samples collected by standard sampling techniques and only in bodies of water likely to be affected by the proposed facility. Information from U.S. geological survey (USGS), Ohio environmental protection agency, and similar agencies may be used where available, provided that the applicant identifies all such sources of data.

(c) A description of the ownership, equipment, capability, and sampling and reporting procedures of each station.

(d) A description of the existing water quality of the receiving stream based on at least one year of monitoring data, using appropriate Ohio environmental protection agency reporting requirements.

(e) Available data necessary for completion of any application required for a water discharge permit from any state or federal agency for this project, including comparable information provided for the proposed site and any proposed alternative site(s).

(2) Information regarding water quality during construction.

(a) A map of at least 1:24,000 , that indicates the location of the water monitoring and gauging stations to be utilized during construction.

(b) An estimate of the quality and quantity of aquatic discharges from the site clearing and construction operations, including runoff and siltation from dredging, filling, and construction of shoreside facilities.

(c) A description of any plans to mitigate the above effects in accordance with current federal and Ohio regulations.



(d) A description of any changes in flow patterns and erosion due to site clearing and grading operations.

(e) A description of the equipment proposed for control of effluents discharged into bodies of water and receiving streams.

(3) Information on water quality during operation of the facility.

(a) A map of at least 1:24,000 scale, that indicates the location of the water quality monitoring and gauging stations to be utilized during operation.

(b) A description of the water pollution control equipment and treatment processes planned for the proposed facility.

(c) A description of the schedule for receipt of the national pollution discharge elimination system permit.

(d) A quantitative flow diagram or description for water and water-borne wastes through the proposed facility, showing the following potential sources of pollution, including:

(i) Sewage.

(ii) Blow-down.

(iii) Chemical and additive processing.

(iv) Waste water processing.

(v) Run-off and leachates from fuels and solid wastes.

(vi) Oil/water separators.



(vii) Run-off from soil and other surfaces.

(e) A description of how the proposed facility incorporates maximum feasible water conservation practices considering available technology and the nature and economics of the various alternatives.

(D) The applicant shall provide information on compliance with solid waste regulations. Examples of relevant information include:

(1) Information regarding preconstruction solid waste.

(a) The nature and amount of debris and solid waste in the project area.

(b) Any plans to deal with such wastes.

(2) Information regarding solid waste during construction.

(a) An estimate of the nature and amounts of debris and other solid waste generated during construction.

(b) The proposed method of storage and disposal of these wastes.

(3) Information regarding solid waste during operation of the facility.

(a) An estimate of the amount, nature, and composition of solid wastes generated during the operation of the proposed facility.

(b) Proposed methods for storage, treatment, transport, and disposal of these wastes.

(4) Plans and activities leading toward acquisition of waste generation, storage, treatment, transportation and/or disposal permits. If any such permit(s) have been issued more than thirty days prior to the submittal of the certificate application, a list of all special conditions or concerns attached to the permit(s).



(E) Information on compliance with environmental and aviation regulations. Examples of relevant information include:

(1) The height of the tallest anticipated installed, above ground structures.

(2) A list of all airports, heliports, landing strips, medical use heliports, and seaplane landing sites within six nautical miles of the project area or property within or adjacent to the project area, and show these facilities on a map(s) of at least 1:24,000 scale. For all structures located within the six nautical miles, an indication of the maximum possible height of construction equipment, and a list of air transportation facilities, existing or proposed, and copies of any correspondence with the federal aviation administration and the Ohio office of aviation. Additionally, confirmation that the owners of these facilities have been notified of the proposed facility and any impacts it will have on aviation operations.

(3) A description of the FAA filing status of each structure and describe any potential conflicts with air navigation or air traffic communications that may be caused by the proposed facility.

(4) A description of whether the proposed facility or a specific structure that is part of the proposed facility has any 14 CFR part 77 impacts.

(5) A list and brief discussion of all licenses, permits, and authorizations that will be required for construction of the facility.

(6) A description, quantification and characterization of debris that will result from construction of the facility, and the plans for disposal of the debris.

(7) Confirmation of the process that will be used to control storm water and minimize erosion during construction and restoration of soils, wetlands, and streams disturbed as a result of construction of the facility.

(8) Confirmation of plans for disposition of contaminated soil and hazardous materials generated from clearing of land, excavation or any other action that would adversely affect the natural environment of the project site during construction. This confirmation is in recognition of that



responsibility for removal of contaminated soil is limited solely to soil and material from clearing of land, excavation, or any other action that would adversely affect the natural environment of the project site, and does not include additional remediation measures beyond the scope of the project.

(9) A description of the plans for construction during excessively dusty or excessively muddy soil conditions.