



# Common Sense Initiative

Mike DeWine, *Governor*  
Jim Tressel, *Lt. Governor*

Joseph Baker, *Director*

## MEMORANDUM

**TO:** Mandi Payton, Ohio Environmental Protection Agency

**FROM:** Michael Bender, Business Advocate

**DATE:** April 9, 2025

**RE:** **CSI Review – Underground Injection Control Rules (OAC 3745-34-03, 3745-34-09, 3745-34-10, 3745-34-17, 3745-34-18, 3745-34-21, and 3745-34-63)**

Pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

### Analysis

This rule package consists of one amended rule and six no-change rules proposed by the Ohio Environmental Protection Agency (OEPA) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on February 11, 2025, and the public comment period was held open through March 12, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on February 11, 2025.

Ohio Administrative Code (OAC) Chapter 3745-34 establishes requirements for facilities that dispose of waste via underground injection. OAC 3745-34-03 provides for the confidentiality of information submitted to the OEPA, including information claimed as a trade secret, while ensuring public access to OEPA records. The rule is proposed without changes. OAC 3745-34-09 lists the requirements from outside OAC Chapter 3745-34 that apply to all generators of hazardous waste and to the owners or operators of all hazardous waste management facilities that use wells to inject

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hazardous wastes. The rule is proposed without changes. OAC 3745-34-10 authorizes the Director of the OEPA (Director) to waive more stringent requirements under certain circumstances. The rule is proposed without changes. OAC 3745-34-17 contains requirements for signing permit applications and reports. The rule is proposed without changes. OAC 3745-34-18 authorizes the Director to issue a class V injection well permit on an area basis, rather than for each well individually. The rule is proposed without changes. OAC 3745-34-21 provides for the duration of permits to drill and permits to operate for class I and class V wells. The rule is proposed without changes. OAC 3745-34-63 sets annual permit fees for class I injection wells and requires the owner of each class I injection facility to collect a fee per ton of industrial waste or other waste injected. Originally submitted as a no-change rule, the rule is amended to update its statutory authority and amplification information.

During early stakeholder outreach, the OEPA's Division of Drinking and Ground Waters (DDAGW) notified interested parties of its intent to review the rules and encouraged them to submit comments between November 7, 2024, and December 9, 2024. Stakeholders who were contacted by the DDAGW included underground injection control owners and operators, consultants, environmental organizations, other state agencies, and members of the general public. The OEPA received no comments during this time or during the CSI public comment period, although it subsequently amended OAC 3745-34-63 to update the rule's statutory authority and amplification information.

The business community impacted by the rules includes owners of class I and class V injection wells located in Ohio. The adverse impacts created by the rules include the costs associated with recordkeeping, submitting information, signing documents properly, obtaining permits, and paying fees. The annual permit fee for an owner of a class I injection well is \$30,000 to dispose of hazardous waste and \$12,500 to dispose of other waste. Owners are required to act as a trustee for the State of Ohio and collect a fee of \$1 per ton of waste injected up to a maximum of \$25,000. The OEPA estimates that it costs each permit applicant or permit holder between \$41.13 and \$82.48 per signature measure in work time to have the appropriate individual sign each application and report submitted, as applicants may need to submit anywhere from twelve to fifteen reports each year. According to the OEPA, the total costs of compliance with the rules depend on multiple variables such as the amount and types of waste that are managed as well as the methods used to manage them. The OEPA states that the adverse impacts to business are justified to implement statutory requirements, comply with federal requirements, and ensure that the public is supplied with a safe and reliable source of drinking water.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Agency should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.