CHAPTER 4. RULES OF PRACTICE AND PROCEDURE

SUBCHAPTER 7. ENVIRONMENTAL PERMIT PROCESS

PART 1. THE PROCESS

252:4-7-4. Filing an application

(a) **Tier I.** The applicant shall file ~~(2) copies of~~ a complete Tier I application ~~unless the application form or instructions specifies that only one (1) copy is needed~~ in either paper or acceptable electronic document format. Applicants seeking permits for alternative individual on-site sewage disposal systems and alternative small public on-site sewage disposal systems (OAC 252:641) shall ~~file one~~also provide a copy ~~with~~to the local DEQ office for the county in which the real property is located.

(b) **Tier II & III.** The applicant shall file ~~three (3) copies of~~completed Tier II and Tier III applications with ~~the~~ DEQ and place ~~one (1)~~a copy for public review in the county in which the site, facility or activity is located.

252:4-7-6. Receipt of applications

When an application and appropriate fee are received, each program shall:

(1) file stamp or electronically file stamp the application with the date of receipt, the Division and/or program name and an identification number;

(2) assign the application to a permit reviewer; and

(3) enter this information in a database or log book.

252:4-7-7. Administrative completeness review

The reviewer shall have 60 calendar days from the file-stamped date of filing to determine if the application is administratively complete.

(1) **Not complete.** If the reviewer ~~decides~~determines that the application is not complete, he/she shall immediately notify the applicant by ~~mail~~letter, sent by mail or email, describing with reasonable specificity the deficiencies and requesting supplemental information. The reviewer may continue to ask for specific information until the application is administratively complete. If the reviewer does not notify the applicant of deficiencies, the period for technical review shall begin at the close of the administrative completeness review period.

(2) **Complete.** When the application is administratively complete, the reviewer shall enter the date in the database or log book and immediately notify the applicant by ~~mail~~letter, sent by mail or email. Once the application is deemed administratively complete, ~~The~~the period for technical review begins.

252:4-7-8. Technical review

(a) Each program shall have the time period specified in Parts 3 through ~~5~~7 of this Subchapter to review each application for technical compliance with the relevant rules and to reach a final determination. If the data in the application does not technically comply with the relevant rules or law, the reviewer ~~may~~shall notify the applicant by ~~mail~~letter, sent by mail or email, describing with reasonable specificity the deficiencies and requesting supplemental information.

(b) Any environmental permit that is not described in this Subchapter shall be reviewed with all due and reasonable speed.

252:4-7-9. When review times stop

The time period for review stops during:

(1) litigation;

(2) public review and participation, including waiting periods, comment periods, public meetings, administrative hearings, DEQ preparation of response to comments and/or review by state or federal agencies;

(3) the periods of time it takes the applicant to fully respond to a Notice of Deficiencies or a ~~requests~~request for supplemental information; and

(4) the time in which an applicant amends his/her application of his/her own accord.

252:4-7-10. Supplemental time

~~The Notice of Deficiencies and request for supplemental information may state that up~~Up to 30 additional calendar days may be added to the application processing time in the event that either a Notice of Deficiencies or request for supplemental information is sent to the applicant. ~~Requests for supplemental information may also state that additional~~Additionally, a number of days ~~for technical review~~ equal to the number of days the applicant used to respond may be added to the review time for technical review.

252:4-7-19. Consolidation of permitting process

(a) **Discretionary.** Whenever an applicant applies for more than one permit for the same site, ~~the~~ DEQ may ~~authorize, with the consent of the applicant,~~consolidate the review of the applications ~~to be consolidated~~ so that each required draft permit, draft denial and/or proposed permit is prepared at the same time and public participation opportunities are combined.

(b) **Scope.** When consolidation is authorized by the DEQ:

(1) The procedural requirements for the highest specified tier shall apply to each affected application.

(2) ~~The~~ DEQ may also authorize the consolidation of public comment periods, process and public meetings, and/or administrative permit hearings.

(3) Final permits may be issued together.

(c) **Renewal.** ~~The~~ DEQ may coordinate the expiration dates of new permits issued to an applicant for the same facility or activity so that all the permits are of the same duration.

(d) **Multiple modifications.** Subsections (a) and (b) of this section shall also apply to multiple Tier II and III applications for permit modifications.