



**Environmental  
Protection  
Agency**

**Division of Drinking and Ground Water  
Response to Comments**

**Rule:** 3745-34 Underground Injection Control

**Agency Contact for this Package**

Division Contact: Rylee Lane, [Rylee.Lane@epa.ohio.gov](mailto:Rylee.Lane@epa.ohio.gov), (614)752-9725

Ohio EPA held a comment period on September 11, regarding the UIC rules. This document summarizes the comments and questions received during the 30 day comment period, which ended on October 16.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

To help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

**General Comments.**

**Comment 1:** While perhaps not required by the administrative regulations, Cleveland-Cliffs notes that the UIC community of Class I well operators reached out and commented on the rule changes as they were issued in the January 3, 2024 public notice for Interested Party Review and, in the eight months which followed, received no follow up communication from Ohio EPA. Additionally, during that time, Ohio EPA proceeded to incorporate several significant changes that were not included in the IPR rule package without initiating any communication with Class I well operators, nor providing any explanation as to why the proposed changes have been deemed necessary. Cleveland-Cliffs continues to request that Ohio EPA's UIC program more openly communicate with operators as key stakeholders when considering changes to the UIC regulations. To that end, Cleveland-Cliffs would like to request that Ohio EPA provide written responses to comments submitted during ESO, IPR, and public comment periods for all future rule packages.

**Response 1:** Meetings and written correspondence were held with stakeholders during the Early Stakeholder Outreach period with discussions focused on the proposed changes to the rules. Ohio EPA also conducted two interested party review period for these rules (2022 & 2024) with significant changes made after the first period based on feedback from the regulated community. The response to comments received during the second Interested Party Review period were posted on the Ohio EPA internet with the proposed rule changes and rationale for any changes not made as part of the Public Comment period. In the future, the Ohio EPA will continue to enhance its outreach to interested parties.

### 3745-34-13

**Comment 2:** Consistent with Cleveland-Cliffs comments previously submitted for the UIC rule development, please either change Paragraph (H) to state "this demonstration shall be consistent with the applicable provisions of... " OR clarify Rule 3745-34-62 as only applicable to Class I hazardous waste disposal wells, since the financial assurance mechanisms and language cited in this regulation are from the hazardous waste regulations.

**Response 2:** The present language in OAC 3745-34-13(H) points to other rule requirements within OAC Chapter 3745-34 and does not alter the language in the referenced rules as such no change is recommended.

### 3745-34-16(A)(2)

**Comment 3:** It appears there were inadvertent deletions at paragraph (A)(2)(a) through (c) that should be retained. Please review and clarify what the applicant is to illustrate on maps and cross-sections in this section of the rule.

**Response 3:** This has been corrected with slight edits to the language of the subparagraphs to fit with the additional language in paragraph (A)(2).

### 3745-34-32(A)(2)

**Comment 4:** Cleveland-Cliffs suggests retaining the symbol for pi ( $\pi$ ) as it appears in the equation for  $x$ , in lieu of the proposed change to "pi", to remain consistent with standard mathematical practices and to avoid confusion when carrying out the mathematical modeling illustrated in this paragraph.

**Response 4:** This change is made due to Legislative Service Commission requirements.

### 3745-34-30 and 3745-34-36

**Comment 5:** Cleveland-Cliffs understands the intent of rescinding Rules 3745-34-30 and 3745-34-36 based on changes being incorporated into other rules. However, these rules are directly cited within other rules contained in Chapter 3745-34. If these rules were rescinded, additional review and clarifications will be necessary elsewhere within the Chapter to avoid confusion. Further, incorporating the nonhazardous well standards within rules otherwise focused on hazardous disposal well standards can lead to confusion as to applicability. We recommend and request retention of the two rules for clarity to the regulated community.

**Response 5:** Rules 3745-34-30 and 34-36 of the Ohio Administrative Code were not part of the package filed with JCARR for public comment. They were inadvertently posted on the Ohio EPA website but are not being proposed to be rescinded.

**End of Response to Comments**