

**3745-500-01      General administration - applicability.**

(A) The rules in this multi-program chapter shall apply when referenced in either of the following:

(1) A rule in a program chapter.

(2) A rule in another multi-program chapter that was made applicable by a rule in a program chapter.

Program chapters are Chapters 3745-520 to 3745-599 of the Administrative Code.

(B) Notwithstanding paragraph (A) of this rule, no person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person responsible for the open dumping, the owner of the property, or the person who allows or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.

[Comment: Prompt removal and disposal of solid waste does not relieve any obligations under state or federal environmental statutes. This may include environmental clean-up of the site or remediation of ground water contamination resulting from the open dumping.]

(C) Notwithstanding paragraph (A) of this rule, disposal of solid waste under Chapter 3734. of the Revised Code by means of open burning, as defined in Chapter 3745-19 of the Administrative Code, is permitted only as provided therein.

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**3745-500-02      General administration- definitions.**

As used in this chapter and any chapter making these definitions applicable, terms in this rule are defined as follows:

- (A)
- (1) "Administrative change" means an amendment to an authorizing document that does not constitute a modification or alteration to the facility or permit to install for the facility. An administrative change is not an action.
  - (2) "Applicant" means any person who has applied for authorization in accordance with rules adopted under Chapter 3734. of the Revised Code.
  - (3) "Approved board of health" means a board of health of a health district placed on the approved list by the director in accordance with section 3734.08 of the Revised Code.
  - (4) "Asbestos-containing waste materials" has the same meaning as in rule 3745-20-01 of the Administrative Code.  
  
[Comment: Asbestos-containing waste materials includes asbestos-containing materials regulated under NESHAP, 40 CFR Part 61, Subpart M as described in rule 3745-500-03 of the Administrative Code.]
  - (5) "Assets" means all existing and all probable future economic benefits obtained or controlled by a particular person.
  - (6) "Authorizing document" means a document issued, approved, or concurred with by the director, Ohio EPA, an approved board of health, the Ohio environmental review appeals commission, or a court of competent jurisdiction that describes activities that a person is either required to do, allowed to do, or prohibited from doing, pursuant to and in compliance with applicable rules, statutes, and orders. Authorizing document includes but is not limited to a permit, license, registration, acknowledgment of registration, plan, alteration, approval to use an alternative material, and order.
- (B) "Board of health" means the board of health of a city or general health district, the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code, or a representative delegated by the board of health to act on behalf of the board of health.
- (C)
- (1) "Compost facility" means a site, location, tract of land, installation, or building used for composting of solid waste in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder. The composting facility includes the area of materials placement and any leachate management system structures.
  - (2) "Constituent" means a compound or element suspended in, dissolved in, mixed in, or comprising a liquid, gas, or solid.
  - (3) "Construct" means to build, reconstruct, or repair when such activity affects any engineered component of a facility. Construct does not include routine maintenance activities.
  - (4) "Construction and demolition debris" or "C&DD" has the same meaning as section 3714.01 of the Revised Code.

- (D)
- (1) "Developed spring" means any spring that has been modified by the addition of pipes or a collection basin to facilitate the collection and use of the spring water.
  - (2) "Director" means the director of environmental protection or the director's authorized representative.
  - (3) "Disposal" has the same meaning as in section 3734.01 of the Revised Code.
  - (4) "Disposal limits" means the horizontal and vertical boundaries within the solid waste facility where solid waste has been disposed, is being disposed, or will be disposed within those boundaries.
- (E)
- (1) "Establish" or "establishment" of a facility means to dispose of waste or construct or install any facility components and includes excavation that is related to the construction of a facility or any components thereof. Establish or establishment includes conducting such activities at any location not authorized to dispose of waste. Establish or establishment does not include clearing, grubbing, or installing ground water monitoring wells.
  - (2) "Execute" means to complete and sign a document acceptable to the director for the purpose of establishing a financial assurance instrument.
  - (3) "Exemption" means a discretionary action of the director that relieves the applicant from a requirement of Chapter 3734. of the Revised Code or any rule adopted thereunder.
- (F) [Reserved.]
- (G) "Ground water" means any water below the surface of the earth in a zone of saturation.
- (H)
- (1) "Hazardous waste" means hazardous waste as defined in Chapter 3734. of the Revised Code and includes waste that is listed specifically as hazardous waste or exhibits one or more characteristics of hazardous waste as defined in Chapter 3745-51 of the Administrative Code.
  - (2) "Health commissioner" means the individual occupying the office created by section 3709.11 or 3709.14 of the Revised Code or the health commissioner's authorized representative.
  - (3) "Health district" means a city or general health district created by or under the authority of Chapter 3709. of the Revised Code.
- (I) "Independently audited" means reviewed by an independent certified public accountant in accordance with generally accepted accounting standards, or for a publicly-owned facility, an equivalent comprehensive audit performed by the auditor of the state of Ohio pursuant to Chapter 117. of the Revised Code.
- (J) [Reserved.]
- (K) [Reserved.]
- (L)
- (1) "Leachate" means liquid that has come in contact with or been released from solid waste.
  - (2) "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to

transfer assets or provide services to other persons in the future as a result of past transactions or events.

- (3) "Licensing authority" means the approved board of health or in the absence of an approved board of health, the director.
- (M) [Reserved.]
- (N) "Nuisance" means anything that is injurious to human health or offensive to the senses; interferes with the comfortable enjoyment of life or property; and affects a community, neighborhood, or any considerable number of persons (although the extent of annoyance or damage inflicted upon individual persons may be unequal).
- (O)
- (1) "Occupied dwelling" means the following, but does not include a dwelling owned or controlled by the owner or operator of a facility to which the siting criteria are being applied:
- (a) A building used or intended to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence. For the purposes of this definition, "owner" means a person with the right to exclusive use, control, or possess a building.
  - (b) A place of worship as defined in section 5104.01 of the Revised Code.
  - (c) A child day-care center as defined in section 5104.01 of the Revised Code.
  - (d) A hospital as defined in section 3727.01 of the Revised Code.
  - (e) A nursing home as defined in section 3721.01 of the Revised Code.
  - (f) A school.
  - (g) A restaurant or other eating establishment.
- (2) "Occupied structure" means an enclosed structure where one or more human beings may be present, but does not include structures that are open to natural free air circulation such that the explosive gas hazard is minimized.
- (3) "Ohio EPA" means Ohio environmental protection agency.
- (4) "Open burning" means one of the following:
- (a) The burning of solid wastes in an open area.
  - (b) The burning of solid wastes in a type of chamber or vessel that is not approved or authorized in rules adopted by the director under section 3734.02 of the Revised Code or, if the solid wastes consist of scrap tires, in rules adopted by the director under section 3734.73 of the Revised Code.
- (5) "Open dumping" means the following:
- (a) The deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.
  - (b) The deposition of solid wastes that consist of scrap tires into waters of the state, and also means the

final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility licensed under section 3734.81 of the Revised Code, or at a site or in a manner not specifically identified in division (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), or (C)(10) of section 3734.85 of the Revised Code, or at any licensed solid waste facility if the deposition is not in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.

(c) The deposition of solid wastes that consist of scrap tires in buildings, trailers, or other vehicles, unless for fewer than fourteen days at a scrap tire transporter's registered business location, a licensed scrap tire facility, or an unregistered scrap tire facility operating in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.

(d) The deposition of untreated or treated infectious wastes into waters of the state, and also means the final deposition of untreated or treated infectious wastes on or into the ground at any place other than a licensed solid waste facility operated in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.

(6) "Operator" or "facility operator" means any person who has supervisory authority or the authority to make discretionary decisions concerning the construction, operation, maintenance, or monitoring of a solid waste facility, C&DD facility, infectious waste treatment facility, or scrap tire transportation business.

(7) "Owner" means the person who holds title to the land on which the solid waste facility, C&DD facility, infectious waste treatment facility, or scrap tire transportation business is located or the person who owns a majority or controlling interest in the facility or business.

(P)

(1) "Parameter" means a measurable factor of a liquid, gas, or solid such as temperature, pH, length, or elevation, and includes constituents of the liquid, gas, or solid.

(2) "Permitting authority" means the director.

(3) "Person" includes the state, any political subdivision of the state or other state or local body, the United States and any agency or instrumentality thereof, and any legal entity or organization defined as a person under section 1.59 of the Revised Code, or other entity.

(4) "Premises" means either of the following:

(a) Geographically contiguous property owned by the same person.

(b) Noncontiguous property that is owned by the same person and connected by a right-of-way that the person controls and to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by one or more public or private right-of-way are a single premises.

(5) "Professional engineer" means an individual authorized to practice the profession of engineering pursuant to Chapter 4733. of the Revised Code.

(6) "Public water supply well" means any well connected to a public water system as defined by division (A) of section 6109.01 of the Revised Code.

(Q) [Reserved.]

(R) "Registrant" means any person to whom a registration has been issued.

(S)

(1) "Scrap tire" has the same meaning as section 3734.01 of the Revised Code.

(2) "Solid waste" has the same meaning as section 3734.01 of the Revised Code.

(3) "Solid waste disposal facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other approved methods of disposal of solid wastes.

(4) "Solid waste facility" means a site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for collection, storage, or processing of the solid wastes; or for the transfer of solid wastes.

(5) "Solid waste management district" means a county that has established a resolution, or joint counties that have entered into an agreement, for the purposes of preparing, adopting, submitting, and implementing a solid waste management plan for the county or joint counties and for the purposes of providing for, or causing to be provided for, the safe and sanitary management of solid waste within all of the incorporated and unincorporated territory of the county or joint counties and in compliance with Chapters 343. and 3734. of the Revised Code.

(6) "Surface water" means any water on the surface of the earth.

(T) [Reserved.]

(U) [Reserved.]

(V) "Variance" means an action of the director that changes a requirement of a rule adopted under Chapter 3734. of the Revised Code.

(W)

(1) "Water pollution" means the unpermitted release of sediment from disturbed areas, solid waste or waste-derived constituents, or leachate to the waters of the state.

(2) "Waters of the state" means all streams, lakes, ponds, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters, including those waters that are presently used, have been used, or are susceptible to use for transporting interstate commerce up to the head of navigation.

(3) "Water supply well" includes potable and non-potable water supply wells.

(4) "Wetland" has the same meaning as in rule 3745-1-02 of the Administrative Code.

(X) [Reserved.]

(Y) [Reserved.]

(Z) "Zone of saturation" or "saturated zone" means that part of the earth's crust in which all voids are filled with

water. Zone of saturation or saturated zone does not include the capillary zone.

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### **3745-500-03      Incorporation by reference.**

Incorporation by reference. The text of the incorporated materials is not included in the rules contained in Chapters 3745-500 to 3745-599 of the Administrative Code. The materials listed in paragraph (B) of this rule are hereby made a part of the rules in Chapters 3745-500 to 3745-599 of the Administrative Code. For materials subject to change, only the specific version specified in this rule is incorporated. Any amendment or revision to a referenced document is not incorporated until this rule has been amended to specify the new version.

(A) Availability. The materials incorporated by reference are available as follows:

- (1) Code of federal regulations (C.F.R.). Information and copies may be obtained by writing to: "U.S. Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000." The full text of the C.F.R. is also available in electronic format at <http://www.gpoaccess.gov/cfr/>. The C.F.R. compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (2) Federal statutes. The full text is available in electronic format at <http://www.gpoaccess.gov/uscode/index.html>. These laws are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (3) Government literature. The availability of these documents is provided in paragraph (B)(3) of this rule. However, many of the documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (4) Specifications of the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, third edition, including Volume II, Field Manual (SW-846)." Information and copies may be obtained by writing to: "National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22161." The full text is also available in electronic format at <http://www.epa.gov/epawaste/index.htm>. These test methods are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (5) Specifications of the "American Society for Testing and Materials" (ASTM). Information and copies may be obtained by writing to: "ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959." These documents are available for purchase at <http://www.astm.org>.
- (6) Other publications. The availability of these documents is provided in paragraph (B)(6) of this rule. However, many of the documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(B) Incorporated materials.

- (1) Appropriate "Code of Federal Regulations," the regulations listed in this rule are those effective on July 1, 2011 and include 40 C.F.R. Part 61, "National Emission Standards for Hazardous Air Pollutants (NESHAP)."
- (2) Appropriate "Government Literature," including the following:
  - (a) Investment Company Act of 1940, 15 U.S.C. 80A-1 et seq.
  - (b) U.S. Bureau of Economic Analysis document, available at <http://www.bea.gov> or by writing to U.S. Bureau of Economic Analysis, 1441 L Street NW, Washington, DC 20230: "Survey of Current Business", July 2011.

- (c) U.S.C. Title 11, Bankruptcy.
  - (d) U.S. environmental protection agency documents, available at <http://www.epa.gov/nscep> or by writing to U.S. Environmental Protection Agency/National Service Center for Environmental Publications, P. O. Box 42419, Cincinnati, OH 45242-0419, including "Methods for Chemical Analysis of Water and Wastes, EPA 600/4-79-020", published in 1983.
  - (e) U.S. department of treasury document, available at <http://www.fms.treas.gov>: "Circular 570" published in the July 1, 2011 C.F.R.
- (3) Appropriate "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846)," as amended through January 3, 2008, including the following:
- (a) Method 3050B, "Acid Digestion of Sediments, Sludges, and Soils."
  - (b) Method 3051A, "Microwave assisted acid digestion of sediments, sludges, soils, and oils."
  - (c) Method 6010C, "Inductively Coupled Plasma - Atomic Emission Spectrometry."
  - (d) Method 6020A, "Inductively Coupled Plasma - Mass Spectrometry."
  - (e) Method 7000B, "Flame Atomic Absorption Spectrophotometry."
  - (f) Method 7010, "Graphite Furnace Atomic Absorption Spectrophotometry."
  - (g) Method 7471B, "Mercury in Solid or Semisolid Waste (Manual Cold-Vapor Technique)."
  - (h) Method 9045D, "Soil and Waste pH."
  - (i) Method 9060, "Total Organic Carbon."
- (4) Appropriate "American Society for Testing and Materials." Each of the following ASTM standards are regulated by the date specified, another standard may be used if it is at least equivalent to those cited in this rule and is acceptable to Ohio EPA. ASTM standards include the following:
- (a) ASTM D2976-71, "Standard Test Method for pH of Peat Materials;" approved in 1971; reapproved in 1998 and 2004.
  - (b) ASTM D6270-08e1, "Standard Practice for Use of Scrap Tires in Civil Engineering Applications;" approved in 1998; reapproved in 2004; amended in 2008.
  - (c) ASTM D6868-11, "Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities;" approved in 2003; superseded in 2011.
- (5) Other publications as follows:
- (a) American public health association book: "Standard Methods for the Examination of Water and Wastewater" (Andrew D. Eaton, Lenore S. Clesceri, Eugene W. Rice, Arnold E. Greenberg eds., 21st ed. 2005). Available for purchase at <http://www.standardmethods.org/>. Standard methods include the following:
    - (i) 9221 "Multi-Tube Fermentation Technique for Members of the Coliform Group."
    - (ii) 9222 "Membrane Filter Technique for Members of the Coliform Group."

- (iii) 9260 "Detection of Pathogenic Bacteria."
- (b) Association of Official Analytical Chemists (AOAC) book: "Official Methods of Analysis," (Dr. William Horwitz and Dr. George Latimer, Jr. eds., 18th ed. Rev. 2 2007). Available for purchase at <http://www.aoac.org>.
- (c) North central region (NCR) document: "Recommended Chemical Soil Test Procedures for the North Central Region," (J. R. Brown ed., Pub. No. 221, 1998). The full text is available in electronic format at <http://extension.missouri.edu/publications/>. Copies may be purchased by writing to: "MU Extension Publications, 2800 Maguire Blvd., Columbia, MO 65211" or at <http://extension.missouri.edu/explore/shop/>.
- (d) U.S. Composting Council document: "Test Methods for Evaluation of Compost and Composting (TMECC)", August 12, 2011. Available for purchase at <http://compostingcouncil.org/publications/>. TMECC methods include the following:
  - (i) 03.08-A "Classification of inerts."
  - (ii) 04.01-A "Combustion with CO2 detection."
  - (iii) 04.02-A "Total kjeldahl nitrogen, semi-micro kjeldahl technique."
  - (iv) 04.02-D "Total nitrogen by combustion."
  - (v) 04.03-A "Total phosphorus."
  - (vi) 04.04-A "Total potassium."
  - (vii) 04.05-B "Boron."
  - (viii) 04.06-As "Arsenic."
  - (ix) 04.06-Cd "Cadmium."
  - (x) 04.06-Pb "Lead."
  - (xi) 04.06-Hg "Mercury."
  - (xii) 04.06-Ni "Nickel."
  - (xiii) 04.06-Se "Selenium."
  - (xiv) 04.06-Zn "Zinc."
  - (xv) 04.10-A "1:5 slurry method, mass basis."
  - (xvi) 04.11-A "1:5 slurry pH."
  - (xvii) 05.08-A "SOUR: Specific oxygen uptake rate."
  - (xviii) 05.08-B "Carbon dioxide evolution rate."
  - (xix) 05.08-C "In-situ oxygen refresh rate."
  - (xx) 05.08-D "Dewar self-heating test."

(xxi) 05.08-E "Solvita maturity index."

(xxii) 05.08-F "Biologically available carbon."

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**3745-500-35 Relationships among authorizing documents, rules, and the authority of the director and board of health.**

- (A) When direct conflict occurs between an authorizing document approved prior to the effective date of this rule under Chapter 3734. of the Revised Code and rules adopted under Chapters 3745-500 to 3745-599 of the Administrative Code, the owner or operator shall comply with the authorizing document until the obligation in the authorizing document ceases. After the obligation ceases, the owner or operator shall comply with the rules.
- (B) When a direct conflict occurs between an order issued by the director, approved board of health, or court having competent jurisdiction prior to the effective date of this rule and rules adopted under Chapters 3745-500 to 3745-599 of the Administrative Code, the owner or operator shall comply with the order until the order is terminated or until the obligation in the order ceases. After the obligation in the order has ceased, the owner or operator shall comply with the rules.
- (C) Nothing in Chapters 3745-500 to 3745-599 of the Administrative Code is intended nor shall be construed to limit or infringe upon any authority granted by statute to the director or a board of health, including but not limited to issuing orders, conducting inspections, and enforcing the standards and requirements of statutes and rules adopted thereunder.

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**3745-500-50 Signatures.**

- (A) When a document is required to be signed in accordance with this rule, the applicant, owner, or operator signing that document shall be one of the following:
- (1) In the case of a corporation, a principal executive officer of at least the level of vice president or a duly authorized representative, if such representative is responsible for the overall operation of the facility.
  - (2) In the case of a partnership, a general partner.
  - (3) In the case of a limited liability company, a manager, member, or other duly authorized representative of the limited liability company, if such representative is responsible for the overall operation of the facility.
  - (4) In the case of sole proprietorship, the owner.
  - (5) In the case of a municipal, state, federal, or other governmental facility, the principal executive officer, the ranking elected official, or other duly authorized employee.
- (B) The signature on the document signed in accordance with this rule shall constitute personal affirmation that all statements and all assertions of fact made in the document to the best of the signatory's knowledge and belief are true and accurate, include all required information, and comply fully with applicable rules.
- (C) Unless an alternate certification is specifically required, a document signed in accordance with this rule shall include the following certification statement:
- "By signing this document I hereby certify that all statements and all assertions of fact made in the document to the best of my knowledge and belief are true and accurate, include all required information, and comply fully with applicable rules."

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**3745-500-120 Procedures for issuing, denying, modifying, transferring, and revoking licenses and permits to install.**

[Comment: Procedures for suspending a license can be found in rule 3745-501-40 of the Administrative Code.]

- (A) In deciding whether to issue, deny, or modify a permit to install, the director shall solicit the input and coordinate the issuance of the permit to install with all relevant divisions of Ohio EPA, as specified in the table below. The director may consult with other divisions or persons as the director deems appropriate.

Projects to be reviewed by relevant divisions:

Project Type	Division of Surface Water	Division of Air Pollution Control	Division of Drinking and Ground Waters
Class I composting facility	X	X	X

- (B) When issuing, denying, modifying, approving, or denying transfer of, or revoking a license or a permit to install for a solid waste facility, the director shall act in accordance with Chapters 119., 3734., and 3745. of the Revised Code, as applicable.
- (C) When issuing, denying, modifying, approving, or denying transfer of, or revoking a license for a solid waste facility, the approved board of health shall act in accordance with Chapter 3734. and section 3709.20 of the Revised Code.
- (D) When denying, revoking, or denying transfer of a license for a solid waste facility, the approved board of health shall provide, at a minimum, the following:
- (1) To the owner or operator of the facility or the applicant for the license or permit to install the following:
    - (a) Notice of the approved board of health's intent to deny or revoke a license or permit to install. This notice shall include a provision informing the applicant, owner, or operator of the right to a hearing prior to the issuance by the approved board of health of a final action denying or revoking a license or permit. This notice shall provide a period of thirty days in which to request a hearing.
    - (b) Upon request, a hearing, held in accordance with section 3709.20 of the Revised Code, at which the persons that have requested the hearing are provided the following:
      - (i) The right to appear in person, by attorney, or by other such representation permitted to appear before the approved board of health.
      - (ii) The opportunity to present evidence at the hearing, including the testimony of witnesses under oath, and the opportunity to cross examine opposing witnesses.
      - (iii) Following the rulings on the admissibility of evidence, the opportunity to proffer evidence that has been determined to be inadmissible.
      - (iv) A stenographic record of the hearing.
    - (c) Prior to the issuance of a final action and subsequent to a hearing conducted by a referee or examiner in accordance with division (B) of section 3709.20 of the Revised Code, written recommendations

presented to the approved board of health and an opportunity to submit written objections.

- (d) A copy of the final action of the approved board of health regarding the denial or revocation of the license or permit, with findings of fact and conclusions of law based on the hearing held in accordance with section 3709.20 of the Revised Code. The copy with a statement of how and within what time period the final action may be appealed to the environmental review appeals commission shall be sent by certified mail or any other form of mail accompanied by a receipt. Such copy and statement shall also be sent by certified mail or any other form of mail accompanied by a receipt to persons who have requested a hearing.
- (2) To persons who have requested a hearing, upon receipt of a written signed request for a hearing, notice of the hearing date, time, and place not later than twenty days prior to the hearing.

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**3745-500-130      Retention and distribution of authorizing documents - procedures for boards of health and Ohio EPA.**

**(A) Procedures for boards of health.**

If required by rules adopted under Chapter 3734. of the Revised Code, copies of an authorizing document issued by the approved board of health and all associated plans, specifications, and information shall be retained and distributed in accordance with the following:

- (1) The board of health shall retain at least one copy of the authorizing document and all associated plans, specifications, and information.
- (2) Copies of authorizing documents shall be distributed by certified mail or another form of mail accompanied by a receipt not later than the end of the third business day following issuance of the authorizing document, except that any plans, specifications, and information accompanying an authorizing document need not be distributed by certified mail or another form of mail accompanied by a receipt.
- (3) The board of health shall distribute copies of the authorizing document and any associated plans, specifications, and information as follows:
  - (a) Return one copy to the entity who submitted the application or request for the authorizing document.
  - (b) Send one copy to Ohio EPA.

**(B) Procedures for Ohio EPA.**

Copies of an authorizing document issued by Ohio EPA and associated plans, specifications, and information shall be retained and distributed in accordance with agency procedural rules adopted pursuant to Chapter 119. of the Revised Code.

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Certification

02/16/2012

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02

**3745-500-150      Alteration to a solid waste permit to install.**

(A) Applicant procedures.

- (1) A request to alter the solid waste permit to install, and subsequent revisions to the request, shall be submitted in writing to Ohio EPA. Revisions to the request shall be accompanied by the following:
  - (a) An index listing each change and the page where each change occurred.
  - (b) For plan drawings, a schedule on the drawing indicating what has changed.
- (2) A request to alter the permit to install shall include a certification statement and signature in accordance with rule 3745-500-50 of the Administrative Code.
- (3) Upon request from Ohio EPA, the applicant shall submit additional and identically complete copies of the request to alter the permit to install.

(B) Ohio EPA procedures for acting on a request to alter a solid waste permit to install.

- (1) Ohio EPA may decline to act on the request to alter a permit to install.
- (2) Ohio EPA shall not concur with a request to alter a permit to install unless Ohio EPA determines that the following criteria are satisfied:
  - (a) The request to alter a permit to install is at least equivalent to the applicable rule requirements.
  - (b) The request is not for a modification.
  - (c) The alteration will not interfere with the ability of the applicant, owner, or operator to construct, operate, and close the facility in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder, and with the terms and conditions of the permit to install.
  - (d) The alteration will not interfere with the ability of the applicant, owner, or operator to comply with Chapters 3704., 3714., 3734., and 6111. of the Revised Code and rules adopted under those chapters.
- (3) When determining whether to concur with an alteration, Ohio EPA may consider the owner's and operator's compliance with Chapters 3704., 3714., 3734., and 6111. of the Revised Code, the rules adopted under those chapters, and any authorizing documents.
- (4) Upon Ohio EPA's concurrence with a request to alter a permit to install, Ohio EPA shall retain and distribute copies of the alteration request and any altered drawings and information pursuant to rule 3745-500-130 of the Administrative Code.

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Statutory Authority: 3734.02, 3734.12  
Rule Amplifies: 3734.02, 3734.05, 3734.12

**3745-500-210      Variances for solid waste facilities.**

- (A) An application for a variance for a solid waste facility shall include the following:
- (1) The provision or provisions of the state law for which the variance is requested.
  - (2) Information regarding the reason and justification for the variance.
  - (3) Any other pertinent data regarding the application required by the director.
  - (4) A certification statement and signature in accordance with rule 3745-500-50 of the Administrative Code.
- (B) In accordance with division (S)(1) of section 3745.11 of the Revised Code, the nonrefundable fee shall be paid at the time the application for a variance is submitted. If the application for a variance is part of an application for a permit to install, the variance application fee shall be paid in addition to the permit to install application fee.
- (C) The director shall issue, renew, or deny an application for a variance or renewal of a variance for a solid waste facility not later than six months after the date upon which the director receives a complete application with all pertinent information and data required unless the application for a variance is part of an application for a permit to install. If an application for a variance is part of an application for a permit to install, the director shall issue, renew, or deny an application for a variance or renewal of a variance concurrent with a final or proposed action on the permit to install application.
- (D) When issuing a variance for a solid waste facility, the director shall act in accordance with Chapters 119., 3734., and 3745. of the Revised Code, as applicable.

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Statutory Authority: 3734.02  
Rule Amplifies: 3734.02

**3745-500-220 Exemptions from solid waste requirements.**

- (A) An application for an exemption from a solid waste requirement shall include the following:
- (1) The provision or provisions of the state law for which the exemption is requested.
  - (2) Information regarding the reason and justification for the exemption including any effects on the public health and safety and the environment if the exemption is granted.
  - (3) Any other pertinent data regarding the application required by the director.
  - (4) A certification statement and signature in accordance with rule 3745-500-50 of the Administrative Code.
- (B) Pursuant to division (G) of section 3734.02 of the Revised Code, the director may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, including scrap tires, from any requirement of Chapter 3734. of the Revised Code or any rules adopted thereunder if granting the exemption is unlikely to adversely affect the public health or safety or the environment.
- (C) When issuing an exemption from a solid waste requirement, the director shall act in accordance with Chapters 119., 3734., and 3745. of the Revised Code, as applicable.
- (D) The director may decline to act on a request for an exemption from a solid waste requirement.

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Rule Amplifies: 3734.02

**3745-500-330 Termination of a permit to install issued under Chapter 3734. of the Revised Code.**

- (A) A permit to install issued under Chapter 3734. of the Revised Code for a new facility shall terminate three years after the effective date of the permit to install if the owner or operator has neither undertaken a continuing program of installation nor entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation of the new facility.
- (B) The owner or operator may request an extension of the termination date. Such request shall be submitted to the director and provide justification for the extension of time and an analysis demonstrating that the facility meets all applicable siting criteria and design standards established in the rules in effect on the date the permit to install is to expire.
- (C) The director may extend the termination date of a permit to install for a period of time not to exceed twelve months if the director determines that the owner or operator has adequately justified an extension of time and has demonstrated that the facility meets all applicable siting criteria and design standards established in the rules in effect on the date the permit to install is to expire.

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Statutory Authority: 3734.02, 3734.12  
Rule Amplifies: 3734.02, 3734.12

**3745-500-350 Causes for revoking a permit to install issued under Chapter 3734. of the Revised Code.**

The director may revoke a permit to install issued under Chapter 3734. of the Revised Code, without limitation as to other lawful grounds, for any of the causes listed in section 3734.45 of the Revised Code.

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Statutory Authority: 3734.02  
Rule Amplifies: 3734.02, 3734.09, 3734.45

**3745-500-360 Administrative change to a permit to install.**

- (A) The permitting authority may make an administrative change to a permit to install in order to do the following:
- (1) Update or correct administrative information including but not limited to the telephone number, address, or name of the facility, the name of the owner or operator or person to whom the permit to install has been issued, or other facility contact information.
  - (2) Correct typographical errors contained in a permit to install.
- (B) Procedures for requesting an administrative change to a permit to install. Unless a transfer of a permit to install has been approved, a person to whom a permit to install has been issued shall do the following:
- (1) Submit a written request for an administrative change to the permitting authority. The request shall include a copy of the information proposed to be administratively changed with the desired change, and all locations in the permit to install where the change is proposed.
  - (2) If the approved board of health is the permitting authority, notify Ohio EPA of the submittal of a request for an administrative change concurrent to initially submitting the request to the approved board of health. The notification shall be in writing and shall contain sufficient detail to understand the scope and nature of the request.
  - (3) Upon request from Ohio EPA or the approved board of health, submit additional and identically complete copies of the request for an administrative change.
  - (4) If the permitting authority makes the administrative change, retain a copy of the administrative change with the permit to install.
- (C) Permitting authority procedures are as follows:
- (1) The permitting authority shall make an administrative change to a permit to install after approving transfer of a permit to install to update administrative information including but not limited to the name, address, and contact information of the permittee.
  - (2) The permitting authority may make an administrative change to a permit to install when requested by a permittee or when the permitting authority discovers the need for an administrative change. The permitting authority may decline to make a requested administrative change.
  - (3) Upon making an administrative change to a permit to install, the permitting authority shall provide written notification to the permittee of the administrative change.
  - (4) Copies of the changed pages shall be retained and distributed pursuant to rule 3745-500-130 of the Administrative Code.

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