

## TO BE RESCINDED

3745-27-23

**Operation of solid waste transfer facilities.**

~~Applicability. The owner or operator of a solid waste transfer facility, except for a transfer facility that accepts exclusively yard waste for transfer, shall comply with the requirements and operational criteria of this rule. The owner or operator of a transfer facility that accepts exclusively yard wastes for transfer shall comply with paragraph (BB) of this rule. Paragraphs (S) to (X) of this rule are not applicable to the owner or operator of a solid waste transfer facility if the facility consists solely of portable containers, as defined in rule 3745-27-01 of the Administrative Code, and the waste is not placed on a waste handling floor.~~

~~(A) Where applicable, the owner or operator shall conduct all operations at a solid waste transfer facility in compliance with approved detail plans, specifications, and information, the terms and conditions of the permit to install issued in accordance with rule 3745-27-02 of the Administrative Code, and the solid waste facility license issued in accordance with Chapter 3745-37 of the Administrative Code.~~

~~(B) In accordance with the requirements of division (L) in section 3734.02 of the Revised Code:~~

~~(1) The technical operation and maintenance of the solid waste facility shall be under the responsible charge of an operator certified by the director as having completed operator training as required by Chapter 3734. of the Revised Code and rules adopted thereunder.~~

~~(2) A certified operator shall be required on-site and in responsible charge of the operation and maintenance of the solid waste transfer facility at all times during the normal operating hours of the facility, unless the facility consists solely of portable containers.~~

~~(C) The owner or operator shall obtain all permits and authorizations that may be required by Chapters 3704. and 6111. of the Revised Code, and shall comply with any applicable requirements of those chapters.~~

~~(D) The owner or operator shall construct the transfer facility in strict compliance with the applicable authorizing document(s), including permits(s) to install or alterations concurred with in writing by Ohio EPA.~~

~~[Comment: "Alteration", as it is applied to solid waste transfer facilities, is explained in paragraph (D)(2) of this rule.]~~

~~(1) Upon completion of construction, the owner or operator of a solid waste transfer facility shall submit to the appropriate district office of Ohio EPA, a certification signed by the owner or operator that the facility has been constructed in strict compliance with the applicable authorizing documents. If there are any deviations from the authorizing documents, the certification~~

~~shall include record drawings of the change.~~

~~[Comment: A deviation may be an alteration, a modification, or an other change. If the deviation is an alteration or modification, the owner or operator is to obtain written concurrence for the alteration or approval for the modification before the construction can be certified.]~~

- ~~(2) Any deviation in the initial construction and subsequent construction of the leachate management system, or waste handling area floor from the authorizing documents is considered an alteration and must be concurred with in writing by Ohio EPA prior to making the change.~~
- ~~(3) Any substantial expansion of the waste handling area or substantial deviation of the location of the waste handling area is considered a modification and must be issued a permit to install in accordance with rule 3745-27-02 of the Administrative Code prior to making the change.~~
- ~~(E) The owner or operator shall maintain access roads at the facility in such a manner that erosion and dust generation is minimized and passage of loaded vehicles during inclement weather conditions is not hindered.~~
- ~~(F) The owner or operator shall limit access to the facility to authorized personnel except during operating hours and when operating personnel are present.~~
- ~~(G) The owner or operator shall post clear instructions for using the facility and maintain the instructions in legible condition. The instructions shall include the following:~~
- ~~(1) A listing of prohibited types of wastes as defined in paragraph (O) of this rule.~~
  - ~~(2) A listing of any wastes not accepted for transfer including those listed in paragraph (P) of this rule.~~
  - ~~(3) Any yard waste restrictions.~~
  - ~~(4) Telephone numbers of emergency personnel, including, but not limited to, local fire departments, boards of health, and the appropriate district office of Ohio EPA.~~
- ~~This information is to be posted at the entrance to the facility and at waste handling areas.~~
- ~~(H) The owner or operator shall take all necessary measures to prevent scavenging and other activities which would interfere with proper operating procedures.~~
- ~~(I) The owner or operator shall confine solid waste handling to the smallest practical area. Such handling shall be supervised by competent operating personnel who shall be thoroughly familiar with proper operational procedures, with any approved detail~~

~~plans, specifications, and information and with the contingency plan.~~

- ~~(J) The owner or operator shall employ all reasonable measures to collect, properly contain, and dispose of scattered litter, including frequent policing of the area, and the use of wind screens where necessary.~~
- ~~(K) The owner or operator shall manage the facility in such a manner that noise, dust, and odors do not constitute a nuisance or a health hazard.~~
- ~~(L) The owner or operator shall manage the facility in such a manner that the attraction, breeding, and emergence of birds, insects, rodents, and other vectors do not constitute a nuisance or a health hazard. Supplemental effective control measures shall be initiated as deemed necessary by the health commissioner or the director.~~
- ~~(M) The owner or operator shall have available adequate operable equipment for facility operation at all times.~~
- ~~(N) The owner or operator shall transfer all solid wastes arriving at the facility as soon as practicable. All solid wastes arriving at the facility which are not transferred within twelve hours of receipt shall be placed in closed containers or in totally enclosed buildings or structures, or other means shall be used to prevent water, birds, insects, rodents, and other vectors from reaching the wastes and to prevent the release of leachate. Solid wastes awaiting transfer where such storage causes a nuisance or health hazard in the judgment of the health commissioner or the director shall be considered open dumping.~~
- ~~(O) The owner or operator shall not accept the following at the facility:~~
- ~~(1) Hazardous wastes.~~
  - ~~(2) Asbestos or asbestos containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, Subpart M, July 1, 2003.~~
  - ~~(3) Wastes containing liquids which can be readily released under normal climatic conditions, as determined by method 9095 (1996) (paint filter liquids test) in SW 846: "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods".~~
  - ~~(4) Low level radioactive wastes as specified in section 3734.027 of the Revised Code.~~
  - ~~(5) Any untreated infectious wastes, other than those subject to division (A)(1)(c) of section 3734.021 of the Revised Code.~~

~~If any such materials are found at the facility, they shall be removed as soon as practicable and properly disposed. If any such materials are detected in incoming solid wastes, the load containing those materials shall be refused.~~

~~Any such occurrences shall be noted in the daily log as required in paragraph (U) of this rule.~~

~~(P) The owner or operator shall not accept for transfer to a disposal facility the following:~~

~~(1) Lead acid batteries. Lead acid batteries may be accepted for transfer to a recycling facility.~~

~~(2) Whole or shredded scrap tires.~~

~~[Comment: Whole or shredded scrap tires incidental to a mixed municipal solid waste load must be removed and delivered to a licensed scrap tire facility by a registered scrap tire transporter. The solid waste transfer facility may have on site a portable container to store the scrap tires without being licensed as a scrap tire facility if the exemption criteria in paragraph (A)(3)(b) of rule 3745-27-61 of the Administrative Code are met.]~~

~~(3) Yard waste, source separated yard waste, or commingled yard waste as defined in rule 3745-27-01 of the Administrative Code excluding source separated yard wastes that will be transferred to a composting facility registered or licensed in accordance with Chapter 3745-27 of the Administrative Code.~~

~~[Comment: Application of this rule should be read in conjunction with the yard waste management and yard waste restriction program rules as found in paragraphs (CC) and (DD) of this rule.]~~

~~(4) Waste oil.~~

~~Any materials received at the solid waste transfer facility under the exceptions listed under paragraphs (P)(1) to (P)(4) of this rule shall be segregated from solid wastes awaiting transfer. Documentation of all such segregation, including types, quantities, and destinations of segregated materials, shall be noted in the daily log, as required in paragraph (U) of this rule.~~

~~(Q) If the director or health commissioner determine that a substantial threat of surface water pollution, ground water pollution and/or air pollution exists, then monitoring may be required.~~

~~(R) The owner or operator shall establish, maintain, and implement as necessary a contingency plan detailing emergency procedures to address the following:~~

~~(1) Discovery of unauthorized wastes.~~

~~(2) Fire, explosion, and spills.~~

- ~~(3) Equipment failure.~~
- ~~(4) If all or part of the transfer facility should become unavailable for any reason:~~
- ~~(a) The handling, removal and disposal of solid wastes.~~
  - ~~(b) The written notification of the solid waste management district in which the facility is located, the appropriate Ohio EPA district office, and the local health district.~~
  - ~~(c) The general notification of the service area and customers.~~
- ~~(S) The owner or operator shall maintain the leachate collection system to prevent blockage or clogging that may impede proper collection of leachate.~~
- ~~(T) The owner or operator shall have available at or near the facility, adequate fire control equipment, material, and services which shall be engaged immediately to control or extinguish any fire at the facility.~~
- ~~(U) The owner or operator shall record facility operations in a daily log. Logs shall be kept on forms prescribed by the director. All entries required by the log form shall be made daily. The log shall be available for inspection by the health commissioner, or the director, during normal operating hours. When required by the health commissioner, or the director, copies of daily logs or summaries of daily logs shall be submitted to the health commissioner and/or the director on forms prescribed by the director.~~
- ~~(V) The owner or operator shall manage and dispose of leachate in accordance with all applicable regulations.~~
- ~~(W) The owner or operator shall have available at the facility a copy of any approved detail plans, specifications, information, and the contingency plan which may be inspected by the health commissioner or the director.~~
- ~~(X) The owner or operator shall conduct all solid waste storage and handling operations on floors that readily allow regular wet or dry cleanup operations to prevent odors and nuisances.~~
- ~~(Y) The owner or operator of a facility with an approved permit to install shall not admit waste materials to any area of the facility until all site preparations for that area have been completed, the certification report has been submitted, the financial assurance instrument has been executed and funded, all necessary equipment has been brought to the facility, the facility has been adequately prepared for operation, and the prepared facility has been inspected by a representative of the board of health of the health district in which the facility is located, or by a representative of the Ohio EPA district office, when that health district is not on the approved list~~

~~under section 3734.08 of the Revised Code.~~

~~(Z) The owner or operator of a solid waste transfer facility without an approved permit to install issued pursuant to rule 3745-27-21 of the Administrative Code, shall establish and maintain a final closure financial assurance instrument meeting the requirements of paragraph (E) of rule 3745-27-15 of the Administrative Code.~~

~~(AA) The owner or operator shall submit an annual report on forms prescribed by the director to the appropriate Ohio EPA district office and approved health department not later than the first day of April of each year. The annual report shall include, at a minimum, a summary of the following operational information for the preceding calendar year:~~

~~(1) Indication as to the calendar period which the submittal represents.~~

~~(2) A summary of the facility's operations including the following:~~

~~(a) Quantity, in tons or cubic yards, of:~~

~~(i) Wastes received.~~

~~(ii) Materials recycled by material type, if any.~~

~~(b) County and state of origin of the wastes received, unless the facility consists solely of portable containers.~~

~~(c) Quantities and disposal locations of solid wastes transferred.~~

~~(d) If applicable, a summary of instances recorded in accordance with procedures required in paragraph (DD)(1)(a) of this rule in which the owner or operator of a transfer facility refused acceptance of a vehicle due to the presence of source-separated yard waste or commingled yard waste in the vehicle load.~~

~~(e) The annually adjusted final closure cost estimate required in rule 3745-27-15 of the Administrative Code and any relevant calculations.~~

~~(f) Any changes to the information that identifies the facility's final closure contact person.~~

~~(3) For facilities with an approved permit to install:~~

~~(a) A summary of any maintenance performed on the leachate control system or any other monitoring and control system installed at the facility.~~

~~(b) A statement explaining how the waste handling floor continues to meet the requirements of paragraph (L) of rule 3745-27-22 of the~~

~~Administrative Code, including any repairs made during the preceding calendar year.~~

~~(4) A notarized statement that the information contained in the annual report is true and accurate.~~

~~(BB) The owner or operator of a solid waste transfer facility that accepts exclusively yard waste, as defined in rule 3745-27-01 of the Administrative Code shall do the following:~~

~~(1) Post and maintain in legible condition clear instructions for using the facility, including a statement that this facility accepts only yard wastes, and telephone numbers of emergency personnel, including, but not limited to, local fire departments, boards of health, and the appropriate district office of Ohio EPA. This information is to be posted at the entrance to the facility and at waste handling areas.~~

~~(2) Manage the facility in such a manner that noise, dust, and odors do not constitute a nuisance or a health hazard.~~

~~(CC) Yard waste management.~~

~~{Comment: Application of this rule should be read in conjunction with paragraph (P)(3) of this rule. Definitions for "yard waste", "source separated yard waste", and "commingled yard waste" are located in rule 3745-27-01 of the Administrative Code.}~~

~~(1) The owner or operator may accept for transfer to a sanitary landfill or incineration facility source separated yard waste if any of the following are applicable:~~

~~(a) The owner or operator of a transfer facility may for a temporary period of time accept for transfer to a sanitary landfill or incineration facility yard waste resulting from storm damage or other natural catastrophe upon the written acknowledgment of the solid waste management district of the need for the temporary transfer and disposal of yard waste.~~

~~{Comment: The solid waste management district is the local entity responsible for tracking the availability of solid waste disposal and processing capacity. The solid waste management district is therefore the appropriate entity to make the determination that locally available yard waste management capacity is not sufficient to handle yard waste resulting from storm damage or other natural catastrophe.}~~

~~(b) The owner or operator may transfer to a sanitary landfill or incineration facility yard waste resulting from the incidental acceptance of yard waste where the yard waste has been commingled with other solid~~

~~wastes at the transfer facility, provided the owner or operator complies with paragraph (DD) of this rule. For the purposes of this rule, "incidental acceptance" of yard waste means source separated or commingled yard waste is commingled with other solid waste at the transfer facility despite the owner or operator's implementation of a yard waste restriction management plan as specified in paragraph (DD)(1) of this rule.~~

- ~~(2) The owner or operator may accept a vehicle load of source separated yard waste if that vehicle load has been refused acceptance by a composting facility registered or licensed in accordance with rule 3745-27-40 to 3745-27-46 of the Administrative Code. The owner or operator shall obtain documentation of this refused acceptance by a composting facility upon acceptance of the vehicle at the transfer facility. Such documentation shall identify the vehicle, the vehicle's load, the compost facility which refused acceptance of the vehicle load, and the date of refusal on a form prepared by the director. The owner or operator shall attach any form(s) received to the appropriate daily log of operations required in paragraph (U) of this rule.~~
- ~~(3) The owner or operator may accept for transfer to a sanitary landfill or incineration facility or construction and demolition debris facility, tree trunks and stumps.~~

~~(DD) Yard waste restriction program.~~

~~{Comment: The yard waste restriction program outlined in paragraph (DD) of this rule consists of procedures to inform persons transporting solid waste of the yard waste restrictions, alternative yard waste management options, and identification of readily observable dedicated yard waste collection vehicles or loads of source separated yard waste in order to encourage alternative management of yard waste, direct persons to available yard waste composting facilities, and deter the landfilling or incineration of readily observable source separated yard waste loads. This approach is due to Ohio EPA's position that a sanitary landfill or incineration facility's required design, operation, and environmental monitoring provides more than adequate environmental protection.}~~

~~In order to qualify for the exemption under paragraph (CC)(1)(b) of this rule, the owner or operator of a transfer facility shall do the following:~~

- ~~(1) Implement a written program to ensure that yard waste is not accepted for transfer to a sanitary landfill or incineration facility or construction and demolition debris facility. The program shall, at a minimum consist of the following:
  - ~~(a) Procedures for notifying persons transporting solid waste to the transfer facility of the yard waste restrictions at the transfer facility.~~~~

- ~~(b) Procedures for distributing information regarding alternative yard waste management methods, such as composting, to persons transporting solid waste to the transfer facility. At a minimum, information shall include the name, address, and phone number of the solid waste management district in which the transfer facility is located and a listing of any informational pamphlets, brochures, etc., regarding yard waste composting published by the Ohio EPA and the solid waste management district in which the transfer facility is located.~~
  - ~~(c) Except for a transfer facility with an on-site licensed or registered compost facility, procedures for distributing information regarding the facility names and locations of Ohio EPA licensed or Ohio EPA registered composting facilities in the county in which the transfer facility is located to persons transporting solid waste to the transfer facility.~~
  - ~~(d) Procedures for identifying vehicles dedicated to yard waste collection or vehicles transporting portable containers and compartments of portable containers dedicated to yard waste collection, or vehicles with loads observed to consist of source-separated yard waste, and for refusal of the load due to the presence of source-separated yard waste.~~
  - ~~(e) Procedures for the recording of instances in which the transfer facility refused acceptance of a vehicle load due to the presence of source-separated yard waste or commingled yard waste in the vehicle load.~~
- ~~(2) Shall maintain the yard waste restriction program document at the transfer facility. A copy of the yard waste restriction program document shall be available for inspection by the health commissioner and the director during normal operating hours. When required by the health commissioner or the director the owner or operator shall provide a copy of the yard waste restriction program document.~~
- ~~(3) Yard waste restriction program compliance. The owner or operator shall review the yard waste restriction program and implement such revision(s) as the owner or operator deems necessary to ensure control of the acceptance of yard waste at the transfer facility when either of the following occur:~~
- ~~(a) Upon discovery by the owner or operator that source-separated yard waste has been accepted for disposal at the transfer facility.~~
  - ~~(b) Upon notification by Ohio EPA or the approved health department that source-separated yard waste has been accepted for disposal at the transfer facility.~~

~~Paragraph (CC)(1)(b) shall not apply unless the owner or operator~~

~~complies with paragraph (DD) of this rule.~~

~~[Comment: Chapter 3734. of the Revised Code does not expressly provide Ohio EPA the statutory authority to regulate transporters of solid waste which includes yard waste. Chapter 3734. of the Revised Code does not expressly provide Ohio EPA the statutory authority to require generators of solid wastes, which includes yard waste, to source separate solid waste for delivery to a particular type of solid waste facility or recycling facility. Chapter 3734. of the Revised Code does provide Ohio EPA with authority to establish rules regarding the operation of regulated solid waste facilities. Given these circumstances, it is Ohio EPA's position that the requirement that an owner or operator review and revise the facility's yard waste restriction program upon discovery of the acceptance of yard waste is appropriate to assure improvement in the program's effectiveness.]~~

Effective:

Five Year Review (FYR) Dates: 05/04/2016

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Certification

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Date

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