

*** DRAFT – NOT FOR FILING ***

3745-520-02 New construction and demolition debris facility - definitions.

If a term used in this chapter is defined in rule 3745-500-02 of the Administrative Code the definition in rule 3745-500-02 of the Administrative Code is applicable to this chapter unless the term is defined in this rule. As used in this chapter:

(A)

(1) "Accept" or "acceptance," in the context of material acceptance, handling, and disposal activities, means to record material in the log of operations or to place material on the ground at any location at a C&DD facility other than the designated inspection zone.

[Comment: Designating an inspection zone is optional. See rule 3745-520-640 of the Administrative Code for information regarding the inspection zone.]

(2) "Alter" or "alteration" means either of the following:

(a) As it relates to a C&DD facility, a change other than a modification to a facility.

(b) As it relates to a permit to install for a C&DD facility, a change other than a modification to a facility design plan in the permit to install.

(B) "Best management practices" means activities, procedures, and practices that an owner or operator will use at a C&DD facility to comply with authorizing documents and with Chapter 3714. of the Revised Code and rules adopted thereunder.

(C)

(1) "Category 3 wetland" means a wetland that supports superior habitat or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director. Category 3 wetland includes a wetland with high levels of diversity, a high proportion of native species, and high functional values and includes but is not limited to a wetland that contains or provides habitat for threatened or endangered species. Category 3 wetland may include high quality forested wetlands, including old growth forested wetlands, mature forested riparian wetlands, vernal pools, bogs, fens, and wetlands that are scarce regionally.

(2) "Closure" means either the time at which a C&DD facility will no longer accept C&DD for disposal or the effective date of an order revoking the license of the facility. Closure includes measures performed to protect public health or safety, to prevent air or water pollution, or to make the facility suitable for other uses, if any, including without limitation, the establishment and maintenance of suitable

*** DRAFT – NOT FOR FILING ***

cover of soil and vegetation over areas where C&DD is buried and the minimization of erosion, the infiltration of surface water into such areas, the production of leachate, and the accumulation and runoff of contaminated surface water.

(3) "Construction and demolition debris transfer facility" or "C&DD transfer facility" means a site, location, tract of land, installation, or building that is primarily used or intended to be used for the purpose of transferring C&DD that was generated off the premises of the C&DD transfer facility from vehicles or containers into other vehicles or containers for transportation to a C&DD facility.

(D) [Reserved.]

(E) "Exemption" means a discretionary action of the director or the approved board of health that relieves the applicant from a requirement of Chapter 3714. of the Revised Code or any rule adopted thereunder.

(F)

(1) "Facility" means "construction and demolition debris facility" or "C&DD facility."

(2) "Facility boundary" means the line represented on plan drawings and topographic maps of a C&DD facility that at a minimum encompasses the area that includes the following on property owned or controlled by the owner or operator:

(a) Authorized disposal limits.

(b) Areas within one hundred feet of the authorized disposal limits except that the facility boundary shall not extend beyond the boundary of the property owned or controlled by the owner or operator.

(c) Engineered components.

(d) Ground water monitoring, ground water assessment, and ground water corrective action apparatuses and structures.

(e) Gas monitoring apparatuses and structures.

(f) Other areas on which activities associated with disposal or operation of the facility occur, such as the following:

(i) Parking lots.

(ii) Staging areas.

*** DRAFT – NOT FOR FILING ***

(iii) Storage areas.

(iv) Buildings.

(g) Roads used to access any item listed in paragraphs (F)(2)(a) to (F)(2)(f) of this rule.

(3) "Facility's property line" has the same meaning as facility boundary.

(G) [Reserved.]

(H)

(1) "Hot load" means material arriving at a C&DD facility that is on fire or at a temperature likely to cause a fire.

(2) "Hot load handling area" means an area where hot loads are placed and extinguished or cooled.

(I)

(1) "Illegal disposal" means the disposal of C&DD not in accordance with paragraph (B) of rule 3745-520-04 of the Administrative Code. Illegal disposal does not include reuse, recycling, or storage, or the management of clean hard fill in accordance with rule 3745-400-05 of the Administrative Code.

(2) "Inspection zone" means an area where material arriving at the C&DD facility is placed and inspected prior to recording the material in the log of operations.

(J) [Reserved.]

(K) "Key employee" means an individual employed by an applicant for a permit to install for, or by the proposed transferee of a permit to install or license for, a C&DD facility in a supervisory capacity or who is empowered to make discretionary decisions with respect to the C&DD operations of the applicant or transferee, but does not include an employee who is exclusively engaged in the physical or mechanical collection, transfer, transportation, storage, or disposal of C&DD. If the applicant or transferee has entered into a contract with another person to operate the C&DD facility that is the subject of the application or transfer, key employee includes an employee of the contractor who acts in a supervisory capacity or is empowered to make discretionary decisions with respect to the operation of the facility.

(L) [Reserved.]

*** DRAFT – NOT FOR FILING ***

(M)

- (1) "Main hauling road" means a road that is used to transport material to be disposed between the facility boundary and the authorized disposal limits. A main hauling road is a type of access road.
- (2) "Maps prepared under the National Flood Insurance Act of 1968," or "maps have been prepared" means that the federal emergency management agency has evaluated the location of the C&DD facility for flood insurance purposes and represented its findings on such a map.
- (3) "Material log-in area" means the location at a C&DD facility where the owner or operator records in the log of operations whether a load of material is accepted.
- (4) "Modify" or "modification" means any of the following:
 - (a) As it relates to a C&DD facility, any of the following:
 - (i) Any design change to the facility that requires new slope stability or settlement analyses except for changes in interim slopes where a slope stability or settlement analysis has been submitted in the phasing plan in the general plan of facility operations in the license.
 - (ii) Removal or relocation of either a vegetated earthen berm or an equivalent barrier that is required by paragraph (B) of rule 3745-520-200 of the Administrative Code.
 - (iii) Construction of a main hauling road outside of the main hauling road areas specified in the facility design plan in the permit to install.
 - (iv) An addition or expansion of a leachate recirculation system at the facility.
 - (v) Any change that Ohio EPA or the approved board of health determines may endanger public health or safety or the environment, cause a nuisance or fire hazard, or cause or contribute to water pollution or air pollution, including but not limited to a change to the operation, design, or construction of the facility.

[Comment: An expansion of the authorized disposal limits of a C&DD facility or an expansion of the facility boundary results in the creation of a new facility and requires a permit to install in accordance with this chapter. An expansion of the authorized disposal limits of a C&DD facility or an expansion of a facility boundary is not a modification of a C&DD facility.]

***** DRAFT – NOT FOR FILING *****

(b) As it relates to a permit to install for a C&DD facility, either of the following:

(i) Changes to the facility design plan in the permit to install or narrative necessary to document the modification to a facility as described in paragraph (M)(4)(a) of this rule.

(ii) A change to a term or condition in the permit to install.

(c) As it relates to a license for a C&DD facility, either of the following:

(i) A change to the general plan of facility operations in the license other than at the time of license renewal.

(ii) A change to a term or condition in the license other than at the time of license renewal.

(N)

(1) "Natural area" means either of the following:

(a) An area designated by the director of natural resources as a wild, scenic, or recreational river under section 1517.14 of the Revised Code.

(b) An area designated by the United States department of the interior as a national wild, scenic, or recreational river.

(2) "Nature preserve" means any area that is formally dedicated as a nature preserve under section 1517.05 of the Revised Code.

(3) "New construction and demolition debris facility" or "new C&DD facility" or "new facility" means either of the following:

(a) A C&DD facility that has never before been authorized under Chapter 3714. of the Revised Code.

(b) A C&DD facility that is authorized under Chapter 3714. of the Revised Code and expands the facility beyond the authorized disposal limits.

(O) "Off-specification material" means material from a manufacturer that does not meet the manufacturer's product specifications.

(P)

(1) "Park" means any of the following:

***** DRAFT – NOT FOR FILING *****

- (a) A park created or operated pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 of the Revised Code.
 - (b) A state park established or dedicated under Chapter 1541. of the Revised Code.
 - (c) A state park purchase area established under section 1541.02 of the Revised Code.
 - (d) A national recreation area, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state.
 - (e) Any area located in this state that is recommended by the secretary of the United States department of the interior for study for potential inclusion in the national park system in accordance with The Act of August 18, 1970, as described in rule 3745-500-03 of the Administrative Code.
- (2) "Potential sources of contamination" means at least the following when applying the requirements of Chapter 3745-506 of the Administrative Code at a C&DD facility:
- (a) Any location where material has been disposed, is being disposed, or will be disposed.
 - (b) A designated inspection zone that is not under roof or not located on an impermeable pad.
 - (c) A storage area that meets the following criteria:

 - (i) The storage area is located outside of the authorized disposal limits.
 - (ii) Material other than exclusively clean hard fill is stored.
 - (iii) Stored material is not under roof, on an impermeable pad, or containerized and covered.
 - (d) A hot load handling area located outside of the authorized disposal limits that is not located on an impermeable pad.
 - (e) Other sources as required in a final action issued by the director or approved board of health.
- (3) "Pulverized debris" means a load of debris that, after demolition has occurred, but prior to acceptance of the load of debris for disposal, has been shredded,

*** DRAFT – NOT FOR FILING ***

crushed, ground, or otherwise rendered to such an extent that the load of debris is unidentifiable as C&DD.

(Q) [Reserved.]

(R)

(1) "Refuse," in the context of material acceptance, handling, and disposal activities, means to remove material from a C&DD facility without accepting the material at the facility.

(2) "Reject" means to remove material from a C&DD facility after the material was accepted at the facility.

(S) "Store," "stored," or "storage" means the following:

(1) In reference to C&DD, the holding of C&DD at a C&DD facility or other location for a temporary period in a manner that satisfies the following:

(a) The C&DD remains retrievable and substantially unchanged for reuse, recycling, or disposal.

(b) At the end of the temporary period the C&DD is disposed or is reused or recycled in a beneficial manner.

(c) The holding of the C&DD does not cause a nuisance, a fire hazard, or a threat to public health or safety or the environment, does not violate Chapter 3704. or 6111. of the Revised Code, and does not cause or contribute to air or water pollution.

(d) The temporary period does not exceed thirty days unless specified as follows:

(i) Twelve months for non-putrescible C&DD that has been processed and sorted for recycling or reuse. Non-putrescible C&DD includes but is not limited to metals, non-biodegradable plastics, and glass.

(ii) Three months for putrescible C&DD that has been processed and sorted for recycling or reuse. Putrescible C&DD includes but is not limited to wood and wood-derived materials and wallboard.

(iii) Any storage time frames established in the approved general plan of facility operations if the C&DD is being stored at a licensed C&DD facility.

***** DRAFT – NOT FOR FILING *****

(2) In reference to clean hard fill, the holding of clean hard fill at a C&DD facility or other location for a temporary period in a manner that satisfies the following:

(a) The clean hard fill remains retrievable and substantially unchanged for reuse, recycling, or disposal.

(b) At the end of the temporary period the clean hard fill is disposed or is reused or recycled in a beneficial manner.

(c) The holding of the clean hard fill does not cause a nuisance, or a fire hazard, a threat to public health or safety or the environment, does not violate Chapter 3704. or 6111. of the Revised Code, and does not cause or contribute to air or water pollution.

(d) The temporary period does not exceed twenty-four months unless specified in the approved general plan of facility operations if the clean hard fill is being stored at a licensed C&DD facility.

(T) "Transporter" means a person engaged in the transportation of C&DD outside of a C&DD facility boundary.

(U) "Unloading zone" means a designated area where material is separated to ensure that only material authorized for disposal pursuant to paragraph (A) of rule 3745-520-600 of the Administrative Code is disposed in the working face.

(V) [Reserved.]

(W)

(1) "Wildlife area and refuge" means either of the following:

(a) Any area established by the department of natural resources as a state wildlife area under Chapter 1531. of the Revised Code and rules adopted under it.

(b) Any area designated by the United States department of the interior as a national wildlife refuge.

(2) "Working face" means that portion of a C&DD facility that is actively being used to place material for final disposal. The following activities do not constitute establishment of a working face:

(a) Placement of the select C&DD layer pursuant to rule 3745-520-622 of the Administrative Code.

***** DRAFT – NOT FOR FILING *****

(b) Placement of asbestos-containing waste materials in an asbestos-containing waste materials disposal area.

(c) Placement of material in the unloading zone.

(d) Placement of material in the inspection zone.