

3745-27-22

**Additional criteria for approval of solid waste transfer facility permit to install applications.**

The director shall not approve any permit to install application for a solid waste transfer facility unless the director has determined that the criteria outlined in this rule are met. Solid waste transfer facilities consisting solely of portable containers, as defined in rule 3745-27-01 of the Administrative Code, are not required to comply with paragraphs (L) and (M) of this rule if the construction of said containers is such that access by vectors, precipitation, and surface waters, and the release of leachate from the containers is precluded to the satisfaction of the director.

- (A) The new or modified solid waste transfer facility will be capable of operating in compliance with Chapters 3734., 3704., and 6111. of the Revised Code.
- (B) The solid waste transfer facility will be capable of being constructed, operated, and closed in accordance with Chapter 3745-27 of the Administrative Code, and with the terms and conditions of the permit.
- (C) The waste handling areas of the solid waste transfer facility are not located in a regulatory floodplain.
- (D) The waste handling areas of the solid waste transfer facility are not located within two hundred feet of any surface waters of the state, as defined in rule 3745-1-02 of the Administrative Code.
- (E) The applicant and/or person listed as operator who has previously or is currently responsible for the management or operation of one or more solid waste facilities, has managed or operated such facilities in substantial compliance with applicable provisions of Chapters 3704., 3734., 3714., and 6111. of the Revised Code, and any rules adopted and permits issued thereunder, and has maintained substantial compliance with all applicable orders issued by the director, the environmental review appeals commission, or courts having jurisdiction in accordance with Chapter 3746-13 of the Administrative Code, in the course of such previous or current management or operations. The director may take into consideration whether substantial compliance has been maintained with any applicable order from a board of health maintaining a program on the approved list.
- (F) The person or persons listed as operator of the facility meet the requirements of division (L) of section 3734.02 of the Revised Code and rules adopted thereunder.
- (G) The applicant meets the requirements of sections 3734.42 to 3734.44 of the Revised Code and rules adopted thereunder.
- (H) The applicant has executed an instrument that meets the criteria established in rule 3745-27-15 of the Administrative Code, for providing financial responsibility for the

final closure of the transfer facility in accordance with rule 3745-27-24 of the Administrative Code.

(I) The solid waste transfer facility is not located in any of the following areas, in existence on the date of receipt of the permit to install application by Ohio EPA:

- (1) National park or recreation area.
- (2) Candidate area for potential inclusion in the national park system.
- (3) State park or established state park purchase area.
- (4) 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.

If the solid waste transfer facility is located within a park or recreation area identified in this paragraph and exclusively manages wastes generated within the park or recreation area, this paragraph shall not apply.

(J) The waste handling areas of the solid waste transfer facility are not located within five hundred feet of the following, which are in existence on the date of receipt of the permit to install application by Ohio EPA:

- (1) Areas designated by the Ohio department of natural resources as either a state nature preserve, a state wildlife area, or a state scenic river.
- (2) Areas designated, owned, and managed by the Ohio historical society as a nature preserve.
- (3) Areas designated by the United States department of the interior as either a national wildlife refuge or a national scenic river.
- (4) Areas designated by the United States forest service as either a special interest area or a research natural area in the Wayne national forest.
- (5) Surface waters of the state designated by Ohio EPA as either a state resource water, a coldwater habitat, or an exceptional warmwater habitat, as classified in accordance with Chapter 3745-1 of the Administrative Code.

(K) The waste handling areas of the solid waste transfer facility are not located within two hundred fifty feet of a domicile in existence on the date of receipt of the permit to install application by Ohio EPA.

(L) The waste handling floor(s) of the transfer facility shall:

- (1) Prevent the infiltration of leachate, and is constructed to prevent any unauthorized discharge of leachate from the facility.
  - (2) Readily allow wet or dry cleanup operations.
  - (3) Be sloped to direct leachate to collection points within the leachate management system, and will not allow ponding of leachate.
  - (4) Be designed to be capable of withstanding the forces and weights encountered during normal facility operations.
  - (5) Be accessible to visual inspection for cracks and breaks.
  - (6) Be constructed with materials and methods which enable repairs to be made.
- (M) Adequate leachate collection, management, and treatment and/or disposal facilities are provided. If leachate conveyance and storage structures are utilized, they shall:
- (1) Be monitored and inspected, as required by the director.
  - (2) For storage tanks and other leachate handling areas, be provided with spill containment.
  - (3) For storage structures, have a capacity sufficient to ensure proper operation of the facility.

Effective: 07/01/2004

R.C. 119.032 review dates: 02/19/2004 and 07/01/2009

CERTIFIED ELECTRONICALLY

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Certification

06/18/2004

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Date

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