

3745-27-37 Infectious waste treatment facility permit to install application.

- (A) A permit to install application as required by section 3734.05 of the Revised Code shall be submitted and approved by the director before the establishment of a new or modification of an existing infectious waste treatment facility is begun. Compliance with this rule shall not exempt any person from compliance with any other permit, license, or other obligation for authorization.
- (1) Permit to install applications shall contain all the information required by paragraphs (B) and (C) of this rule. The detail of information shall be sufficient to allow clear understanding and technical review of the permit application, provide assurance that the facility is designed and will be operated in accordance with Chapter 3745-27 of the Administrative Code, and be readily understandable by operating personnel at the facility. An application shall be acted upon if sufficient information is in the detailed engineering plans, specifications, and narrative for the director to determine whether the criteria set forth in this rule is satisfied.
 - (2) If Ohio EPA determines that information in addition to that which is required by this rule is necessary to determine whether the criteria set forth in paragraph (D) of this rule are satisfied, Ohio EPA may require that the applicant supply such information as a precondition to further consideration of the permit to install application.
 - (3) The applicant shall submit four copies of the initial application and any revisions or alterations to the initial application to the appropriate Ohio EPA district office and shall submit one copy to the board of health of the health district where the facility is or will be located. Any revisions or alterations to the permit application shall be pertinent to the Ohio EPA's review of the initial application.
 - (4) Concurrent to submitting the permit application, the applicant shall also do the following:
 - (a) Submit a disclosure statement to the attorney general's office, as required in rules 109:6-1-01 to 109:6-1-04 of the Administrative Code, if the facility is an off-site facility as defined in section 3734.41 of the Revised Code.
 - (b) Send, via certified mail or any other form of mail accompanied by a receipt, letters of intent to establish or modify an infectious waste treatment facility. Copies of the mail receipts shall be included with the application. Letters of intent shall be sent to the following entities:
 - (i) The governments of the general purpose political subdivisions where the infectious waste treatment facility is located, i.e., county commissioner, legislative authority of a municipal corporation, or the board of township trustees.
 - (ii) The single county or joint county solid waste management district.
 - (iii) The owner or lessee of any easement or right of way bordering or within the proposed facility boundaries that may be affected by the infectious waste treatment facility.
 - (iv) The local zoning authority, if any, having jurisdiction.
 - (5) Applications to modify a facility with plans approved after the effective date of this rule shall contain new plan sheets to replace those affected by the proposed change, as well as any revised narrative sections. New information added to the revised narrative shall appear in capital letters, and information to be deleted shall be lined out.
- (B) Engineering plan sheets. The following detailed engineering plans, specifications, and information for infectious waste treatment facilities shall be shown by means of drawings on twenty-four inch by thirty-six

inch paper, and by narrative descriptions as determined appropriate by Ohio EPA:

- (1) The detailed engineering plan cover sheet shall be numbered sheet 1, and shall contain the following information:
 - (a) The name of the infectious waste treatment facility.
 - (b) The precise geographical location and boundaries of the infectious waste treatment facility, the infectious waste treatment facility property line, and the one-thousand-foot radius around the property line, all to be shown on a 7-1/2 minute USGS topographical map.
 - (c) The name and address of the applicant and the infectious waste treatment facility operator.
 - (d) The name and address of the owner(s) of the infectious waste treatment facility.
 - (e) The name and address of the person who prepared the plans.
- (2) Plan drawings showing the following items within one thousand feet of the limits of the infectious waste treatment facility. All items specified in an individual subheading shall be shown on the same plan sheet. A scale of one inch equals no greater than two hundred feet shall be used:
 - (a) The property lines of all land owned or leased for the infectious waste treatment facility as determined by a property survey conducted by a registered surveyor.
 - (b) All public roads, railroads, and domiciles.
 - (c) All existing land uses or zoning classifications, property owners, political subdivisions, and communities.
 - (d) The north arrow.
 - (e) Surface waters of the state.
- (3) Plan drawings showing the following items located within the infectious waste treatment facility. A scale of one inch equals no greater than fifty feet shall be used:
 - (a) The location of all existing or proposed treatment buildings, storage facilities, and occupied structures.
 - (b) The location of all fencing, gates, natural screening and other screening on the site.
 - (c) The location of infectious waste handling areas.
 - (d) The location of the drainage structures.
 - (e) The location of spill containment and clean-up kits.
 - (f) The location of fire extinguishers and other fire response equipment.
- (4) Detailed engineering plan drawings showing plan view, front view, and profile view, with sufficient detail to provide full understanding of the design and operation of each treatment unit.
- (5) For a permit to install application subject to paragraph (D)(5) of this rule, plan drawings which clearly delineate all infectious waste handling areas as that term is defined in rule 3745-27-01 of the Administrative Code showing both of the following:

- (a) The distance between the infectious waste handling areas and the property line of the premises on which the infectious waste treatment facility will be located.
 - (b) All domiciles, schools, jails, and prisons located within one thousand feet of the infectious waste handling areas.
- (C) The following information shall be presented in narrative form to be contained in a report divided into the following sections:
- (1) Summary of how the infectious waste treatment facility will meet the standards and operational requirements for permit approval by the director specified in rules 3745-27-32 and 3745-27-37 of the Administrative Code.
 - (2) Discussion of the following operational information:
 - (a) The method of treatment.
 - (b) The identification and utilization of all existing or proposed treatment buildings, storage facilities, and occupied structures.
 - (c) The utilization of all fencing, gates, natural screening, and other screening on the site.
 - (d) The utilization of infectious waste handling areas.
 - (e) The utilization and drainage of the decontamination area.
 - (f) The operating hours.
 - (g) The functions, qualifications, training, and certification of staff.
 - (h) The format and use of the daily operating log, which shall include all operational and maintenance procedures and sources of service and parts.
 - (i) The design and function of the water cooling and collection system for ash.
 - (j) The handling and disposal of particulates captured by the air pollution control system.
 - (k) The method used to distinguish hazardous waste as specified in the "hazardous wastes rules" as defined in paragraph (A) of rule 3745-50-10 of the Administrative Code.
 - (l) The method) used to distinguish infectious wastes that are also radioactive waste regulated by the Ohio department of health, or the U. S. nuclear regulatory commission.
 - (m) The quality control measures specified in paragraph (C) of rule 3745-27-32 of the Administrative Code.
 - (n) The names and addresses of any third party contracted for quality control activities.
 - (o) The accident or spill containment procedures.
 - (p) The contingency plans specified in paragraph (C)(3) of rule 3745-27-35 of the Administrative Code.
 - (q) The coordination with local officials such as: the fire department, local emergency management officials, and the police department.

- (D) The director shall not approve any permit to install application for an infectious waste treatment facility unless the director determines the following:
- (1) Establishment or modification and operation of the infectious waste treatment facility will not violate Chapter 3704., 3714., 3734. or 6111. of the Revised Code.
 - (2) Location of the infectious waste treatment facility is not within any of the following:
 - (a) The boundaries of a regulatory floodplain as defined in rule 3745-27-01 of the Administrative Code.
 - (b) The boundaries of a floodplain as determined by the applicant based upon a design storm equal to the 100-year 24-hour rainfall event defined in technical paper no. 40, "Rainfall Frequency Atlas of the United States" (1961) available at <http://www.weather.gov>, published by the national oceanic and atmospheric administration, national weather service, and using standard methodologies set forth in "Urban Hydrology for Small Watersheds" (1986) available at <http://www.usda.gov> (soil conservation service technical release number 55) and section 4 of the "National Engineering Hydrology Handbook" (1985, including revisions through 2004) available at <http://www.usda.gov> of the soil conservation service of the United States department of agriculture when no regulatory floodplain designation exists.
 - (3) The applicant or person listed as operator, who has previously or is currently responsible for the management or operation of one or more infectious waste treatment facilities, has managed or operated such facility in substantial compliance with applicable provisions of Chapters 3704., 3714., 3734., 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 (ERAC), or courts having jurisdiction in accordance with applicable law . 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 and any other courts having jurisdiction.
 - (4) The applicant meets the requirements of sections 3734.40 to 3734.43 of the Revised Code and rules adopted thereunder.
 - (5) A permit to install application for the installation of a new incineration facility specifies the locations of the infectious waste handling areas on the premises of the proposed facility. The infectious waste handling areas shall be:
 - (a) At least three hundred feet from the property line of the tract of land on which the new incineration facility is proposed to be located; and
 - (b) At least one thousand feet from any domicile, school, prison, or jail that is in existence on the date on which the application for the permit to install the new incineration facility is submitted under section 3734.05 of the Revised Code.
- For the purposes of this paragraph, "an application which proposes to install a new incineration facility" means the initial permit to install application to construct an infectious waste treatment facility which will treat infectious waste by means of incineration or a permit to install application to modify an infectious waste treatment facility to construct an incinerator unit where the facility's currently effective permit to install does not authorize incineration as a treatment method.
- (E) The director may consider, when determining whether or not to approve a permit to install application for an infectious waste treatment facility, the impact the proposed infectious waste treatment facility may have on

corrective actions that have been taken, are presently being taken, or are proposed to be taken in the immediate area.

- (F) The permittee shall submit to Ohio EPA, upon every tenth anniversary of the effective date of a permit to install that approved initial construction of the facility, an analysis demonstrating that the design, construction, and operation of the infectious waste treatment facility continues to meet applicable regulatory requirements under this chapter. If Ohio EPA determines that the design is no longer consistent with applicable regulatory requirements under this chapter, as those requirements are being applied to infectious waste treatment in the state of Ohio, the permittee may be required to submit a permit to install application to modify the infectious waste treatment facility. If a permit to install application is required, Ohio EPA shall not apply the siting criteria outlined in paragraph (D) of this rule when considering the permit to install application.

Five Year Review (FYR) Dates: 07/08/2014 and 07/08/2019

CERTIFIED ELECTRONICALLY

Certification

07/08/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3734.021
Rule Amplifies: 3734.021, 3734.05
Prior Effective Dates: 05/01/1990, 07/30/1995, 12/25/1998, 07/05/2007