

3745-37-14 Authorized maximum daily waste receipts.

- (A) When the director issues an order under division (A) of section 3734.06 of the Revised Code setting forth an authorized maximum daily waste receipt as defined in paragraph (G) of rule 3745-31-01 of the Administrative Code for any period of time not subject to the waste receipt limitation in section 6(C) of Amended Substitute House Bill 592, effective June 24, 1988, he shall establish the authorized maximum daily waste receipt at one hundred twenty per cent of the figure established under that section. If a waiver has been granted under the emergency need provisions of that section, the authorized maximum daily waste receipt shall be equal to the figure granted in the waiver.
- (B) Any authorized maximum daily waste receipt established by order issued under division (A) of section 3734.06 of the Revised Code will expire upon the effective date of a permit to install for the facility issued under Chapter 3745-31 of the Administrative Code that contains an authorized maximum daily waste receipt.
- (C) License fees for the annual solid waste disposal license shall be based on the highest authorized maximum daily waste receipt that will be in effect in the year to which the license pertains, except that if any higher authorized maximum daily waste receipt takes effect after the effective date of the license, it shall not be considered in determining the fee.
- (D) (1) The owner or operator of a licensed solid waste facility may make a written request to the director for a temporary increase in the facility's authorized maximum daily waste receipt. Such written request shall include the following:
 - (a) A discussion of the circumstances warranting the request and how continued compliance with the existing authorized maximum daily waste receipt will affect public health and safety, including any available documentation in support of the temporary increase; and
 - (b) The anticipated length of time the increase will be necessary. If the anticipated length of time exceeds ninety days, include a schedule addressing the submittal of a permit to install application for an increase in the facility's authorized maximum daily waste receipt. Such schedule shall provide for the submittal of a permit to install application within thirty days of the date of issuance of any such authorization by the director; and
 - (c) A discussion of how the operation of the facility will accommodate the temporary increase to assure compliance with Chapter 3745-27 of the Administrative Code; and

- (d) A copy of a letter having been sent by certified mail to the board of directors of the solid waste management district and the chairperson of the solid waste management policy committee where the facility is located, which provided notification of the facility owner's or operator's intent to request a temporary increase in the facility's authorized maximum daily waste receipt and a copy of the information required to be submitted to the director for his review and approval; and
 - (e) In the case where the increased amount of solid waste necessitating the request is generated out-of-district, copies of letters having been sent by certified mail to the board of directors of each solid waste management district where the increased amount of solid waste necessitating the request is generated, which provided notification of the facility owner's or operator's intent to request a temporary increase in the facility's authorized maximum daily waste receipt, and a copy of the information required to be submitted to the director for his review and approval; and
 - (f) A copy of a letter sent by certified mail to the local health department having jurisdiction over the facility which provides notification of the owner's or operator's intent to request a temporary increase in the facility's authorized maximum daily waste receipt.
- (2) If the director makes the determination that an emergency exists affecting public health and safety which necessitates a temporary increase in the solid waste receipt at the facility, the director may authorize a temporary increase as necessary for up to a maximum of one hundred eighty consecutive days. The director may include in the authorization a condition that, should the increased waste receipt result in operational violations at the facility, the authorization shall automatically become void upon the director's providing written notification to the owner or operator. An authorization for a temporary increase is not renewable. No such temporary increase based upon seasonal increases in waste generation may be authorized for a facility within eighteen months of the issuance date of any prior director's authorization of a temporary increase at the same facility. An authorization for a temporary increase in the authorized maximum daily waste receipt which exceeds ninety days shall:
- (a) Be conditioned upon the submittal of a substantially approvable permit to install application for a permanent increase in the authorized maximum daily waste receipt. Such application must be submitted within thirty days of the date of the director's

authorization of the temporary increase. failure to comply with this condition shall result in the authorization becoming void automatically upon the director providing written notification.

- (b) Be utilized in establishing a facility's annual license fee.
- (3) This paragraph is not applicable where the director exercises his authority under division (C)(1) of section 3734.53 of the Revised Code.

HISTORY: Eff 11-17-88 (Emer.); 3-9-89 (Emer.); 6-12-89; 5-31-91