

3745-27-05 Applicability and relation to other laws.

(A) Disposal of solid waste under Chapter 3734. of the Revised Code shall only be by the following methods or a combination thereof:

- (1) Disposal at a sanitary landfill facility licensed in accordance with section 3734.05 of the Revised Code.
- (2) Incinerating at an incinerator licensed in accordance with section 3734.05 of the Revised Code.
- (3) Composting at a composting facility licensed or registered in accordance with section 3734.05 of the Revised Code.
- (4) Alternative disposal methods either as engineered fill or land application, provided that the applicant has received prior authorization from the director that use as engineered fill or land application of the solid wastes will not create a nuisance or harm human health or the environment and is capable of complying with other applicable laws.

(a) A request for an alternative disposal method authorization shall provide the following information:

- (i) The name and address of the applicant or the person responsible for the disposal, the generator, the parcel number where disposal will occur, and the land owner. The applicant shall certify that the application is true and complete.
- (ii) A description of efforts at the original source of generation to prevent or reduce the generation of the waste, and efforts to recycle or reuse the waste in a manner other than disposal.
- (iii) A waste characterization. The waste generator shall provide an analysis of the solid waste and a justification as to why the parameters were chosen. The generator shall certify that the analysis is true, accurate, and representative of the solid waste.
- (iv) The method of alternative disposal and how the waste will be used or applied.
- (v) The quantity of solid waste, rate of disposal, disposal timeframes, and the projected impact of recurrent applications of wastes over time.
- (vi) A plan drawing of the proposed limits for solid waste disposal. If Ohio EPA determines that narrative or plan drawings are necessary to characterize the waste disposal location and the surrounding environs to evaluate nuisance creation, harm to human health or the environment, and the capability of complying with other applicable laws, the applicant shall supply such information as a precondition to further consideration of the request.
- (vii) A signed written consent from the generator and land owner to the use of the solid waste in the project and to the location of disposal.
- (viii) A contingency plan for disposal of any solid waste brought to the property that is not acceptable or is otherwise not disposed of on the property.
- (ix) A description of other projects, if known, where the waste has been used.

[Comment: Forms are available from Ohio EPA for alternative disposal method authorization requests.]

(b) Any engineering information provided in the request shall be signed and sealed by a professional engineer registered in the state of Ohio.

- (c) Ohio EPA may require other such information deemed necessary to determine that the activity will be in compliance with the applicable laws and regulations administered by the director.
- (d) Signatures pursuant to paragraphs (A)(4)(a)(i), (A)(4)(a)(iii) and (A)(4)(a)(vii) of this rule shall be by the following:
 - (i) In the case of a corporation, by a principal executive officer of at least the level of vice president, or his duly authorized representative.
 - (ii) In the case of a partnership, by a general partner.
 - (iii) In the case of a sole proprietorship, by the owner.
 - (iv) In the case of a municipal, state, federal or other governmental entity, by the principal executive officer, the ranking elected official, or other duly authorized employee.
- (5) For technologically enhanced naturally occurring radioactive material (TENORM), in accordance Chapter 3734. of the Revised Code and the rules adopted thereunder.
- (B) Solid waste disposal by means of open burning shall be conducted in accordance with Chapter 3745-19 of the Administrative Code.
- (C) A beneficial use byproduct that is not a hazardous waste that is managed and beneficially used by placement on the land in accordance with Chapter 3745-599 of the Administrative Code is not a solid waste under Chapter 3734. of the Revised Code. This exclusion applies to only the following materials:
 - (1) Foundry sands that are a solid waste, industrial waste, or other waste.
 - (2) Material resulting from the treatment of a public water system's source water supply for drinking or industrial purposes that are a solid waste, industrial waste, or other waste.
 - (3) Solid waste, industrial waste, or other waste for use as fuel or as an ingredient in a combustion unit.
 - (4) Lake Erie dredge that is a solid waste or an other waste.
 - (5) Sewage sludge incinerator ash.
- (D) No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person responsible for the open dumping, the owner of the property, or the person who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code and shall submit verification that the solid waste has been properly managed.

[Comment: Prompt removal and disposal of solid waste does not relieve any obligations under state or federal environmental statutes. This may include environmental clean-up of the site or remediation of ground water contamination resulting from the open dumping.]
- (E) Relation to other laws. No provision of Chapters 3745-27, 3745-29, 3745-30, and 3745-37 of the Administrative Code shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any federal agency, or of any department of the state government, including the Ohio department of health and the Ohio department of natural resources.

3745-27-05

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CERTIFIED ELECTRONICALLY

Certification

11/02/2020

Date

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