

3745-500-01 General administration - applicability.

(A) The rules in this multi-program chapter apply when referenced in either of the following:

(1) A rule in a program chapter.

(2) A rule in another multi-program chapter that was made applicable by a rule in a program chapter.

Program chapters are Chapters 3745-27, 3745-30, 3745-37, 3745-400, and 3745-520 to 3745-599 of the Administrative Code.

(B) Notwithstanding paragraph (A) of this rule, 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 allows 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.]

(C) Notwithstanding paragraph (A) of this rule, disposal of solid waste under Chapter 3734. of the Revised Code by means of open burning, as defined in Chapter 3745-19 of the Administrative Code, is permitted only as provided therein.

3745-500-01

Effective: 4/18/2022

Five Year Review (FYR) Dates: 11/14/2022

CERTIFIED ELECTRONICALLY

Certification

04/07/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.02, 3714.022, 3734.02, 3734.12
Rule Amplifies: 3714.02, 3714.022, 3734.02, 3734.12, 3734.03
Prior Effective Dates: 04/02/2012

3745-500-02 General administration- definitions.

As used in this chapter and any chapter making these definitions applicable, terms in this rule are defined as follows:

- (A)
- (1) "Administrative change" means an amendment to an authorizing document that does not constitute a modification or alteration to the facility or permit to install for the facility. An administrative change is not an action.
 - (2) "Applicant" means any person who has applied for authorization in accordance with rules adopted under Chapters 3714. and 3734. of the Revised Code.
 - (3) "Approved board of health" means a board of health of a health district placed on the approved list by the director in accordance with section 3714.09 or 3734.08 of the Revised Code, as applicable.
 - (4) "Asbestos-containing waste materials" has the same meaning as in rule 3745-20-01 of the Administrative Code.

[Comment: Asbestos-containing waste materials includes asbestos-containing materials regulated under NESHAP, 40 CFR Part 61, Subpart M as described in rule 3745-500-03 of the Administrative Code.]
 - (5) "Assets" means all existing and all probable future economic benefits obtained or controlled by a particular person.
 - (6) "Authorizing document" means a document issued, approved, or concurred with by the director, Ohio EPA, an approved board of health, the Ohio environmental review appeals commission, or a court of competent jurisdiction that describes activities that a person is either required to do, allowed to do, or prohibited from doing, pursuant to and in compliance with applicable rules, statutes, and orders. Authorizing document includes but is not limited to a permit, license, registration, acknowledgment of registration, plan, alteration, approval to use an alternative material, and order.
 - (7) "Authorized maximum daily waste receipt" or "AMDWR" means the maximum amount of solid waste a solid waste disposal facility may receive at the gate in any calendar day.
- (B) "Board of health" means the board of health of a city or general health district, the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code, or a representative delegated by the board of health to act on behalf of the board of health.
- (C)
- (1) "Commingled yard waste" means yard waste that has been commingled with other solid wastes. Commingled yard waste does include containerized source-separated yard waste including but not limited to yard waste in paper or plastic bags where such bags are commingled with other solid wastes.
 - (2) "Composting facility" means a site, location, tract of land, installation, or building used for composting of solid waste in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder. The composting facility includes the area of materials placement and any leachate management system structures.
 - (3) "Constituent" means a compound or element suspended in, dissolved in, mixed in, or comprising of a liquid, gas, or solid.

- (4) "Construct" means to build, reconstruct, or repair when such activity affects any engineered component of a facility. Construct does not include routine maintenance activities.
- (5) "Construction and demolition debris" or "C&DD" has the same meaning as in rule 3745-400-01 of the Administrative Code.
- (6) "Construction and demolition debris co-located processing facility" or "co-located processing facility" means a processing facility that is located wholly within the facility boundary of a licensed construction and demolition debris facility, as that boundary is identified in the effective construction and demolition debris facility license.
- (7) "Construction and demolition debris facility" means any site, location, tract of land, installation, or building used for the disposal of construction and demolition debris.
- (8) "Construction and demolition debris processing facility" or "processing facility" means a site, location, tract of land, installation, or building that is used or intended to be used for the purpose of processing, transferring, or recycling construction and demolition debris that was generated off the premises of the processing facility. Construction and demolition debris processing facility does not include a facility that is licensed under section 3734.05 of the Revised Code as a solid waste transfer facility or a solid waste facility and does not include a licensed construction and demolition debris facility where processing of mixed C&DD occurs wholly within the designated unloading zone.
- (9) "Convert" means to alter the physical or chemical nature or properties.

(D)

- (1) "Developed spring" means any spring that has been modified by the addition of pipes or a collection basin to facilitate the collection and use of the spring water.
- (2) "Director" means the director of environmental protection or the director's authorized representative.
- (3) "Disposal" has the same meaning as in section 3714.01 or 3734.01 of the Revised Code, as appropriate.
- (4) "Disposal limits" means the horizontal and vertical boundaries within a solid waste facility where solid waste has been disposed, is being disposed, or will be disposed within those boundaries.

(E)

- (1) "Establish" or "establishment" of a facility means to dispose of waste or construct or install any facility components and includes excavation that is related to the construction of a facility or any components thereof. Establish or establishment includes conducting such activities at any location not authorized to dispose of waste. Establish or establishment includes permitting a pre-existing building for use as a solid waste transfer facility. Establish or establishment does not include clearing, grubbing, or installing ground water monitoring wells.
- (2) "Execute" means to complete and sign a document acceptable to the director for the purpose of establishing a financial assurance instrument.
- (3) "Exemption" means a discretionary action of the director or the approved board of health, as applicable, that relieves the applicant from a requirement of Chapter 3714. or Chapter 3734. of the Revised Code or any rule adopted thereunder.

(F)

- (1) "Feedstock" means a solid waste that will readily decompose during the composting process including but not limited to yard waste, agricultural waste, animal waste, food scraps, animal carcasses, raw rendering material, and mixed solid waste.
- (2) "Food scraps" means unprocessed and processed vegetables, fruits, grains, dairy products, meats, and other residuals from food intended for human or animal consumption, and any compostable containers or compostable serveware that are commingled with the food scraps.
- (3) "Functionally equivalent," means when a practice, method, technique, procedure, design, material, or component performs the same function and provides the same or improved utility as is being required through the rule.

(G) "Ground water" means any water below the surface of the earth in a zone of saturation.

(H)

- (1) "Hazardous waste" means hazardous waste as defined in Chapter 3734. of the Revised Code and includes waste that is listed specifically as hazardous waste or exhibits one or more characteristics of hazardous waste as defined in Chapter 3745-51 of the Administrative Code.
- (2) "Health commissioner" means the individual occupying the office created by section 3709.11 or 3709.14 of the Revised Code or the health commissioner's authorized representative.
- (3) "Health district" means a city or general health district created by or under the authority of Chapter 3709. of the Revised Code.

(I)

- (1) "Independently audited" means reviewed by an independent certified public accountant in accordance with generally accepted accounting standards, or for a publicly-owned facility, an equivalent comprehensive audit performed by the auditor of the state of Ohio pursuant to Chapter 117. of the Revised Code.
- (2) "Infectious waste" has the same meaning as in section 3734.01 of the Revised Code.
- (3) "Infectious waste treatment facility" or "treatment facility" means a premises used for the treatment of infectious wastes and includes the following:
 - (a) A treatment facility that holds a license issued under division (B) of section 3745.05 of the Revised Code.
 - (b) A solid waste facility that holds a license issued under division (A) of section 3734.05 of the Revised Code that includes a license notation that the facility also treats infectious wastes by the same method, technique, or process required to obtain a license under division (B) of this section 3734.05 of the Revised Code.
 - (c) A premises owned or operated by a large generator of infectious waste where only infectious waste generated by the large generator are treated.

(J) [Reserved.]

(K) [Reserved.]

(L)

- (1) "Leachate" means liquid that has come in contact with or been released from solid waste.
- (2) "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other persons in the future as a result of past transactions or events.
- (3) "Licensing authority" means the approved board of health or in the absence of an approved board of health, the director.

(M) [Reserved.]

(N)

- (1) "Natural area" means any of the following:
 - (a) Areas designated by the director of natural resources as a state nature preserve, including all lands dedicated under the Ohio natural areas law, a state wildlife area, or a state wild, scenic, or recreational river.
 - (b) Areas designated, owned, and managed by the Ohio history connection as a nature preserve.
 - (c) Areas designated by the United States department of the interior as a national wildlife refuge or a national wild, scenic, or recreational river.
 - (d) Areas designated by the United States forest service as either a special interest area or a research natural area in the Wayne national forest.
 - (e) Stream segments designated by Ohio EPA as a state resource water, a coldwater habitat, or an exceptional warmwater habitat.
- (2) "Nuisance" means anything that is injurious to human health or offensive to the senses; interferes with the comfortable enjoyment of life or property; and affects a community, neighborhood, or any considerable number of persons, although the extent of annoyance or damage inflicted upon individual persons may be unequal.

(O)

- (1) "Occupied dwelling" means the following, but does not include a dwelling owned or controlled by the owner or operator of a facility to which the siting criteria are being applied:
 - (a) A building used or intended to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence. For the purposes of this definition, "owner" means a person with the right to exclusive use, control, or possess a building.
 - (b) A place of worship as defined in section 5104.01 of the Revised Code.
 - (c) A child day-care center as defined in section 5104.01 of the Revised Code.
 - (d) A hospital as defined in section 3727.01 of the Revised Code.
 - (e) A nursing home as defined in section 3721.01 of the Revised Code.
 - (f) A school.
 - (g) A restaurant or other eating establishment.

- (2) "Occupied structure" means an enclosed structure where one or more human beings may be present, but does not include structures that are open to natural free air circulation such that the explosive gas hazard is minimized.
- (3) "Ohio EPA" means Ohio environmental protection agency.
- (4) "One hundred year floodplain" means any land area which is subject to a one per cent or greater chance of flooding in any given year from any source.
- (5) "Open burning" means one of the following:
- (a) The burning of solid wastes in an open area.
 - (b) The burning of solid wastes in a type of chamber or vessel that is not approved or authorized in rules adopted by the director under section 3734.02 of the Revised Code or, if the solid wastes consist of scrap tires, in rules adopted by the director under section 3734.73 of the Revised Code.
- (6) "Open dumping" means the following:
- (a) The deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.
 - (b) The deposition of solid wastes that consist of scrap tires into waters of the state, and also means the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility licensed under section 3734.81 of the Revised Code, or at a site or in a manner not specifically identified in division (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), or (C)(10) of section 3734.85 of the Revised Code, or at any licensed solid waste facility if the deposition is not in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.
 - (c) The deposition of solid wastes that consist of scrap tires in buildings, trailers, or other vehicles, unless for fewer than fourteen days at a scrap tire transporter's registered business location, a licensed scrap tire facility, or an unregistered scrap tire facility operating in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.
 - (d) The deposition of untreated or treated infectious wastes into waters of the state, and also means the final deposition of untreated or treated infectious wastes on or into the ground at any place other than a licensed solid waste facility operated in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.
- (7) "Operator" or "facility operator" means either of the following:
- (a) Any person who has supervisory authority or the authority to make discretionary decisions concerning the construction, operation, maintenance, or monitoring of a solid waste facility, infectious waste treatment facility, or scrap tire transportation business.
 - (b) The same meaning as in rule 3745-400-01 of the Administrative Code.
- (8) "Owner" means the person who holds title to the land on which the solid waste facility, construction and demolition debris facility, construction and demolition debris processing facility, infectious waste treatment facility, or scrap tire transportation business is located.

- (1) "Parameter" means a measurable factor of a liquid, gas, or solid such as temperature, pH, length, or elevation, and includes constituents of the liquid, gas, or solid.
- (2) "Park" means any of the following:
 - (a) A state park established or dedicated under Chapter 1541. of the Revised Code.
 - (b) A state park purchase area established under section 1546.06 of the Revised Code.
 - (c) A unit of the national park system, or any property located in Ohio 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, or any candidate area located in Ohio and identified for potential inclusion in the national park system in the edition of the "national park system plan" submitted under paragraph (b) of section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as current on the date Ohio EPA received the permit to install application.
- (3) "Permitting authority" means the director or the approved board of health, as applicable.
- (4) "Person" includes the state, any political subdivision of the state or other state or local body, the United States and any agency or instrumentality thereof, and any legal entity or organization defined as a person under section 1.59 of the Revised Code, or other entity.
- (5) "Premises" means either of the following:
 - (a) Geographically contiguous property owned by the same person.
 - (b) Noncontiguous property that is owned by the same person and connected by a right-of-way that the person controls and to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by one or more public or private right-of-way are a single premises.
- (6) "Professional engineer" means an individual authorized to practice the profession of engineering pursuant to Chapter 4733. of the Revised Code.
- (7) "Professional surveyor" means an individual authorized to practice the profession of surveying pursuant to Chapter 4733. of the Revised Code.
- (8) "Public water supply well" means any well connected to a public water system as defined by division (A) of section 6109.01 of the Revised Code.

(Q) [Reserved.]

(R)

- (1) "Recycling" means converting solid waste that would otherwise be disposed and returning the converted material to commerce as a commodity for use or exchange in an established and legitimate market. Recycling is not reuse, storage, disposal, or transfer.
- (2) "Registrant" means any person to whom a registration has been issued.
- (3) "Reuse" means taking a solid waste that would otherwise be disposed and using it for its original purpose or a similar purpose, without converting the material. Reuse does not include using solid waste as fill. Reuse is not recycling, storage, transfer, or disposal.

(S)

- (1) "Scrap tire" has the same meaning as in section 3734.01 of the Revised Code.
- (2) "Scrap tire facility" includes but is not limited to a scrap tire collection facility, scrap tire storage facility, scrap tire recovery facility, scrap tire monofill facility, and scrap tire monocell facility.
- (3) "Solid waste" has the same meaning as in section 3734.01 of the Revised Code.
- (4) "Solid waste disposal facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other approved methods of disposal of solid wastes.
- (5) "Solid waste facility" means a site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for collection, storage, or processing of the solid wastes; or for the transfer of solid wastes.
- (6) "Solid waste management district" means a county that has established a resolution, or joint counties that have entered into an agreement, for the purposes of preparing, adopting, submitting, and implementing a solid waste management plan for the county or joint counties and for the purposes of providing for, or causing to be provided for, the safe and sanitary management of solid waste within all of the incorporated and unincorporated territory of the county or joint counties and in compliance with Chapters 343. and 3734. of the Revised Code.
- (7) "Solid waste transfer facility" means any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that are generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a solid waste disposal facility. The term does not include the following:
 - (a) Any facility that consists solely of portable containers that have an aggregate volume of fifty cubic yards or less, as long as the waste is not placed on the ground or on the waste handling floor.
 - (b) Any facility that accepts only source-separated recyclables or commingled recyclables that are currently recoverable utilizing existing technology.
 - (c) Any facility where recycling activities are conducted and meets the following:
 - (i) The facility does not hold a solid waste transfer facility license.
 - (ii) Recovers for recycling not less than sixty per cent of the weight of solid waste brought to the facility each month (as averaged monthly) for not fewer than eight months in each calendar year.
 - (iii) Disposes of not more than forty per cent of the total weight of solid waste brought to the facility each month (as averaged monthly) for not fewer than eight months in each calendar year.
 - (d) A facility identified as any of the following:
 - (i) A solid waste disposal facility used for incineration or sanitary landfilling, including where the acceptance, unloading, processing, loading, and transport of solid waste for disposal are conducted within the boundary of the solid waste disposal facility.
 - (ii) A scrap tire collection, storage, recovery, monocell, or monofill facility operating in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.
 - (iii) A construction and demolition debris facility operating in accordance with Chapter 3714. of the

Revised Code and rules adopted thereunder where the operator has removed unauthorized solid waste from loads of C&DD for transport and management in accordance with Chapter 3734. of the Revised Code.

- (8) "Surface water" means any water on the surface of the earth.
- (T) "Technologically enhanced naturally occurring radioactive material" or "TENORM" has the same meaning as in section 3748.01 of the Revised Code.
- (U) [Reserved.]
- (V) "Variance" means an action of the director that changes a requirement of a rule adopted under Chapter 3734. of the Revised Code.
- (W)
- (1) "Water pollution" means the unpermitted release of sediment from disturbed areas, solid waste or waste-derived constituents, or leachate to the waters of the state.
 - (2) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.
 - (3) "Water supply well" includes potable and non-potable water supply wells.
 - (4) "Wetland" has the same meaning as in rule 3745-1-02 of the Administrative Code.
- (X) [Reserved.]
- (Y) "Yard waste" means solid waste that includes the following:
- (1) Leaves.
 - (2) Grass clippings.
 - (3) Brush.
 - (4) Tree trunks and stumps.
 - (5) Prunings from trees or shrubs.
 - (6) Any plant materials from residential trees and edible gardens.
 - (7) Decorative plant materials that do not contain plastic, metal, polystyrene, or other non-compostable material including but not limited to any of the following:
 - (a) Pumpkins or gourds.
 - (b) Hay or straw bales.
 - (c) Holiday trees.
 - (d) Discarded or potted flowers.

(e) Wreaths.

(f) Grave blankets.

Yard waste does not include materials from industrial processing, agricultural processing, or food processing.

(Z) "Zone of saturation" or "saturated zone" means that part of the earth's crust in which all voids are filled with water. Zone of saturation or saturated zone does not include the capillary zone.

Effective: 7/4/2022
Five Year Review (FYR) Dates: 4/19/2022 and 07/04/2027

CERTIFIED ELECTRONICALLY

Certification

06/24/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.02, 3714.022, 3714.09, 3734.02, 3734.08, 3734.12
Rule Amplifies: 3714.01, 3714.02, 3714.022, 3714 .03, 3714.09, 3734.01, 3734.02, 3734.08, 3734.12
Prior Effective Dates: 04/02/2012, 04/01/2017, 10/01/2018, 07/01/2020, 04/18/2022

3745-500-03 Incorporation by reference.

Incorporation by reference. The text of the incorporated materials is not included in the rules contained in Chapters 3745-400 to 3745-599 of the Administrative Code. The materials listed in paragraph (B) of this rule are hereby made a part of the rules in Chapters 3745-400 to 3745-599 of the Administrative Code. For materials subject to change, only the specific version specified in this rule is incorporated. Any amendment or revision to a referenced document is not incorporated until this rule has been amended to specify the new version.

(A) Availability. The materials incorporated by reference are available as follows:

- (1) Government literature. The availability of these documents is provided in paragraph (B)(1) of this rule. However, many of the documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (2) Other publications. The availability of these documents is provided in paragraph (B)(2) of this rule. However, many of the documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(B) Incorporated materials.

- (1) Appropriate "Government Literature," including U.S. environmental protection agency documents, available at <http://www.epa.gov/nscep> or by writing to U.S. Environmental Protection Agency/National Service Center for Environmental Publications, P. O. Box 42419, Cincinnati, OH 45242-0419, including "Methods for Chemical Analysis of Water and Wastes, EPA 600/4-79-020," published in 1983.
- (2) Other publications as follows:
 - (a) American public health association book: "Standard Methods for the Examination of Water and Wastewater" (Andrew D. Eaton, Lenore S. Clesceri, Eugene W. Rice, R. B. Baird eds., 23rd ed. 2018). Available for purchase at <http://www.standardmethods.org/>. Standard methods include the following:
 - (i) 9221 "Multi-Tube Fermentation Technique for Members of the Coliform Group."
 - (ii) 9222 "Membrane Filter Technique for Members of the Coliform Group."
 - (iii) 9223 "Enzyme Substrate Coliform Test."
 - (iv) 9260 "Detection of Pathogenic Bacteria."
 - (b) Association of Official Analytical Chemists (AOAC) book: "Official Methods of Analysis," (Dr. George Latimer, Jr. ed., 21st ed. 2019). Available for purchase at <http://www.aoac.org>.
 - (c) Ohio environmental protection agency, "Rainwater and Land Development Manual;" April 2019. The full text is available in electronic format at: https://epa.ohio.gov/dsw/storm/technical_guidance.
 - (d) North central region (NCR) document: "Recommended Chemical Soil Test Procedures for the North Central Region," (Missouri agricultural experiment station SB 1001, Pub. No. 221, (revised) 2015). The full text is available in electronic format at <http://extension.missouri.edu/publications/>. Copies may be purchased by writing to: "MU Extension Publications, 2800 Maguire Blvd., Columbia, MO

65211" or at <http://extension.missouri.edu/explore/shop/>.

- (e) U.S. Composting Council document: "Test Methods for Evaluation of Compost and Composting (TMECC)," April, 2002. Available for purchase at <http://compostingcouncil.org/tmecc/>. TMECC methods include the following:
- (i) 03.08-A "Classification of inerts."
 - (ii) 04.01-A "Combustion with CO₂ detection."
 - (iii) 04.02-A "Total kjeldahl nitrogen, semi-micro kjeldahl technique."
 - (iv) 04.02-D "Total nitrogen by combustion."
 - (v) 04.03-A "Total phosphorus."
 - (vi) 04.04-A "Total potassium."
 - (vii) 04.05-B "Boron."
 - (viii) 04.06-As "Arsenic."
 - (ix) 04.06-Cd "Cadmium."
 - (x) 04.06-Pb "Lead."
 - (xi) 04.06-Hg "Mercury."
 - (xii) 04.06-Ni "Nickel."
 - (xiii) 04.06-Se "Selenium."
 - (xiv) 04.06-Zn "Zinc."
 - (xv) 04.10-A "1:5 slurry method, mass basis."
 - (xvi) 04.11-A "1:5 slurry pH."
 - (xvii) 05.08-A "SOUR: Specific oxygen uptake rate."
 - (xviii) 05.08-B "Carbon dioxide evolution rate."
 - (xix) 05.08-C "In-situ oxygen refresh rate."
 - (xx) 05.08-D "Dewar self-heating test."
 - (xxi) 05.08-E "Solvita maturity index."
 - (xxii) 05.08-F "Biologically available carbon."

Effective: 4/18/2022
Five Year Review (FYR) Dates: 11/14/2022

CERTIFIED ELECTRONICALLY

Certification

04/07/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.02, 3714.022, 3734.02, 3734.12
Rule Amplifies: 121.71, 121.72, 121.73, 121.75, 3714.02, 3714.022,
3734.02, 3734.12
Prior Effective Dates: 04/02/2012, 04/01/2017, 10/01/2018

3745-500-35 Relationships among authorizing documents, rules, and the authority of the director and board of health.

- (A) When direct conflict occurs between a requirement of Chapters 3745-500 to 3745-599 of the Administrative Code and an authorizing document approved prior to the establishment of that requirement in the rules, the owner or operator shall comply with the authorizing document until the obligation in the authorizing document ceases. After the obligation ceases, the owner or operator shall comply with the rules.
- (B) When a direct conflict occurs between a requirement of Chapters 3745-500 to 3745-599 of the Administrative Code and an order issued by the director, approved board of health, or court having competent jurisdiction prior to the establishment of that requirement in the rules, the owner or operator shall comply with the order until the order is terminated or until the obligation in the order ceases. After the obligation in the order has ceased, the owner or operator shall comply with the rules.
- (C) Nothing in Chapters 3745-500 to 3745-599 of the Administrative Code is intended nor shall be construed to limit or infringe upon any authority granted by statute to the director or a board of health, including but not limited to issuing orders, conducting inspections, and enforcing the standards and requirements of statutes and rules adopted thereunder.

Effective: 10/1/2018
Five Year Review (FYR) Dates: 11/14/2017 and 11/14/2022

CERTIFIED ELECTRONICALLY

Certification

08/20/2018

Date

Promulgated Under: 119.03
Statutory Authority: 3734.02, 3734.12
Rule Amplifies: 3734.02, 3734.12
Prior Effective Dates: 04/02/2012

3745-500-50 Signatures.

- (A) When a document is required to be signed in accordance with this rule, the applicant, owner, or operator signing that document shall be one of the following:
- (1) In the case of a corporation, a principal executive officer of at least the level of vice president or a duly authorized representative, if such representative is responsible for the overall operation of the facility.
 - (2) In the case of a partnership, a general partner.
 - (3) In the case of a limited liability company, a manager, member, or other duly authorized representative of the limited liability company, if such representative is responsible for the overall operation of the facility.
 - (4) In the case of sole proprietorship, the owner.
 - (5) In the case of a municipal, state, federal, or other governmental facility, the principal executive officer, the ranking elected official, or other duly authorized employee.
- (B) The signature on the document signed in accordance with this rule shall constitute personal affirmation that all statements and all assertions of fact made in the document to the best of the signatory's knowledge and belief are true and accurate, include all required information, and comply fully with applicable rules.
- (C) Unless an alternate certification is specifically required, a document signed in accordance with this rule shall include the following certification statement:
- "By signing this document I hereby certify that all statements and all assertions of fact made in the document to the best of my knowledge and belief are true and accurate, include all required information, and comply fully with applicable rules."

3745-500-50

Five Year Review (FYR) Dates: 11/14/2017 and 11/14/2022

CERTIFIED ELECTRONICALLY

Certification

11/14/2017

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12, 3734.02
Rule Amplifies: 3734.05, 3734.02, 3734.12
Prior Effective Dates: 04/02/2012

3745-500-120 Procedures for issuing, denying, modifying, transferring, and revoking licenses and permits to install.

[Comment: Procedures for suspending a license can be found in rule 3745-501-40 of the Administrative Code.]

- (A) In deciding whether to issue or deny a permit to install, the director shall solicit the input and coordinate the issuance of the permit to install with all relevant divisions of Ohio EPA. The director may consult with other divisions or persons as the director deems appropriate.
- (B) When issuing, denying, modifying, approving transfer of, denying transfer of, or revoking a license or a permit to install for a solid waste facility, infectious waste treatment facility, construction and demolition debris facility, or construction and demolition debris processing facility, the director shall act in accordance with Chapters 119., 3714., 3734., and 3745. of the Revised Code, as applicable.
- (C) When issuing, denying, modifying, approving transfer of, denying transfer of, or revoking a license for a solid waste facility, infectious waste treatment facility, construction and demolition debris facility, or construction and demolition debris processing facility, the approved board of health shall act in accordance with Chapters 3714., 3734., and sections 3709.20 and 3709.21 of the Revised Code, as applicable.
- (D) When denying a license, revoking a license, or denying transfer of a license for a solid waste facility, infectious waste treatment facility, construction and demolition debris facility, or construction and demolition debris processing facility, the approved board of health shall provide at a minimum the following:
- (1) To the owner and operator of the solid waste facility, infectious waste treatment facility, construction and demolition debris facility, or construction and demolition debris processing facility or the applicant for the license, the following:
- (a) Notice of the approved board of health's intent to deny or revoke a license. This notice shall include a provision informing the applicant, owner, or operator of the right to a hearing prior to the issuance by the approved board of health of a final action denying or revoking a license. This notice shall provide a period of thirty days in which to request a hearing.
- (b) Upon request, a hearing, held in accordance with section 3709.20 of the Revised Code, at which the persons that have requested the hearing are provided the following:
- (i) The right to appear in person, by attorney, or by other such representation permitted to appear before the approved board of health.
- (ii) The opportunity to present evidence at the hearing, including the testimony of witnesses under oath, and the opportunity to cross examine opposing witnesses.
- (iii) The opportunity to proffer evidence that has been determined to be inadmissible.
- (iv) A stenographic record of the hearing.
- (c) Prior to the issuance of a final action and subsequent to a hearing conducted by a referee or examiner in accordance with division (B) of section 3709.20 of the Revised Code, written recommendations presented to the approved board of health and an opportunity to submit written objections.

- (d) A copy of the final action of the approved board of health regarding the denial or revocation of the license, with findings of fact and conclusions of law based on the hearing held in accordance with section 3709.20 of the Revised Code. The copy with a statement of how and within what time period the final action may be appealed to the environmental review appeals commission shall be sent by certified mail or any other form of mail accompanied by a receipt. Such copy and statement shall also be sent by certified mail or any other form of mail accompanied by a receipt to persons who have requested a hearing.
- (2) To persons who have requested a hearing, upon receipt of a written signed request for a hearing, notice of the hearing date, time, and place not later than twenty days prior to the hearing.

Effective: 4/18/2022

Five Year Review (FYR) Dates: 7/1/2025

CERTIFIED ELECTRONICALLY

Certification

04/07/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.02, 3714.022, 3734.02
Rule Amplifies: 3714.02, 3714.022, 3714.051, 3714.06, 3714.09,
3734.02, 3734.05, 3734.08, 3734.09, 3734.44
Prior Effective Dates: 04/02/2012, 04/01/2017, 07/01/2020

3745-500-130 Retention and distribution of authorizing documents - procedures for boards of health and Ohio EPA.

(A) Procedures for boards of health.

If required by rules adopted under Chapter 3734. of the Revised Code, copies of an authorizing document issued by the approved board of health and all associated plans, specifications, and information shall be retained and distributed in accordance with the following:

- (1) The board of health shall retain at least one copy of the authorizing document and all associated plans, specifications, and information.
- (2) Copies of authorizing documents shall be distributed by certified mail or another form of mail accompanied by a receipt not later than the end of the third business day following issuance of the authorizing document, except that any plans, specifications, and information accompanying an authorizing document need not be distributed by certified mail or another form of mail accompanied by a receipt.
- (3) The board of health shall distribute copies of the authorizing document and any associated plans, specifications, and information as follows:
 - (a) Return one copy to the entity who submitted the application or request for the authorizing document.
 - (b) Send one copy to Ohio EPA.

(B) Procedures for Ohio EPA.

Copies of an authorizing document issued by Ohio EPA and associated plans, specifications, and information shall be retained and distributed in accordance with agency procedural rules adopted pursuant to Chapter 119. of the Revised Code.

3745-500-130

Effective: 04/02/2012

R.C. 119.032 review dates: 04/02/2017

CERTIFIED ELECTRONICALLY

Certification

02/16/2012

Date

Promulgated Under: 119.03
Statutory Authority: 3734.02
Rule Amplifies: 3734.02

3745-500-150 Alteration to a permit to install.**(A) Applicant procedures.**

- (1) A request to alter a permit to install, and subsequent revisions to the request, shall be submitted in writing to the permitting authority. Revisions to the request shall be accompanied by the following:
 - (a) An index listing each change and the page where each change occurred.
 - (b) For plan drawings, a schedule on the drawing indicating what has changed.
- (2) A request to alter the permit to install shall include a certification statement and signature in accordance with rule 3745-500-50 of the Administrative Code.
- (3) Upon request from the permitting authority, the applicant shall submit additional and identically complete copies of the request to alter the permit to install.

(B) Permitting authority procedures for acting on a request to alter a permit to install.

- (1) The permitting authority may decline to act on the request to alter a permit to install.
- (2) The permitting authority shall not concur with a request to alter a permit to install unless the permitting authority determines that the following criteria are satisfied:
 - (a) The request to alter a permit to install is at least equivalent to the applicable rule requirements.
 - (b) The request is not for a modification.
 - (c) The alteration will not interfere with the ability of the applicant, owner, or operator to construct, operate, and close the solid waste facility, infectious waste treatment facility, construction and demolition debris facility, or construction and demolition debris processing facility in accordance with Chapter 3714. or Chapter 3734. of the Revised Code and rules adopted thereunder, as applicable, and with the terms and conditions of the permit to install.
 - (d) The alteration will not interfere with the ability of the applicant, owner, or operator to comply with Chapters 3704., 3714., 3734., and 6111. of the Revised Code and rules adopted under those chapters.
- (3) When determining whether to concur with an alteration, the permitting authority may consider the owner and operator of a solid waste facility, infectious waste treatment facility, construction and demolition debris facility, and construction and demolition debris processing facility's compliance with Chapters 3704., 3714., 3734., and 6111. of the Revised Code, the rules adopted under those chapters, and any authorizing documents.
- (4) Upon the permitting authority's concurrence with a request to alter a permit to install, the permitting authority shall retain and distribute copies of the alteration request and any altered drawings and information pursuant to rule 3745-500-130 of the Administrative Code.

3745-500-150

Effective: 4/18/2022
Five Year Review (FYR) Dates: 11/14/2022

CERTIFIED ELECTRONICALLY

Certification

04/07/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.022, 3734.02, 3734.12
Rule Amplifies: 3714.022, 3714.051, 3734.02, 3734.05, 3734.12
Prior Effective Dates: 04/02/2012

3745-500-210 Variances for solid waste facilities.

- (A) An application for a variance for a solid waste facility shall include the following:
- (1) The provision or provisions of the state law for which the variance is requested.
 - (2) Information regarding the reason and justification for the variance.
 - (3) Any other pertinent data regarding the application required by the director.
 - (4) A certification statement and signature in accordance with rule 3745-500-50 of the Administrative Code.
- (B) In accordance with division (S)(1) of section 3745.11 of the Revised Code, the nonrefundable fee shall be paid at the time the application for a variance is submitted. If the application for a variance is part of an application for a permit to install, the variance application fee shall be paid in addition to the permit to install application fee.
- (C) The director shall issue, renew, or deny an application for a variance or renewal of a variance for a solid waste facility not later than six months after the date upon which the director receives a complete application with all pertinent information and data required unless the application for a variance is part of an application for a permit to install. If an application for a variance is part of an application for a permit to install, the director shall issue, renew, or deny an application for a variance or renewal of a variance concurrent with a final or proposed action on the permit to install application.
- (D) When issuing a variance for a solid waste facility, the director shall act in accordance with Chapters 119., 3734., and 3745. of the Revised Code, as applicable.

3745-500-210

Effective: 04/02/2012

R.C. 119.032 review dates: 04/02/2017

CERTIFIED ELECTRONICALLY

Certification

02/16/2012

Date

Promulgated Under: 119.03
Statutory Authority: 3734.02
Rule Amplifies: 3734.02

3745-500-220 Exemptions from the requirements of Chapters 3714. and 3734. of the Revised Code.

- (A) An application for an exemption from a requirement of Chapter 3714. or 3734. of the Revised Code or the rules adopted under those chapters shall include the following:
- (1) The provision or provisions of the state law for which the exemption is requested.
 - (2) Information regarding the reason and justification for the exemption including any effects on the public health and safety and the environment or potential fire hazards if the exemption is granted.
 - (3) Any other pertinent data regarding the application required by the director or the approved board of health, as applicable.
 - (4) A certification statement and signature in accordance with rule 3745-500-50 of the Administrative Code.
- (B) Pursuant to division (G) of section 3734.02 of the Revised Code, the director may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, including scrap tires, from any requirement of Chapter 3734. of the Revised Code or any rules adopted thereunder if granting the exemption is unlikely to adversely affect the public health or safety or the environment.
- (C) Pursuant to section 3714.04 of the Revised Code, the director or the approved board of health may exempt any person disposing of or proposing to dispose of construction and demolition debris from any requirement of Chapter 3714. of the Revised Code or any rules adopted thereunder if granting the exemption is unlikely to adversely affect the public health or safety or the environment or to create a fire hazard.
- (D) When issuing an exemption, the director or the approved board of health shall act in accordance with Chapters 119., 3709., 3714., 3734., and 3745. of the Revised Code, as applicable.
- (E) The director or the approved board of health, as applicable, may decline to act on a request for an exemption.

3745-500-220

Effective: 4/18/2022
Five Year Review (FYR) Dates: 11/14/2022

CERTIFIED ELECTRONICALLY

Certification

04/07/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.022, 3734.02
Rule Amplifies: 3714.022, 3714.04, 3714.09, 3734.02, 3734.08
Prior Effective Dates: 04/02/2012

3745-500-330 Termination of a permit to install issued under Chapter 3734. of the Revised Code.

- (A) A permit to install issued under Chapter 3734. of the Revised Code for a new facility shall terminate three years after the effective date of the permit to install if the owner or operator has neither undertaken a continuing program of installation nor entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation of the new facility.
- (B) The owner or operator may request an extension of the termination date. Such request shall be submitted to the director and provide justification for the extension of time and an analysis demonstrating that the facility meets all applicable siting criteria and design standards established in the rules in effect on the date the permit to install is to expire.
- (C) The director may extend the termination date of a permit to install for a period of time not to exceed twelve months if the director determines that the owner or operator has adequately justified an extension of time and has demonstrated that the facility meets all applicable siting criteria and design standards established in the rules in effect on the date the permit to install is to expire.

3745-500-330

Effective: 04/02/2012

R.C. 119.032 review dates: 04/02/2017

CERTIFIED ELECTRONICALLY

Certification

02/16/2012

Date

Promulgated Under: 119.03
Statutory Authority: 3734.02, 3734.12
Rule Amplifies: 3734.02, 3734.12

3745-500-350 Causes for revoking a permit to install issued under Chapter 3734. of the Revised Code.

The director may revoke a permit to install issued under Chapter 3734. of the Revised Code, without limitation as to other lawful grounds, for any of the causes listed in section 3734.45 of the Revised Code.

3745-500-350

Effective: 04/02/2012

R.C. 119.032 review dates: 04/02/2017

CERTIFIED ELECTRONICALLY

Certification

02/16/2012

Date

Promulgated Under: 119.03
Statutory Authority: 3734.02
Rule Amplifies: 3734.02, 3734.09, 3734.45

3745-500-360 Administrative change to a permit to install.

- (A) The permitting authority may make an administrative change to a permit to install in order to do the following:
- (1) Update or correct administrative information including but not limited to the telephone number, address, or name of the solid waste facility, infectious waste treatment facility, construction and demolition debris facility, or construction and demolition debris processing facility, the name of the owner or operator or person to whom the permit to install has been issued, or other contact information.
 - (2) Correct typographical errors contained in a permit to install.
- (B) Procedures for requesting an administrative change to a permit to install. Unless a transfer of a permit to install has been approved, a person to whom a permit to install has been issued shall do the following:
- (1) Submit a written request for an administrative change to the permitting authority that includes a copy of the information proposed to be administratively changed with the desired change, and all locations in the permit to install where the change is proposed.
 - (2) If the approved board of health is the permitting authority, notify Ohio EPA of the submittal of a request for an administrative change concurrent to initially submitting the request to the approved board of health. The notification shall be in writing and contain sufficient detail to understand the scope and nature of the request.
 - (3) Upon request from Ohio EPA or the approved board of health, submit additional and identically complete copies of the request for an administrative change.
 - (4) If the permitting authority makes the administrative change, retain a copy of the administrative change with the permit to install.
- (C) Permitting authority procedures are as follows:
- (1) The permitting authority shall make an administrative change to a permit to install after approving transfer of a permit to install to update administrative information including but not limited to the name, address, and contact information of the permittee.
 - (2) The permitting authority may make an administrative change to a permit to install when requested by a permittee or when the permitting authority discovers the need for an administrative change. The permitting authority may decline to make a requested administrative change.
 - (3) Upon making an administrative change to a permit to install, the permitting authority shall provide written notification to the permittee of the administrative change.
 - (4) Copies of the changed pages shall be retained and distributed pursuant to rule 3745-500-130 of the Administrative Code.

3745-500-360

Effective: 4/18/2022
Five Year Review (FYR) Dates: 11/14/2022

CERTIFIED ELECTRONICALLY

Certification

04/07/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.022, 3734.02, 3734.12
Rule Amplifies: 3714.022, 3714.051, 3734.02, 3734.12
Prior Effective Dates: 04/02/2012