

TO BE RESCINDED

3745-27-51 **Additional criteria for approval of solid waste incinerator or solid waste energy recovery facility permit to install applications.**

The director shall not approve any permit to install application for a solid waste incinerator or solid waste energy recovery facility unless he determines that:

- (A) The solid waste incinerator or solid waste energy recovery facility will be capable of operating in compliance with Chapters 3704. and 6111. of the Revised Code; and
- (B) The solid waste incinerator or solid waste energy recovery 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; and
- (C) The solid waste incinerator or solid waste energy recovery facility is not located in a floodway; and
- (D) The solid waste incinerator or solid waste energy recovery facility is 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 facility in substantial compliance with applicable provisions of Chapters 3704., 3734., and 6111. of the Revised Code, and any rules and permits issued thereunder, and has maintained substantial compliance with all applicable orders issued by the director, the environmental board of review, 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; and
- (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; and
- (G) The applicant meets the requirements of sections 3734.40 to 3734.47 of the Revised Code and rules adopted thereunder; and

(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 solid waste incinerator or solid waste energy recovery facility in accordance with rule 3745-27-53 of the Administrative Code; and

(I) The solid waste incinerator or solid waste energy recovery 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; or
- (2) Candidate area for potential inclusion in the national park system; or
- (3) State park or established state park purchase area; or
- (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 incinerator or solid waste energy recovery 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; and

(J) The solid waste incinerator or solid waste energy recovery facility is not located within two hundred fifty feet of the following, which are in existence on the date of receipt of the permit to install application by the 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; or
- (2) Areas designated, owned, and managed by the Ohio historical society as a nature preserve; or
- (3) Areas designated by the United States department of the interior as either a national wildlife refuge or a national scenic river; or
- (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; or
- (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) All waste handling areas of a solid waste incinerator or solid waste energy recovery facility are not located within two hundred fifty feet of a domicile in existence on the date the permit to install application was received by the Ohio EPA; and
- (L) All waste handling at the solid waste incinerator or solid waste energy recovery facility will take place inside buildings, structures, or other methods of cover deemed acceptable to the director;
- (M) The waste handling floor(s) of the solid waste incinerator or solid waste energy recovery facility:
- (1) Shall prevent the infiltration of leachate, and is constructed to prevent any unauthorized discharge of leachate from the facility;
 - (2) Readily allows wet or dry cleanup operations;
 - (3) Is sloped so as to direct leachate to collection points and the leachate management system, and will not allow ponding of liquids;
 - (4) Is designed to be capable of withstanding the forces and weights encountered during normal facility operations;
 - (5) Is accessible to annual visual inspection for cracks and breaks; and
 - (6) Is constructed with materials and methods which enable repairs to be made; and
- (N) Adequate collection, management, and treatment and/or disposal facilities are provided for leachate. If leachate conveyance and storage structures are utilized, they shall:
- (1) Be monitored, as required by the director; and
 - (2) For storage tanks, be provided with spill containment; and
 - (3) For leachate lines, be double cased; and
 - (4) For storage structures, have a capacity sufficient to ensure proper operation of the facility.
- (O) In the case of a permit to install application for:
- (1) A new solid waste incinerator or solid waste energy recovery facility to also treat infectious waste for which a notation authorizing infectious waste treatment is proposed to be included in the solid waste incinerator or solid waste energy recovery facility's license pursuant to division (B)(3) of section 3734.05 of the Revised Code; or

- (2) To modify an existing solid waste incinerator or solid waste energy recovery facility, which does not have authorization to treat infectious waste, to treat infectious waste for which a notation authorizing infectious waste treatment is proposed to be included in the solid waste incinerator or solid waste energy recovery facility's license pursuant to division (B)(3) of section 3734.05 of the Revised Code,

The application satisfies the criteria specified in paragraph (D)(5) of rule 3745-27-37 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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