

3745-30-06

**Additional criteria for approval of residual solid waste landfill facility permit to install applications.**

(A) General criteria. The director shall not approve any permit to install application for a residual waste landfill facility unless the director determines all of the following:

- (1) Establishment or modification and operation of the residual waste landfill facility will not violate Chapter 3704., 3734., or 6111. of the Revised Code.
- (2) The residual solid waste landfill facility will be capable of being constructed, operated, closed, and maintained during the post-closure care period in accordance with Chapter 3745-30 of the Administrative Code, and with the terms and conditions of the permit.
- (3) The applicant and/or the person(s) listed as owner and operator if the owner and operator are not the applicant, who has been 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., 3714., and 6111. of the Revised Code, and any rules, permits or other authorizations issued thereunder, and has maintained substantive compliance with all applicable orders issued by the director, the environmental review appeals commission, 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 any other courts having jurisdiction.
- (4) The person listed as operator meets the requirements of division (L) of section 3734.02 of the Revised Code and rules adopted thereunder.
- (5) The applicant meets the requirements of sections 3734.42 to 3734.44 of the Revised Code and rules adopted thereunder.

(B) Discretionary criteria. The director may consider, when determining whether or not to approve a permit to install application for the residual solid waste landfill facility, the following:

- (1) The impact the proposed residual solid waste landfill facility may have on corrective actions that have been taken, are presently being taken, or are proposed to be taken at the facility or in the immediate area.
- (2) The technical ability of the owner or operator to adequately monitor the impact

of the residual solid waste landfill facility on the environment.

- (3) The requirement for a separatory liner system constructed in accordance with rule 3745-30-07 of the Administrative Code for a vertical expansion unless the expansion area(s) are to be constructed over an authorized fill area that is underlain by a composite liner or engineered liner previously approved by the director, and a leachate collection system.
- (C) Design criteria. The director shall not approve a permit to install application unless the director determines that the application conforms to the appropriate sections of rule 3745-30-07 of the Administrative Code as follows:
- (1) New residual solid waste landfill facilities and lateral expansion areas shall comply with paragraphs (B), (C), and (D) of rule 3745-30-07 of the Administrative Code.
  - (2) Vertical expansion, as defined in rule 3745-27-01 of the Administrative Code, over the residual solid waste landfill facility shall, at a minimum comply with paragraphs (C)(4) to (C)(12) of rule 3745-30-07 of the Administrative Code. Vertical expansion below the residual solid waste landfill facility shall comply with paragraphs (B), (C), and (D) of rule 3745-30-07 of the Administrative Code.
  - (3) Applications for the residual solid waste landfill facility submitted in response to divisions (A)(3) and (A)(4) of section 3734.05 of the Revised Code shall comply with paragraphs (B), (C), and (D) of rule 3745-30-07 of the Administrative Code, with the exception that filled areas of the residual solid waste landfill facility shall, at a minimum, meet the requirements in paragraphs (C)(4) to (C)(12) of rule 3745-30-07 of the Administrative Code.
  - (4) Permit to install applications exclusively requesting a change in technique of waste receipt, or type of waste received, or type of equipment used, need not comply with rule 3745-30-07 of the Administrative Code.
  - (5) Applications exclusively requesting a change in the authorized maximum daily waste receipt (AMDWR) and submitted pursuant to paragraph (E) of this rule need not comply with rule 3745-30-07 of the Administrative Code.
  - (6) Other modifications of the residual solid waste landfill facility, as that term is defined in rule 3745-27-02 of the Administrative Code shall comply with the relevant sections of rule 3745-30-07 of the Administrative Code.

(D) [Reserved.]

(E) Additional criteria for authorized maximum daily waste receipt (AMDWR) applications.

The director shall not approve a permit to install application for a permanent change in the AMDWR for the residual solid waste landfill facility whose annual license fee is established pursuant to division (A)(1) of section 3734.06 of the Revised Code, unless the owner or operator demonstrates that the residual solid waste landfill facility can operate in compliance with all applicable solid waste regulations while receiving the requested maximum daily waste receipt. An adequate demonstration for the residual solid waste landfill facility includes, but is not limited to, the following:

- (1) An explanation of the overall facility design including construction time frames and fill sequences for the residual solid waste landfill facility.
- (2) Operational criteria such as the residual solid waste landfill facility's equipment availability, cover availability, and manpower.
- (3) If applicable, the owner's or operator's previous compliance history throughout the life of the residual solid waste landfill facility and the daily logs for any period that the residual solid waste landfill facility was out of compliance.

[Comment: An application for a temporary increase in the AMDWR must satisfy the criteria specified in rule 3745-37-14 of the Administrative Code.]

(F) [Reserved.]

(G) Applicability of siting criteria.

For the purposes of this rule, an "authorized fill area" is an area within the limits of waste placement of the residual solid waste landfill facility that is authorized, by a permit(s) to install, plan approval, operational report, or other authorizing document(s) to accept residual solid waste as of the date of submittal of the permit to install application for a lateral or vertical expansion.

The director shall not approve the permit to install application for the residual solid waste landfill facility unless the director determines that the application meets the criteria specified in paragraph (H) of this rule, as follows:

- (1) Call-in permits. The residual solid waste landfill facility for which a permit to

install application, including any proposed lateral or vertical expansions, is submitted in response to division (A)(3) or (A)(4) of section 3734.05 of the Revised Code, shall meet all the criteria specified in paragraph (H) of this rule; however, the director may approve the application for one or more noncontiguous areas which meet the criteria specified in paragraph (H) of this rule, even though other areas do not meet the criteria specified in paragraph (H) of this rule.

[Comment: The purpose of a call-in permit is to upgrade a facility to the standards in Chapter 3745-30 of the Administrative Code. The review of a call-in permit should be distinguished from a "voluntary" expansion, or AMDWR permit application. Since the call-in process looks at the entire facility, including any expansions proposed in the call-in application, a voluntary application which may be approvable by itself may not be adequate when viewed in the context of the entire facility. It is the applicant's option to submit voluntary vertical or lateral expansions with the call-in application or to submit a voluntary application before the call-in application.]

- (2) Operation changes. A permit to install application that exclusively proposes a substantial change in technique of waste receipt, or type of waste received, or type of equipment used at the residual solid waste landfill facility, need not comply with the criteria specified in paragraph (H) of this rule.
- (3) AMDWR increase. A permit to install application which exclusively proposes a change in the AMDWR limit for the residual solid waste landfill facility need not comply with the criteria specified in paragraph (H) of this rule.
- (4) Other modification permits. A permit to install application that incorporates a "modification" of the residual solid waste landfill facility, as that term is defined in rule 3745-27-02 of the Administrative Code, and the modification does not incorporate a capacity increase or otherwise change the vertical or horizontal limits of waste placement, need not comply with the criteria specified in paragraph (H) of this rule.
- (5) Vertical expansion. For the purposes of this rule, a vertical expansion, as defined in rule 3745-27-01 of the Administrative Code, includes the proposed vertical expansion and all waste within the vertical projection above or below the proposed vertical expansion. When evaluating a proposed vertical expansion, the director shall apply the following criteria:
  - (a) All of the criteria specified in paragraph (H) of this rule, except for paragraph (H)(4) of this rule (general setbacks).

[Comment: Paragraph (H)(4) of this rule includes setbacks for natural

areas, three hundred feet from facility boundary, one thousand feet from domicile, and two hundred feet from surface waters.]

(b) The criteria specified below apply to all areas of the authorized fill area that are contiguous to the proposed vertical expansion but that are not directly above or below the proposed vertical expansion:

(i) Paragraph (H)(1) of this rule (location in national park, etc.).

(ii) Paragraph (H)(2) of this rule (ground water aquifer system protection).

[Comment: Paragraph (H)(2) of this rule includes protection standards for sand or gravel pits, limestone/sandstone quarries, sole source aquifer system, one hundred gpm aquifer system, and isolation distance.]

[Comment: See diagram No. 1 in appendix ~~IA~~ of this rule. Vertical expansion permits seek a voluntary vertical change in waste placement boundaries. A decision for final denial of a voluntary vertical expansion permit application does not alter the current authorizing document(s) for the facility. Filling may continue in the authorized fill area in accordance with the applicable authorizing document(s).]

(6) Proposed new landfill or lateral expansion.

A proposed new landfill or lateral expansion of an existing landfill shall meet all of the criteria specified in paragraph (H) of this rule; however, the director may approve the application for one or more noncontiguous areas proposed in the application which meet the criteria specified in paragraph (H) of this rule, even though other proposed areas do not meet the criteria specified in paragraph (H) of this rule.

(7) "Authorized fill area" that is contiguous or noncontiguous to a proposed lateral expansion.

(a) Noncontiguous authorized fill area. When evaluating a proposed lateral expansion, the criteria specified in paragraph (H) of this rule do not apply to an authorized fill area that is noncontiguous with the lateral expansion proposed in the permit to install application.

[Comment: In this situation, the permit to install application proposes a lateral expansion of the facility that is not contiguous to the currently

permitted fill area (the "authorized fill area"). All siting criteria apply to the "lateral expansion;" no siting criteria apply to the authorized fill area. See diagram no. 2 in appendix ~~IA~~ to this rule.]

- (b) Contiguous authorized fill area. When evaluating a permit to install application that includes a proposed contiguous new unit(s) without a vertical expansion above or below some or all of the authorized fill areas, the following apply:

[Comment: In the situation addressed in this paragraph, the permit to install application proposes a lateral expansion of the facility that is contiguous to the currently permitted fill area (the "authorized fill area"). All siting criteria apply to the "lateral expansion;" however, paragraphs (G)(7)(b)(i) and (G)(7)(b)(ii) of this rule specify the criteria that apply to the authorized fill area. A final denial decision on the voluntary proposed lateral expansion application does not alter the approval to fill in the authorized fill area.]

- (i) When evaluating a proposed lateral expansion, the following criteria specified in paragraph (H) of this rule do not apply to the authorized fill area contiguous with the lateral expansion proposed in the permit to install application:

(a) Paragraph (H)(3) of this rule (ground water setbacks).

(b) Paragraph (H)(4) of this rule (general setbacks).

[Comment: Paragraph (H)(3) of this rule includes setbacks for five year time of travel to public water supply well, underground mines, and one thousand feet from water supply well. Paragraph (H)(4) of this rule includes setbacks for natural areas, three hundred feet from facility boundary, one thousand feet from domicile, and two hundred feet from surface waters.]

- (ii) When evaluating a proposed lateral expansion, the following criteria always apply to the authorized fill area contiguous to the lateral expansion in the permit to install application:

(a) Paragraph (H)(1) of this rule (location in national park, etc.).

(b) Paragraph (H)(2) of this rule (ground water aquifer system protection).

[Comment: Paragraph (H)(2) includes protection standards for sand or gravel pits, limestone/sandstone quarries, sole source aquifer system, one hundred gpm aquifer system, and isolation distance.]

(c) Contiguous lateral expansion, authorized fill area, and vertical expansion.  
When evaluating a permit to install application that includes a proposed contiguous lateral expansion and also includes a vertical expansion above or below some or all of the authorized fill area, the following apply:

- (i) Evaluate the vertical expansion component of the permit to install application in accordance with paragraph (G)(5) of this rule, and, if it meets the criteria specified in paragraph (G)(5) of this rule, then
- (ii) Evaluate the proposed lateral expansion component of the permit to install application and the authorized fill area in accordance with paragraph (G)(7)(b) of this rule.

[Comment: See diagram no. 3 in appendix ~~IA~~ to this rule. If the vertical expansion component does not meet the criteria specified in paragraph (G)(5) of this rule, then the applicant may consider revising the application to meet the requirements specified in paragraph (G)(7)(b) of this rule. A final denial decision on this voluntary permit does not alter the filling approved in the authorized fill area.]

(H) Siting criteria.

(1) National parks, national recreation areas, and state parks.

The limits of solid waste placement are not located within one thousand feet of or within any of the following areas, in existence on the date of receipt of the permit to install application by Ohio EPA:

- (a) National park or recreation area.
- (b) Candidate area for potential inclusion in the national park system.
- (c) State park or established state park purchase area.
- (d) 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.

The one-thousand-foot setback from the limits of solid waste placement does not apply if the applicant obtains a written authorization from the owner(s) and the designated authority of the areas designated in paragraph (H)(1) of this rule to locate the limits of solid waste placement within one thousand feet. Such authorizations must be effective prior to the issuance date of the permit.

[Comment: Pursuant to division (M) of section 3734.02 of the Revised Code, the limits of solid waste placement cannot be located within these areas.]

If the residual solid waste landfill facility is located within a park or recreation area and exclusively disposes of wastes generated within the park or recreation area, this paragraph shall not apply.

(2) Ground water aquifer system protection.

(a) Sand or gravel pit.

The residual solid waste landfill facility is not located in a sand or gravel pit where the sand or gravel deposit has not been completely removed.

For the purposes of this paragraph, a sand or gravel pit is an excavation resulting from a mining operation where the removal of sand or gravel is undertaken for use in another location or for commercial sale. This term does not include excavations of sand or gravel resulting from the construction of the residual solid waste landfill facility.

(b) Limestone or sandstone quarry.

The residual solid waste landfill facility is not located in a limestone quarry or sandstone quarry.

For the purposes of this paragraph, a limestone or sandstone quarry is an excavation resulting from a mining operation where limestone or sandstone is the principal material excavated for use in another location or for commercial sale. This term does not include excavations of limestone resulting from the construction of the residual solid waste landfill facility.

(c) Sole source aquifer.

The residual solid waste landfill facility is not located above an aquifer declared by the federal government under the Safe Drinking Water Act, 42 U.S.C 300f et. seq. (2003), to be a sole source aquifer prior to the date of receipt of the permit to install application by Ohio EPA.

(d) One hundred gallons per minute (gpm) aquifer system.

The residual solid waste landfill facility is not located above an unconsolidated aquifer system capable of sustaining a yield of one hundred gpm for a twenty-four-hour period to an existing or future water supply well located within one thousand feet of the limits of residual solid waste placement.

(e) Isolation distance.

The isolation distance between the uppermost aquifer system and the bottom of the recompacted soil liner shall comply with the following:

(i) For a class III residual solid waste landfill, the distance shall not be less than five feet of in-situ geologic material, or added geologic material constructed in accordance with rule 3745-30-07 of the Administrative Code.

(ii) For a class II residual solid waste landfill, the distance shall not be less than ten feet of in-situ geologic material, or added geologic material constructed in accordance with rule 3745-30-07 of the Administrative Code.

(iii) For a class I residual solid waste landfill, the distance shall not be less than fifteen feet of in-situ geologic material or added geologic material constructed in accordance with rule 3745-30-07 of the Administrative Code.

(3) Ground water setbacks.

(a) Five year time of travel.

The limits of solid waste placement of the residual solid waste landfill facility and any temporary or permanent leachate ponds or lagoons are not located within the surface and subsurface areas of either of the following:

- (i) Surrounding an existing or proposed public water supply well through which contaminants may move toward and may reach the public water supply well through underground geologic or man-made pathways within a period of five years.

For the purposes of this paragraph, a proposed public water supply well is a well for which plans have been submitted to Ohio EPA for inclusion in a public water supply system on, or before, the date the permit to install application was received by Ohio EPA and for which a final denial has not been issued.

- (ii) A wellhead protection area or a drinking water source protection area for a public water system using ground water.

For purposes of this paragraph a wellhead protection area includes areas near or surrounding a public water supply well or well field as delineated by the owner or operator of the public water supply well or well field and endorsed by Ohio EPA.

For purposes of this paragraph, a drinking water source protection area for a public water system using ground water includes areas near or surrounding a public water supply well or well field as delineated by Ohio EPA. For the purposes of this paragraph, the prohibition against siting in a drinking water source protection area for a public water system using ground water shall not be effective until a map of the delineated area is sent by Ohio EPA and received by the owner or operator of the relevant public water supply well or well field.

[Comment: Information on wellhead protection areas and drinking water source protection area for a public water system using ground water may be obtained from Ohio EPA's division of drinking and ground waters.]

- (b) Underground mine.

The residual solid waste landfill facility is not located within an area of potential subsidence due to an underground mine or within the angle of draw of an underground mine in existence on the date of receipt of the permit to install application by Ohio EPA unless the potential impact to the facility due to subsidence is minimized.

[Comment: Removal or filling of the mines is an acceptable method for minimizing the potential for subsidence.]

(c) One thousand feet from water supply well.

The limits of solid waste placement are not located within one thousand feet of a water supply well or a developed spring in existence on the date the permit to install application was received by Ohio EPA, unless one or more of the following conditions are met:

(i) The water supply well or developed spring is controlled by the applicant and provided the following:

(a) The water supply well or developed spring is needed as a source of nonpotable water in order to meet the requirements of an approved permit or as a source of nonpotable water used in a manufacturing process.

(b) No other reasonable alternate water source is available.

(c) The water supply well or developed spring is constructed to prevent contamination of the ground water.

(ii) The water supply well or developed spring is at least five hundred feet hydrogeologically upgradient of the limits of residual solid waste placement and the applicant demonstrates that the potential for migration of landfill gas to that well or developed spring is minimized.

[Comment: If the applicant does not meet the demonstration, then the water supply well or developed spring must be located at least one thousand feet hydrogeologically upgradient of the limits of solid waste placement.]

[Comment: Constructing a landfill with a bottom liner system or an active gas management system is an acceptable means to minimize the potential for gas migration.]

(iii) The water supply well or developed spring is separated from the limits of residual solid waste placement by a hydrogeologic barrier.

(iv) The water supply well or developed spring was constructed and is used solely for monitoring ground water quality.

For the purposes of this paragraph, a developed spring is any spring that has been permanently modified by the addition of pipes or a collection basin to facilitate the collection and use of the spring water.

(4) General setbacks.

(a) One thousand feet from natural areas.

The limits of solid waste placement are not located within one thousand feet of the following, that are in existence on the date of receipt of the permit to install application by Ohio EPA:

- (i) Areas designated by the Ohio department of natural resources as either 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.
- (ii) Areas designated, owned, and managed by the Ohio historical society as a nature preserve.
- (iii) Areas designated by the United States department of the interior as either a national wildlife refuge or a national wild, scenic or recreational river.
- (iv) Areas designated by the United States forest service as either a special interest area or a research natural area in the Wayne national forest.
- (v) Stream segments designated by Ohio EPA as either a state resource water, a coldwater habitat, or an exceptional warmwater habitat.

[Comments: Stream segments designated as state resource waters may include some wetlands. Those wetlands that do not meet this designation are addressed in paragraph (H)(4)(d) of this rule.]

(b) Three hundred feet from property line.

The limits of solid waste placement are not located within three hundred feet of the residual solid waste landfill facility's property line.

(c) One thousand feet from domicile.

For residual solid waste landfills which dispose of residual solid waste as identified in paragraph (B)(3) of rule 3745-30-01 of the Administrative Code but which are not owned by a generator who disposes exclusively of residual solid waste generated on one or more premises owned by the generator, the limits of solid waste placement are not located within one thousand feet of a domicile, whose owner has not consented in writing to the location of the residual solid waste landfill facility, in existence on the date of receipt of the permit to install application by Ohio EPA.

(d) Two hundred feet from surface waters.

The limits of solid waste placement are not located within two hundred feet of areas determined by Ohio EPA or the United States army corps of engineers to be a stream, lake, or wetland.

(5) The residual solid waste landfill facility is not located in a floodway, and the limits of solid waste placement and the leachate management system of the residual solid waste facility are not located in a regulatory flood plain.

[Comment: Pursuant to division (A) or (G) of section 3734.02 of the Revised Code or rule 3745-30-15 of the Administrative Code, an applicant may request an exemption or variance from any of the siting criteria contained in this rule. However, pursuant to division (M) of section 3734.02 of the Revised Code, the director shall not issue a permit, variance or exemption that authorizes a new residual solid waste landfill facility, or an expansion of an existing residual solid waste landfill facility, within the boundaries of the areas indicated in paragraph (H)(1) of this rule.]

Effective:

Five Year Review (FYR) Dates: 01/29/2015

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02, 3734.12  
Rule Amplifies: 3734.02, 3734.12  
Prior Effective Dates: 1/13/1992, 8/15/2003, 7/1/2004

APPENDIX  
A  
DIAGRAM 1  
VERTICAL EXPANSIONS

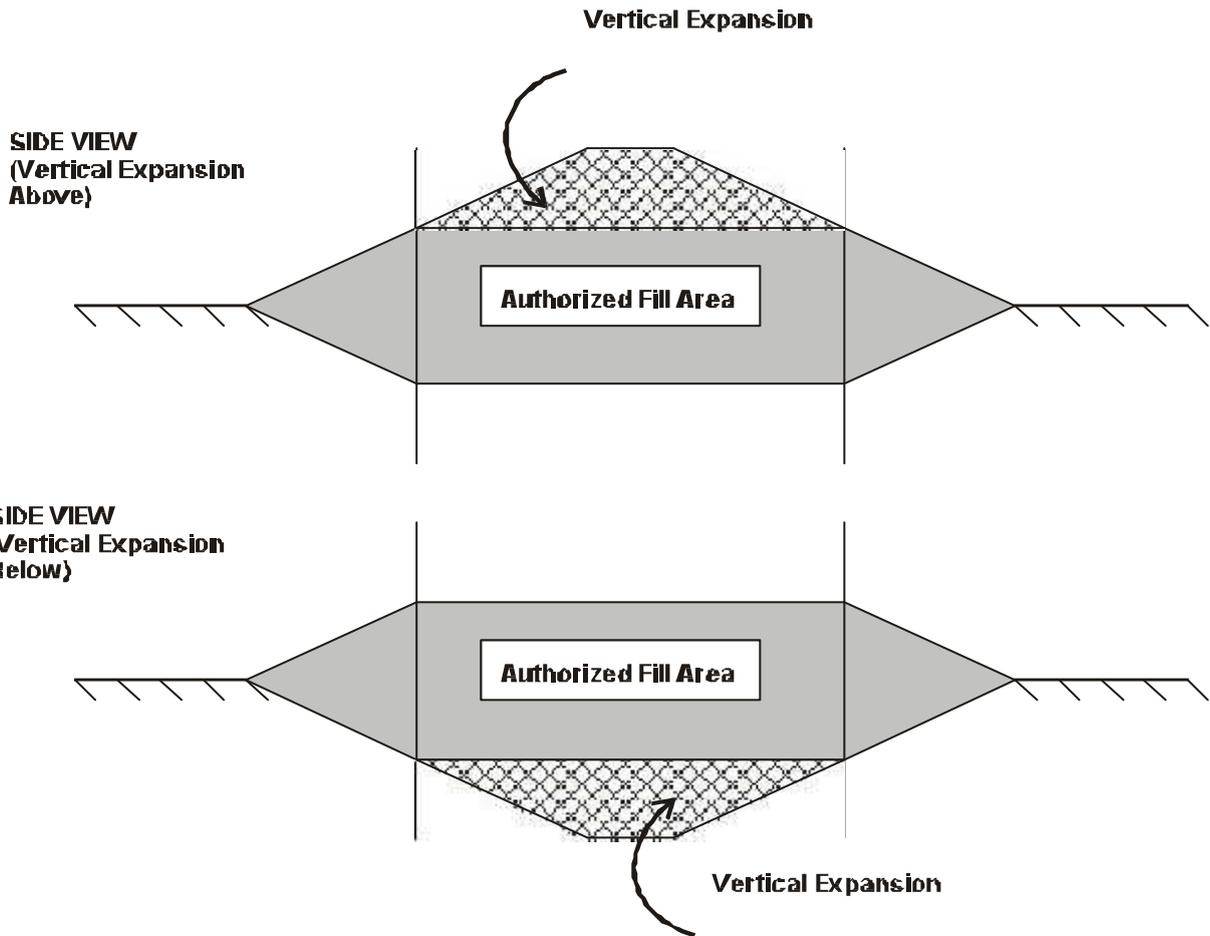
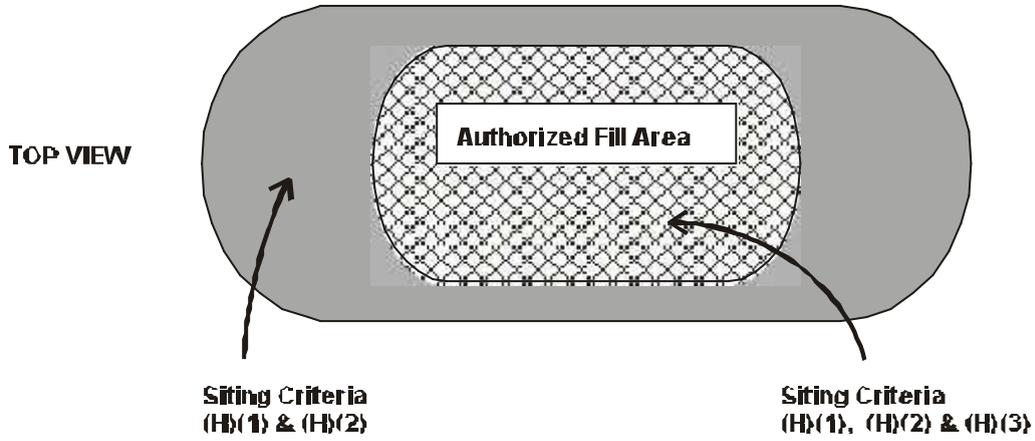
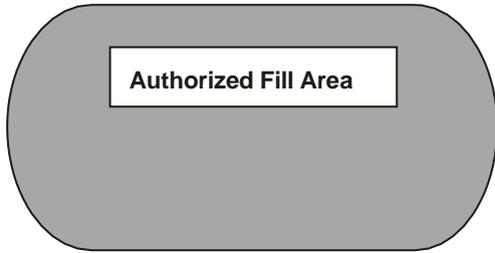
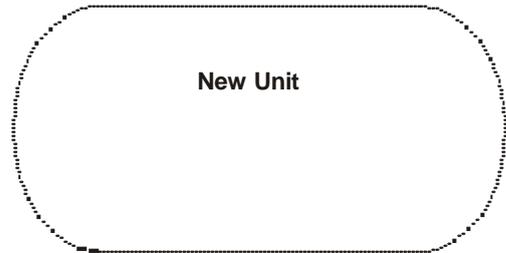


DIAGRAM 2  
NONCONTIGUOUS UNITS

TOP VIEW



NO Siting Criteria Apply



ALL Siting Criteria Apply  
(H)(1), (H)(2), (H)(3) & (H)(4)

SIDE VIEW

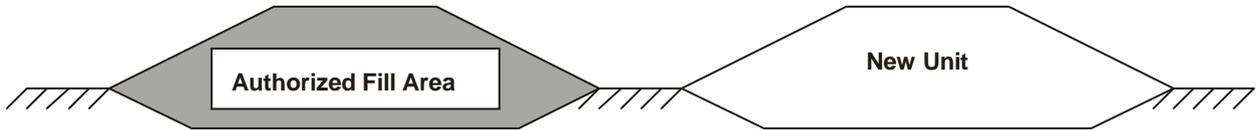
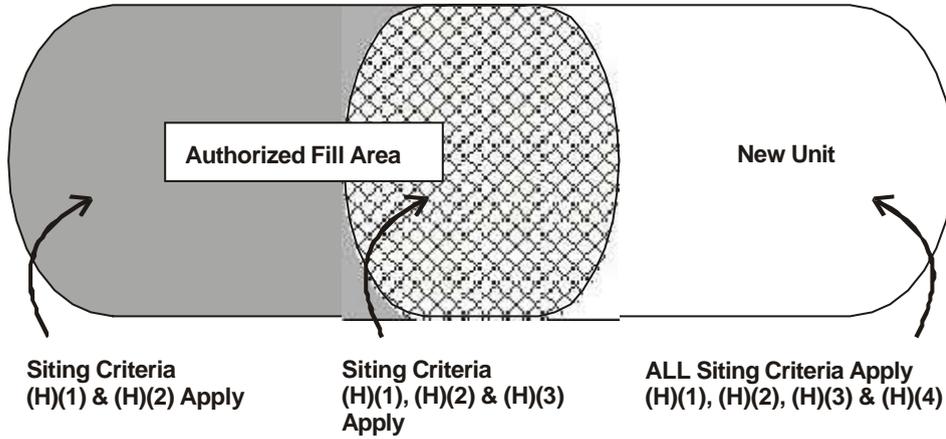
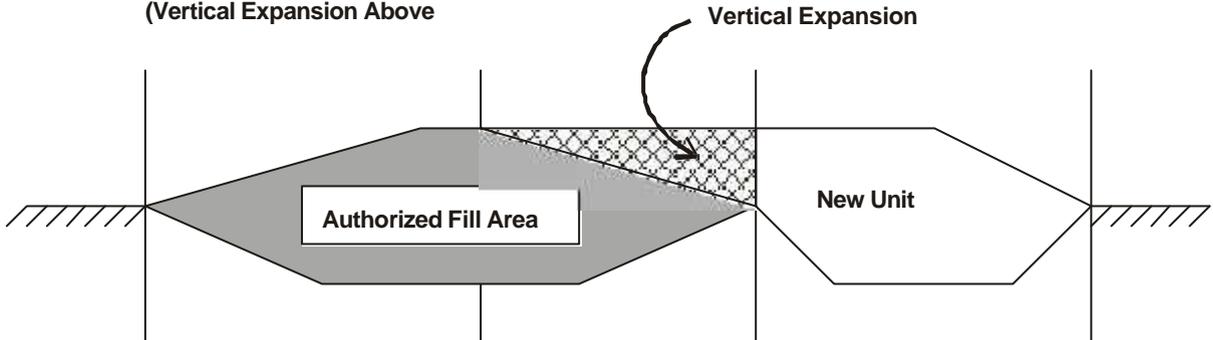


DIAGRAM 3  
CONTIGUOUS NEW UNIT WITH VERTICAL EXPANSION

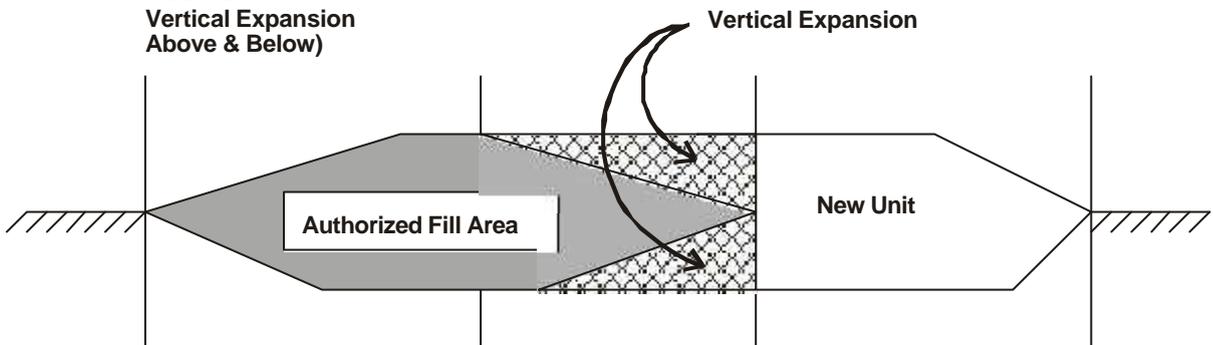
TOP VIEW



SIDE VIEW  
(Vertical Expansion Above)



SIDE VIEW  
Vertical Expansion  
Above & Below)



Appendix B

TYPE OF PERMIT		SITING CRITERIA 3745-30-06(H)												
		nat'l parks (1)	GW Aquifer Protection					GW Setbacks			General Setbacks			
			sand gravel (2)(a)	quarry (2)(b)	sole source (2)(c)	100 gpm (2)(d)	15' sep. (2)(e)	5 yr. TOT (3)(a)	mine (3)(b)	1000' well (3)(c)	1000' wildlife (4)(a)	prop. line (4)(b)	1000' house (4)(c)	200' waters (4)(d)
(G)(1)	call-in permit (includes all expansion areas proposed in application)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
(G)(2)	operational changes	no	no	no	no	no	no	no	no	no	no	no	no	no
(G)(3)	AMDWR	no	no	no	no	no	no	no	no	no	no	no	no	no
(G)(4)	other modifications w/o capacity or change to waste boundaries	no	no	no	no	no	no	no	no	no	no	no	no	no
(G)(5)(a)	vertical expansion	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	no	no	no
(G)(5)(b)	AFA not above/below vertical expansion but contiguous to VE	yes	yes	yes	yes	yes	yes	no	no	no	no	no	no	no
(G)(6)	proposed new unit (lateral expansion and new landfill)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
(G)(7)(a)	noncontiguous AFA	no	no	no	no	no	no	no	no	no	no	no	no	no
(G)(7)(b)	contiguous AFA	yes	yes	yes	yes	yes	yes	no	no	no	no	no	no	no
(G)(7)(c)	combination of proposed new unit and vertical expansion of a contiguous AFA	Evaluate the vertical expansion to determine if it meets the criteria in paragraph (G)(5), then, if the vertical expansion meets the criteria, evaluate the proposed new unit.												

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“AFA” means authorized fill area

“AMDWR” means authorized maximum daily waste receipt

“VE” means vertical expansion