

3745-27-63 Class I scrap tire storage facility or class I scrap tire recovery facility permit to install application.

(A) Applicability.

- (1) Except as specified in paragraph (A)(2) of this rule, this rule applies to a class I scrap tire storage facility or class I scrap tire recovery facility, as defined in rule 3745-27-01 of the Administrative Code, as follows:
 - (a) An application for a permit to install for a facility along with a nonrefundable four hundred dollar application fee shall be submitted to the director through the appropriate district office, based on where the facility is to be located, at least one hundred eighty days prior to the date on which the applicant of the facility proposes to accept scrap tires.
 - (b) Prior to modifying a facility, an application for a permit to install to modify the facility along with a nonrefundable four hundred dollar application fee shall be submitted to the director at least one hundred eighty days prior to the date on which the applicant proposes to modify the facility. "Modification" is defined for purposes of this rule in paragraph (C)(6) of rule 3745-27-02 of the Administrative Code.
- (2) Scrap tire storage facility exclusions. The requirement to obtain a permit to install does not apply to any of the premises listed in paragraphs (A)(2) to (A)(5) of rule 3745-27-61 of the Administrative Code.
- (3) A new or existing scrap tire recovery facility that requests to burn solid waste other than scrap tires shall, in addition to registering as a scrap tire recovery facility, do both of the following:
 - (a) Apply for a permit to install a solid waste incinerator facility in accordance with rule 3745-27-50 of the Administrative Code.
 - (b) Apply for a solid waste incinerator operating license in accordance with Chapter 3745-37 of the Administrative Code.
- (4) A new or existing scrap tire recovery facility that requests to burn infectious waste with the scrap tires shall, in addition to registering as a scrap tire recovery facility, do both of the following:
 - (a) Apply for an infectious waste treatment facility permit to install application in accordance with rule 3745-27-37 of the Administrative Code.
 - (b) Apply for an infectious waste treatment license in accordance with Chapter 3745-37 of the Administrative Code.
- (5) The exclusions from permitting specified in paragraph (A)(2) of this rule are not cumulative, but shall be considered individually. If more than one business arrangement listed above in paragraph (A)(2) of this rule is occurring at a particular site, then only the largest single exemption will be the overall limitation for all temporary scrap tire storage at the site.

(B) A permit to install application, as required by section 3734.76 or 3734.78 of the Revised Code, shall be submitted to and approved by the director, before the establishment or modification of a class I scrap tire storage or scrap tire recovery facility is begun. The permit to install application shall:

- (1) Contain all the information required in paragraphs (B) and (C) of this rule such that the director can determine if the criteria set forth in rules 3745-27-02 and 3745-27-62 of the Administrative Code are satisfied.

- (2) Contain detail engineering plans, specifications, and information that shall be presented in a manner acceptable to the director. Detail shall be sufficient to allow clear understanding for technical review of the permit application, to provide assurance that the facility is designed and will be operated in accordance with Chapters 3745-27 and 3745-37 of the Administrative Code, and to be readily understandable by operating personnel at the facility.
- (3) Be accompanied by a copy of the disclosure statement to the attorney general's office as required in rules 109:6-1-01 to 109:6-1-04 of the Administrative Code.

For regulatory review purposes, the initial application and any subsequent revisions to the application, shall be submitted in duplicate to the director with a third copy sent to the board of health of the health district where the facility is or shall be located. Any revisions to the application shall be accompanied by an index listing the change and the pages where the change occurred. Upon written request from the Ohio EPA, the applicant shall submit two additional and identically complete copies of the revised application to the director and a notarized statement that, to the best of the knowledge of the applicant, the detail engineering plans, specifications, and information in the permit application are true and accurate.

An application, notwithstanding its deficiency, may be considered and acted upon if sufficient information is in the detail engineering plans, specifications, and report for the director to determine whether the criteria set forth in rules 3745-27-02 and 3745-27-62 of the Administrative Code are satisfied.

If the director determines that information in addition to that required by this rule is necessary to determine whether the criteria set forth in rules 3745-27-02 and 3745-27-62 of the Administrative Code are satisfied, the director shall require that the applicant supply such information as a precondition to further consideration of the permit to install application.

The permit to install shall remain in effect until the director has received, and approved in writing, certification that all required closure activities have been completed, unless the permit has been revoked or terminated in accordance with rule 3745-27-02 of the Administrative Code.

- (C) The following detail engineering plans, specifications, and information for a class I scrap tire storage or class I scrap tire recovery facility shall be shown by means of drawings and narrative descriptions where appropriate. Minimum dimensions of the plan drawings shall be twenty-four inches by thirty-six inches.
 - (1) The detail engineering plan cover sheet to be numbered sheet 1, shall contain all of the following information:
 - (a) The name, address, and phone number of the scrap tire storage or recovery facility.
 - (b) The precise geographic location and boundary of the scrap tire storage or recovery facility, to be shown on a 7-1/2 minute USGS topographic map.
 - (c) The name, address and telephone number of the applicant, the owner, and the operator of the scrap tire storage or recovery facility.
 - (d) The name and address of the all owners of the land to be used for the scrap tire storage or recovery facility.
 - (e) The name and address of the person who prepared the plans.
 - (f) The name, address, and phone number of the emergency contact people for the facility. These people shall be authorized to commit resources necessary for emergency response equipment, material, and services for the facility.

- (g) The name, address, and phone number of the person who prepared the application.
- (2) Calculations of the amount of financial assurance required for a third party to complete closure of the facility as specified in rule 3745-27-66 of the Administrative Code. The financial assurance amount shall be in accordance with rule 3745-27-15 of the Administrative Code, shall be based on the maximum number of scrap tires and the maximum amount of scrap tire material to be stored at the facility, and shall be calculated as described in paragraph (C)(2) of rule 3745-27-61 of the Administrative Code.
- (3) A class I scrap tire recovery facility application shall include the calculations and narrative describing the "daily design input capacity" (DDIC) requested for the facility. The initial DDIC shall be calculated as an estimated average of the total daily processing amount for all operating days in each month. This amount shall be expressed in weight. Subsequent DDIC calculations shall be based on the amounts recorded in the facility's operating log, expressed either by weight (for facilities utilizing scales), number count, or volume per day. The conversion factors to use between weight and volume or number count are found in appendix I to rule 3745-27-61 of the Administrative Code.
- (4) Plan drawings showing the following items located within the facility boundary and within one thousand feet of the facility boundary shall contain all information in paragraphs (C)(4)(a) to (C)(4)(h) of this rule. Those items specified in paragraphs (C)(4)(a) to (C)(4)(h) of this rule shall be illustrated on a series of plan drawings which shall be numbered consecutively: 4A, 4B, 4C, etc. All information specified in an individual subheading shall be shown on the same plan sheet. An individual drawing may contain information specified in more than one individual subheading. A scale of one inch equals no greater than two hundred feet shall be used unless otherwise specified. All plan drawings required by paragraph (C)(4) of this rule shall include a north arrow and the proposed facility boundary.
- (a) The property lines of all land owned or leased for the scrap tire recovery facility or scrap tire storage facility as determined by a property survey conducted by a professional skilled in the appropriate discipline.
- (b) All public roads, railroads, and occupied structures.
- (c) Existing topography showing surface waters of the state, as defined in rule 3745-1-02 of the Administrative Code, with a contour interval no greater than five feet.
- (d) All existing land uses, zoning classifications, property owners, political subdivisions, and communities.
- (e) All existing domiciles within the facility or within five hundred feet of the facility's boundaries. Include the location and dimensions of all buildings, fencing, gates, and other structures.
- (f) The limits of the regulatory floodplain.
- (g) The boundaries of all the areas listed in paragraph (B)(1) of rule 3745-27-62 of the Administrative Code, if applicable. If not applicable a statement to that effect shall be included in the application.
- (h) The boundaries of all the areas and stream segments listed in paragraph (B)(2) of rule 3745-27-62 of the Administrative Code, if applicable. If not applicable a statement, these areas and stream segments are not within one-thousand feet of the facility boundary, shall be included in the application.
- (5) Plan drawings, showing the following items located within the facility boundary and within two hundred fifty feet of the facility boundary shall contain all information in paragraphs (C)(5)(a) to (C)(5)(d) of this

rule. Those items specified in paragraphs (C)(5)(a) to (C)(5)(d) of this rule shall be illustrated on a series of plan drawings which shall be numbered: 5A, 5B, 5C, etc. All items specified in an individual subheading shall be included on the same plan drawing, unless otherwise specified. An individual plan drawing may contain information specified in more than one individual subheading. A scale of one inch equals no greater than one hundred feet shall be used. All plan drawings required by paragraph (C)(5) of this rule shall include those items specified in paragraph (C)(4) of this rule and all of the following:

- (a) The location of all proposed scrap tire handling areas, areas designated for recycling activities, maintenance buildings, weighing facilities, storage buildings, temporary scrap tire storage areas, and other occupied structures.
 - (b) The location of existing or proposed bridges, elevated trestles, elevated roadways, elevated railroads, or electrical power lines having a voltage in excess of seven hundred fifty volts or that supply power to fire emergency systems.
 - (c) The location of all existing and proposed fencing, gates, and natural or other screening on the site. Contour intervals need not be delineated if such locations are shown on an aerial photograph.
 - (d) Existing and proposed constructed topography of the site. Contour lines shall have an interval no greater than five feet.
- (6) Surface water drainage information shall be on plan drawings numbered consecutively 6A, 6B, etc., and shall indicate the existing direction of flow and points of concentration of all surface waters.
- (7) Detail construction and operational plans showing all facility operations shall be on plan drawings numbered consecutively 7A, 7B, etc., and shall include the following:
- (a) Location of on-site scrap tire handling and temporary scrap tire storage areas, including the maximum dimensions of all scrap tire piles, fire break widths, and location of all facility access roads.
 - (b) Any berms required in accordance with paragraph (C)(2) or (C)(3) of rule 3745-27-62 of the Administrative Code or to control runoff from the facility in accordance with paragraph (I)(2)(d) of rule 3745-27-65 of the Administrative Code.
- (D) The following information shall be presented in narrative form in a report divided as follows:
- (1) A summary of the site environs and explanation of how the scrap tire recovery facility or scrap tire storage facility shall meet the criteria for permit approval by the director specified in rules 3745-27-02 and 3745-27-62 of the Administrative Code.
 - (2) Discussion of the following:
 - (a) For a scrap tire recovery facility only, the information specified in paragraph (C)(3) of this rule.
 - (b) The equipment and methods to be used in the operation and maintenance of the facility. Such information shall include, at a minimum, the following:
 - (i) Performance capabilities, scrap tire processing rate, and principal specifications of each piece of powered equipment to be used for loading, unloading, handling, or processing of scrap tires.
 - (ii) Proposed hours of operation.
 - (iii) A description of all activities to be performed on the site, including, but not limited to receiving, unloading, loading, handling, storage, compacting, baling, shredding, processing rates and order

of operations, operational methods used to handle bulky and/or dusty materials and any other processing operations.

(iv) Methods of controlling mosquitoes.

(v) Methods of loading all materials being shipped out.

(vi) Inspection procedures to prevent any material other than scrap tires from being accepted at the facility.

(vii) Measures to control dust or erosion at the facility.

(c) A description, in narrative form, of the security used at the facility which meets the requirements of paragraphs (C)(6) and (C)(7) of rule 3745-27-65 of the Administrative Code.

(3) The following plans:

(a) A copy of the fire contingency plan required by paragraph (G) of rule 3745-27-65 of the Administrative Code and the fire safety plan required by the local or state fire code.

(b) A "closure plan" that meets the minimum requirements for facility closure in accordance with rule 3745-27-66 of the Administrative Code. The "closure plan" shall contain, at a minimum, the following information:

(i) Schedule and description of the steps necessary to close the facility as detailed in rule 3745-27-66 of the Administrative Code.

(ii) Name, address, and telephone number of the authorized person or office to contact regarding the facility during the closure period.

(4) All applications shall include the following:

(a) An unexecuted draft of the financial assurance instrument in accordance with rule 3745-27-15 of the Administrative Code.

(b) Proof of property ownership or lease agreement to use the property as a scrap tire facility.

(c) A notarized statement that, to the best of the knowledge of the applicant, the detail engineering plans, specifications, and information in the permit application are true and accurate.

(d) A nonrefundable permit application fee of four hundred dollars with the application. The application, and any revisions or alterations to the application, shall be submitted to the director and a copy shall be sent to the board of health of the health district and the solid waste management district where the facility is or will be located. Any revisions or alterations to the permit application shall be pertinent to the director's review of the initial application.

(E) Concurrent to submitting the permit to install application, the owner or operator shall do the following and include a copy of each of the letters required in paragraphs (E)(1) and (E)(3) of this rule and a copy of the return receipt for each letter with the permit application:

(1) Send letters of intent to establish or modify a scrap tire storage facility or scrap tire recovery facility via certified mail or any other form of mail accompanied by a receipt to the entities specified in paragraph (C)(11) of rule 3745-27-61 of the Administrative Code.

- (2) Submit an application for a license in accordance with Chapter 3734. of the Revised Code with a nonrefundable license application fee of one hundred dollars, except for a scrap tire storage facility that is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the license fee shall be zero. All license applications are to be submitted to the appropriate licensing authority.
- (3) Submit to the divisions of Ohio EPA regulating air pollution control and water pollution control, written notification of intent to site a scrap tire facility and a written request for information pertaining to any regulatory requirements under Chapter 3704. or 6111. of the Revised Code. Facilities shall not begin operation until all required permits, registrations, and licenses are obtained.

(F) Applications shall be signed in accordance with 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.

(G) The signature on the document shall constitute personal affirmation that all statements and all assertions of fact made in the document are true, accurate, include all required information, and comply fully with applicable rules.

(H) Unless a certification statement is otherwise 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 are true, accurate, include all required information, and comply fully with applicable rules."

(I) Upon written notification that the application is incomplete, the applicant shall, within one hundred eighty days of receipt of the notification, do one of the following:

- (1) Notify the director, in writing, that the application is being withdrawn.
- (2) Correct noted deficiencies and resubmit the application.
- (3) Submit a written request to and obtain authorization from the director for an additional thirty-day extension.

[Comment: Paragraph (H) of rule 3745-27-62 of the Administrative Code states that an incomplete application may be a basis for denial of a permit.]

Five Year Review (FYR) Dates: 07/08/2014 and 07/08/2019

CERTIFIED ELECTRONICALLY

Certification

07/08/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3734.02, 3734.71, 3734.73
Rule Amplifies: 3734.71, 3734.73, 3734.76, 3734.78
Prior Effective Dates: 3/1/1996, 3/29/2002, 7/1/2004, 11/1/2007