

3745-27-71

Additional criteria for approval of scrap tire monofill facility permit to install applications.

(A) General criteria.

The director shall not approve any permit to install application for a scrap tire monofill facility unless the director determines all of the following:

- (1) Establishment or modification and operation of the scrap tire monofill facility will not violate Chapter 3704., 3734., or 6111. of the Revised Code.
- (2) The scrap tire monofill facility will be capable of being constructed, operated, closed, and maintained during the post-closure care period in accordance with Chapter 3745-27 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 previously been or is currently responsible for the management or operation of one or more solid waste facilities, has managed or operated such facility in substantive 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 substantial 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 3734.40 to 3734.47 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 a scrap tire monofill facility, the following:

- (1) The impact the establishment or modification of the scrap tire monofill facility may have on corrective measures 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 scrap tire monofill facility on the environment.

(C) Design criteria.

The director shall not approve a permit to install application for any of the following unless the director determines that the application conforms to the appropriate sections of rule 3745-27-72 of the Administrative Code as follows:

- (1) New scrap tire monofill facilities and vertical and lateral expansions areas shall comply with paragraphs (C), (D), and (E) of rule 3745-27-72 of the Administrative Code.
- (2) [Reserved.]
- (3) Application for a scrap tire monofill facility submitted in response to division (B) of section 3734.77 of the Revised Code shall comply with paragraphs (C), (D), and (E) of rule 3745-27-72 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 3745-27-72 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 3745-27-72 of the Administrative Code.
- (6) Other "modifications" of scrap tire monofill facility, as the term modification is defined in rule 3745-27-02 of the Administrative Code shall, comply with the relevant paragraphs of rule 3745-27-72 of the Administrative Code.

(D) [Reserved.]

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

The director shall not approve a permit to install application for a permanent change in the AMDWR for the scrap tire monofill facility unless the owner or operator demonstrates that the scrap tire monofill facility can operate in compliance

with all applicable solid waste regulations while receiving the requested maximum daily waste receipt. An adequate demonstration for a scrap tire monofill 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 scrap tire monofill facility.
- (2) Operational criteria such as the scrap tire monofill 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 scrap tire monofill facility and the daily logs for any period that the scrap tire monofill facility was out of compliance.

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

(F) [Reserved.]

(G) Applicability of siting criteria.

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

- (1) Call-in permits. A scrap tire monofill facility for which the permit to install application, including any proposed lateral or vertical expansions, is submitted in response to division (B) of section 3734.77 of the Revised Code, shall meet all the criteria specified in paragraph (H) of this rule.
- (2) Operation changes. A permit to install application which exclusively proposes a substantial change in technique of waste receipt, or type of waste received, or type of equipment used at the scrap tire monofill 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 scrap tire monofill 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 scrap tire monofill 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) Proposed new landfill or vertical or lateral expansion. A proposed new landfill or a vertical 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) non-contiguous 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.

(H) Siting criteria.

- (1) The limits of waste placement and/or the temporary scrap tire storage area of the scrap tire monofill facility 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.]

- (2) Ground water aquifer system protection.

(a) Sole source aquifer.

The scrap tire monofill 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.

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

The scrap tire monofill 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 waste placement.

(c) Isolation distance.

The isolation distance between the uppermost aquifer system and the bottom of the recompacted soil liner of a scrap tire monofill facility is not less than five feet of in-situ geologic material constructed in accordance with rule 3745-27-72 of the Administrative Code.

(3) Ground water setbacks.

- (a) A wellhead protection area or a drinking water source protection area for a public water system using ground water. The limits of waste placement and any temporary or permanent leachate ponds or lagoons are not located within the surface and subsurface areas of a wellhead protection area or a drinking water source protection area for a public water system using ground water.

For purpose 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 public water system using ground water may be obtained from Ohio EPA's division of drinking and ground waters.]

(b) Underground mine.

The scrap tire monofill 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 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 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 limits of waste placement must be located at least one thousand feet hydrogeologically downgradient of the water supply well or developed spring.]

- (iii) The water supply well or developed spring is separated from the limits of 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 waste placement and/or the temporary scrap tire storage area of the scrap tire monofill facility are not located within one thousand feet of the following:

- (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) Area designated, owned, and managed by 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.

[Comment: 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 waste placement and/or the temporary scrap tire storage area of the scrap tire monofill facility are not located within three hundred feet of the scrap tire monofill facility's property line.

(c) One thousand feet from domicile.

The limits of waste placement and/or the temporary scrap tire storage area of the scrap tire monofill facility are not located within one thousand feet of a domicile, whose owner has not consented in writing to the location of the scrap tire monofill 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 waste placement and/or the temporary scrap tire storage area of the scrap tire monofill facility 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.

(e) Seismic impact zone.

The limits of waste placement and the leachate management system are not located in a "seismic impact zone" as that term is defined in rule 3745-27-01 of the Administrative Code, unless the owner or operator demonstrates that all containment structures, including liners, leachate collection systems, sedimentation ponds, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.

(f) Floodway and flood plain.

The limits of waste placement and/or the temporary scrap tire storage area of the scrap tire monofill facility is not located in a floodway, and the limits of waste placement and the leachate management system are not located in a regulatory flood plain.

[Comment: Pursuant to division (A) or (G) of section 3734.02 of the Revised Code, an applicant may request a variance or exemption 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 scrap tire monofill facility, or an expansion of an existing scrap tire monofill facility, within the boundaries of the areas indicated in paragraph (H)(1) of this rule.]