

*** DRAFT – NOT FOR FILING ***

3745-520-100

Siting criteria.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, test methods, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-500-03 of the Administrative Code titled "Incorporation by reference."]

[Comment: The siting criteria established in this rule are applied to an application for a permit to install at the time the application is submitted to the director or approved board of health. Circumstances related to the siting criteria that change after the application is submitted are not to be considered in issuing or denying the permit to install.]

(A) Applicability of siting criteria. A new C&DD facility in its entirety shall conform to the siting criteria in this rule except as follows:

(1) No siting criteria apply to a new facility that was operating or under construction on July 24, 1990, if the following conditions are met:

(a) An expansion was approved prior to December 22, 2005 and the expansion was onto contiguous land owned by the facility owner or operator on the date the initial license application for the facility was submitted to the licensing authority.

(b) An expansion was approved between December 22, 2005 and the effective date of this rule and the expansion was onto property within the property boundaries identified in any license issued for that facility up to and including the license issued for calendar year 2005.

(c) The applicant is proposing to expand the facility onto property within the property boundaries identified in any license issued for that facility up to and including the license issued for calendar year 2005.

(2) Only the siting criteria in paragraph (C)(1) of this rule apply to a new facility that began construction after July 24, 1990, if the following conditions are met:

(a) The facility was in operation prior to December 22, 2005.

(b) An expansion was approved between December 22, 2005 and the effective date of this rule and the expansion was onto property within the property boundaries identified in any license issued for that facility up to and including the license issued for calendar year 2005.

(c) The applicant is proposing to expand the facility onto property within the property boundaries identified in any license issued for that facility up to and including the license issued for calendar year 2005.

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(B) Siting criteria.

(1) No portion of a C&DD facility shall be in either of the following locations:

(a) Within the boundaries of a one hundred year flood plain, as those boundaries are shown on the applicable maps prepared under the National Flood Insurance Act of 1968, unless the owner or operator has obtained an exemption from the licensing authority in accordance with rule 3745-520-20 of the Administrative Code. If no such maps have been prepared, the boundaries of a one hundred year flood plain shall be determined by the applicant for a permit to install based upon standard methodologies set forth in "Urban Hydrology for Small Watersheds" and "National Engineering Handbook, part 630, Hydrology."

(b) Within the boundaries of a sole source aquifer designated by the administrator of the United States environmental protection agency under the Safe Drinking Water Act.

(2) General setbacks. The horizontal disposal limits shall not be located within any of the following:

(a) One hundred feet of any of the following:

(i) A perennial stream as depicted on a USGS 7.5 minute (topographic) map.

(ii) A category 3 wetland.

(iii) The C&DD facility's property line.

(b) Five hundred feet of any of the following:

(i) Parks, natural areas, nature preserves, and wildlife areas and refuges.

(ii) A state forest purchased or otherwise acquired under Chapter 1503. of the Revised Code.

(iii) A lake or reservoir of one acre or more that is hydrogeologically connected to ground water. For purposes of this paragraph, a lake or reservoir does not include a body of water constructed and used for purposes of surface water drainage or sediment control.

(iv) A residential or public water supply well, unless one of the following conditions is met:

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- (a) The water supply well is a residential supply well and is controlled by the owner or operator.
 - (b) The water supply well is a residential supply well and is hydrologically separated from the horizontal disposal limits.
 - (c) The water supply well is a residential supply well and is at least three hundred feet upgradient from the horizontal disposal limits and the C&DD facility meets the criteria in paragraph (C)(3) of this rule.
 - (v) Land that is placed on the state registry of historic landmarks under section 149.55 of the Revised Code.
 - (vi) An occupied dwelling, unless written permission, which shall be notarized, is given by the owner of the dwelling.
- (3) Isolation distance. The disposal limits of a C&DD facility shall not be less than five feet from the uppermost aquifer system. The material separating the disposal limits from the uppermost aquifer system shall meet the following criteria:
- (a) The hydraulic conductivity of any single sample of the geologic material comprising the five-foot isolation distance shall not exceed 1.0 times ten to the negative five centimeters per second.
 - (b) The overall hydraulic conductivity of the entire thickness of the geologic material comprising the five-foot isolation distance shall not exceed 1.0 times ten to the negative six centimeters per second.
- (4) Location of main hauling road. Any road that is designated by the owner or operator as the main hauling road at a C&DD facility shall not be located within five hundred feet of an occupied dwelling, unless written permission, which shall be notarized, is given by the owner of the occupied dwelling.