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3745-520-330

Modification of a permit to install to modify a C&DD facility.

[Comment: Pursuant to rule 3745-520-03 of the Administrative Code, no person shall modify a C&DD facility without first obtaining a modified permit to install for the facility from the permitting authority.]

[Comment: An expansion of the disposal limits or facility boundary of a C&DD facility results in the creation of a new facility and is not a modification of a facility, and requires a permit to install in accordance with this chapter.]

(A) A permittee may request that the permitting authority modify the permit to install for the C&DD facility.

(B) Content requirements for a request to modify a permit to install. A request to modify a permit to install shall at a minimum contain the following:

(1) A completed application cover sheet on the form prescribed by the director.

(2) The information necessary to demonstrate the following:

(a) The modification is at least equivalent to applicable rule requirements of this chapter.

(b) The modification is compatible with the unmodified requirements of the permit to install.

(c) The modification of the C&DD facility will not violate Chapters 3704., 3714., 3734., or 6111. of the Revised Code or rules adopted under those chapters.

(d) That other approvals and authorizations including but not limited to approvals and authorizations issued pursuant to Chapters 3704. and 6111. of the Revised Code made necessary by the modification have been obtained.

(e) The modification of the facility design plan does not also cause a modification of the license, unless a modification request for the license is submitted concurrently.

(3) The following information describing the modification, with revisions clearly identified:

(a) An index of modifications that have occurred since the permit to install was issued.

(b) A narrative description of the modification being requested.

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(4) As needed, the following portions of the facility design plan that conform to rule 3745-520-302 of the Administrative Code:

(a) Revised plan drawings.

(b) Revised cross sections.

(c) Revised detail drawings.

(d) Additional drawings necessary to depict changes to the C&DD facility proposed in the modification request.

(e) Revised or additional design calculations.

(f) Revised or additional construction, testing, verification, and certification requirements that are not otherwise required by rule that are necessary to confirm that the engineered components affected by the modification request are constructed to conform to the facility design plan.

(5) An exemption request if an exemption would be necessary for modification of the permit to install, unless the exemption request was submitted prior to submittal of the modification request.

(6) Any other information requested by Ohio EPA or the approved board of health that is necessary to determine whether the modification conforms to this rule.

(C) Permittee procedures.

(1) A permit to install modification request and subsequent revisions to the request shall be submitted in triplicate to the approved board of health or to the director in the absence of an approved board of health. Each revised page or drawing shall contain the date of the revision. Revisions to the request shall be accompanied by the following:

(a) An index listing each change and the page where each change occurred.

(b) For plan drawings, a schedule on the drawing indicating what has changed.

(2) If the approved board of health is the licensing authority, the permittee shall notify Ohio EPA of the submittal of a permit to install modification request concurrent to initially submitting the request to the approved board of health. The notification shall be in writing and shall contain sufficient detail to understand the scope and nature of the modification request.

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- (3) Notices of deficiency. If the permitting authority issues a notice of deficiency pursuant to paragraph (D)(2) of this rule, the permittee shall provide such information not later than one hundred eighty days after the date of a notice of deficiency from the permitting authority. Not later than one hundred eighty days after the date of a notice of deficiency, the permittee may request an extension.
- (4) Upon request from Ohio EPA or the approved board of health, the permittee shall submit additional and identically complete copies of the permit to install modification request.
- (5) If the permitting authority modifies the permit to install, the permittee shall insert the revised drawings and other information that were stamped by and received from the permitting authority into the appropriate place in the approved permit to install.

(D) Permitting authority procedures for acting on a permit to install modification request.

- (1) The permitting authority shall follow the appropriate procedures set forth in rule 3745-500-120 of the Administrative Code and any other applicable procedures set forth in the Revised Code.
- (2) Notices of deficiency. If the permitting authority determines that the permit to install modification request is incomplete or if additional information is necessary to determine whether the criteria for issuance set forth in this rule are satisfied, the permitting authority may issue a notice of deficiency to the permittee. The notice of deficiency shall require that the permittee provide such information not later than one hundred eighty days after the date of a notice of deficiency from the permitting authority, unless an extension is granted by the permitting authority. The permitting authority may decline to act on the permittee's request for an extension.
- (3) The permitting authority shall not modify a permit to install for a modification of a C&DD facility that has already occurred.
- (4) Grounds for modifying a permit to install. The permitting authority shall not modify a permit to install unless the permitting authority determines that the following criteria are satisfied:
 - (a) The permittee has demonstrated compliance with paragraph (B) of this rule.
 - (b) The modification will not interfere with the permittee's, owner's, or operator's ability to construct, operate, and close the C&DD facility and maintain the facility during the post-closure care period in accordance with this chapter and with the terms and conditions of the permit to install.

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- (c) The disposal limits and facility boundary will not expand.
- (d) The C&DD facility has been designed in accordance with the rule 3745-520-200 of the Administrative Code.
- (e) Unless a siting criteria exception in paragraph (B)(1) or (B)(2) of rule 3745-520-100 of the Administrative Code is satisfied, the following criteria:

 - (i) The modification will not result in less than five feet of isolation material existing between the uppermost aquifer system and the disposal limits, and the isolation material continues to conform to the specifications in paragraph (C)(3) of rule 3745-520-100 of the Administrative Code.
 - (ii) Any change to the areas where the main hauling road may be located does not result in the main hauling road being allowed within five hundred feet of an occupied dwelling unless the owner of the occupied dwelling has given written permission, which shall be notarized, to the owner or operator to do so and proof of written permission is submitted to the permitting authority. However, this criterion does not apply to occupied dwellings constructed after the date the application for the permit to install being modified was originally submitted.
 - (iii) The permit to install modification request demonstrates that access roads will be constructed in a manner that allows use in all weather conditions and that will withstand the anticipated degree of use and minimize erosion and generation of dust.
 - (iv) The permit to install modification request demonstrates that the C&DD facility will have a vegetated earthen berm or an equivalent barrier with a minimum height of six feet separating the facility from adjoining property if the facility is located in an area in which an applicable zoning resolution allowing residential construction existed on the date the application for the permit to install being modified was originally submitted and the area is still zoned in that manner.
- (f) If an exemption is necessary for modification of the permit to install, the exemption has been issued in accordance with rule 3745-520-20 of the Administrative Code prior or concurrent to modification of the permit to install.
- (5) Discretionary criteria. When determining whether to modify a permit to install, the permitting authority may consider the following:

 - (a) The impact the modification may have on corrective actions that are presently being taken, or that are proposed to be taken at the C&DD facility

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or in the immediate area, including but not limited to corrective actions pertaining to fire, gas, odors, or ground water contamination.

(b) The technical feasibility of adequately monitoring the impact of the C&DD facility on the environment.

(c) The owner's and operator's compliance with Chapter 3714. of the Revised Code and the rules adopted thereunder and authorizing documents.

(d) Whether the permittee responded to a notice of deficiency in the manner required by paragraph (C)(3) of this rule.

(E) Permitting authority procedures upon modifying a permit to install.

(1) Upon modifying a permit to install, the permitting authority shall stamp the copies of the permit to install modification request and the associated drawings and information with the word "Modified," the permit number, and the date of modification.

(2) Copies of the signed approval letter and stamped copies of the permit to install modification request and associated drawings and information shall be retained and distributed by the permitting authority pursuant to rule 3745-500-130 of the Administrative Code.