

3745-513-05 Exclusions.

(A) This chapter does not apply to the following facilities:

- (1) A solid waste facility where waste was not disposed in the ground or where waste no longer remains, including the following:
 - (a) A landfill for which the owner or operator has closed the solid waste landfill facility by removing all emplaced solid waste and decontaminating the site pursuant to an administrative or judicial authorization.
 - (b) A composting facility.
 - (c) An incinerator.
 - (d) A transfer facility.
 - (e) A scrap tire facility other than a scrap tire monofill that meets the criteria specified in paragraph (H)(3) of rule 3745-513-02 of the Administrative Code.
 - (f) A facility excluded from regulation under Chapters 3745-27, 3745-29, 3745-30, 3745-37, and 3745-501 of the Administrative Code.

(2) A hazardous waste facility that conforms to the following:

- (a) A treatment, storage, or disposal facility for which the owner or operator has closed the hazardous waste management unit by removing all emplaced hazardous waste and decontaminating the site pursuant to rules 3745-55-10 to 3745-55-15 of the Administrative Code or rules 3745-66-10 to 3745-66-15 of the Administrative Code, or pursuant to an administrative or judicial authorization if that closure was based upon either residential or industrial land use exposure assumptions.
 - (b) A facility where the generator has conducted treatment, storage, or closure in accordance with Chapter 3745-52 of the Administrative Code.
- (3) At a site subject to either a written agreement entered into by the director with the federal government or a final order issued by the director and under which a person will perform corrective or remedial investigation or action, ground water investigation, maintenance action to protect a remedy, or other investigation or action to abate air or water pollution or soil contamination, or to protect public health and safety under Chapter 3734., 3746., or 6111. of the Revised Code. A final order issued by the director that consists of or contains an operation and maintenance agreement does not relieve any person from the requirement to obtain an authorization under this chapter unless that operation and maintenance agreement contains explicit authorization to conduct particular chapter 513 activities.

(B) This chapter does not apply to the following activities:

- (1) Chapter 513 activities authorized through a final action of the director or judicial order, including the following:
 - (a) A solid waste facility for which the owner or operator obtained a permit to install, plan approval, or other authorization for the facility in accordance with the requirements of Chapter 3734. of the Revised Code and an effective solid waste disposal license in accordance with rules adopted under

Chapter 3734. of the Revised Code, and the filling, grading, excavating, building, drilling, or mining is in accordance with the development, operating, maintenance, or monitoring practices authorized at the facility by the permit, license, plan approval, judicial order or other authorization from the director.

- (b) A hazardous waste treatment, storage, or disposal facility for which the owner or operator has obtained a permit, plan approval, or other authorization for the facility in accordance with the requirements of Chapter 3734. of the Revised Code or with the requirements of the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C. 6921, and the filling, grading, excavating, building, drilling, or mining is in accordance with the development, operating, maintenance, or monitoring practices authorized at the facility by the permit, plan approval, or other authorization.
- (2) Routine maintenance or emergency repair by a public utility, as defined in section 4905.02 of the Revised Code, on land where a public utility has main or distribution lines above or below the surface located on an easement or right-of-way where a solid waste facility or hazardous waste facility was operated. Public utilities may engage in any such activity within the easement or right-of-way without prior authorization from the director for the purposes of performing emergency repair or emergency replacement of the lines, poles, towers, foundations, or other structures supporting or sustaining any such lines or of the appurtenances to those structures necessary to restore or maintain existing public utility service. A public utility may enter upon any such easement or right-of-way without prior authorization from the director for purposes of performing necessary or routine maintenance of those portions of its existing lines; of the existing poles, towers, foundations, or other structures sustaining or supporting its lines; or of the appurtenances to any such supporting or sustaining structures, located on or above the land surface on any such easement or right-of-way. Not later than twenty-four hours after commencing the activities, the public utility shall notify Ohio EPA and provide any information regarding the activities as requested by Ohio EPA. Upon completion of the emergency repair or replacement or maintenance activities, the public utility shall restore any land of the solid waste or hazardous waste facility disturbed by the activities to the condition existing prior to the commencement of the activities.
 - (3) Routine maintenance of the cap system or ancillary structures at a facility.
 - (4) Routine agricultural, horticultural, recreational, or maintenance activities conducted by occupants of single-family homes on their own premises.

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CERTIFIED ELECTRONICALLY

Certification

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Date

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