

3745-27-01 Definitions.

For the purposes of this chapter, the terms are defined as follows:

- (A)
- (1) "Airport" means any airport certified by the federal aviation administration and open to the public without prior permission and without restrictions within the physical capabilities of the available facilities.
 - (2) "Alteration" means a change from the requirements specified in the facility's authorizing document that is at least equivalent to rule requirements and requires written concurrence by Ohio EPA. An alteration is not a "modification."

[Comment: If the change is not equivalent to rule requirements, approval through a variance or exemption would be necessary.]
 - (3) "Applicant" means any person who has applied for a registration certificate, permit to install, an alternative infectious waste treatment technology approval, or an operating license in accordance with Chapter 3745-27, 3745-29, 3745-30, or 3745-37 of the Administrative Code.
 - (4) "Aquifer" means consolidated or unconsolidated geological units, formations, or series of units or formations that are hydraulically interconnected and that have the ability to receive, store, transmit, and yield water to wells or springs.
 - (5) "Aquifer system" means one or more geological units or formations that are wholly or partially saturated with water and are able to receive, store, transmit, and yield significant amounts of water to wells or springs.
 - (6) "Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.
 - (7) "Authorized maximum daily waste receipt" means the maximum amount of solid waste a solid waste disposal facility may receive at the gate in any calendar day. The waste receipt limit shall be expressed in tons per day. The conversion factor between tons and cubic yards shall be one ton to three cubic yards unless the solid waste is baled, in which case a one-ton to one-cubic-yard conversion factor shall be used.
- (B)
- (1) "Beneficial use" for the purposes of scrap tires means to use a scrap tire in a manner that results in a commodity for sale or exchange or in any other manner authorized as a beneficial use in accordance with rule 3745-27-78 of the Administrative Code. The use of a scrap tire at a scrap tire recovery facility is not a beneficial use of scrap tires. Beneficial use does not apply to products manufactured from scrap tires and sold to a customer, including tire derived fuel.
 - (2) "Biomass fuels" means fuels from any plant derived organic matter available on a renewable basis including the following:
 - (a) Agricultural crop wastes and residues.

- (b) Agricultural food and feed crops.
- (c) Aquatic plants.
- (d) Dedicated energy crops and trees.
- (e) Forestry residues and sawdust.
- (f) Refuse derived fuel consisting of waste paper, cardboard, wood waste, yard waste, or animal waste.

- (3) "Bird hazard" means an increase in the likelihood of bird and aircraft collisions that may cause damage to the aircraft or injury to the occupants of the aircraft.
- (4) "Board of directors of a joint district" means a collective body of the boards of county commissioners of the counties establishing a joint solid waste management district as specified in section 343.01 of the Revised Code.
- (5) "Board of health" means the board of health of a city or general health district, or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.

(C)

- (1) "Commingled yard waste" means yard waste that has been commingled with other solid wastes.
Commingled yard waste does include containerized source-separated yard waste including, but not limited to, yard waste in paper or plastic-bags where such bags are commingled with other solid wastes.
- (2) "Composting" means the process of biological decomposition of solid wastes under controlled conditions resulting in compost. Controlled conditions include but are not limited to the following:
 - (a) Adding moisture.
 - (b) Aerating.
 - (c) Chipping.
 - (d) Grinding.
 - (e) Mixing feedstocks, bulking agents, and additives.
 - (f) Performing procedures to achieve human pathogen reduction.
 - (g) Physical turning.
 - (h) Piling.
 - (i) Shredding.
 - (j) Other processing of solid wastes.
- (3) "Composting facility" means a site, location, tract of land, installation, or building used for composting of solid waste in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder. The composting facility includes the area of materials placement and any leachate management system structures.

- (4) "Current assets" means cash or other assets or resources commonly identified as those that are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.
- (5) "Current corrective measures cost estimate" means the most recent of the estimates prepared in accordance with rule 3745-27-18 of the Administrative Code.
- (6) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with rule 3745-27-15, 3745-27-53, 3745-27-61, 3745-27-63, 3745-27-66, or 3745-27-73 of the Administrative Code.
- (7) "Current liabilities" means obligations whose liquidation is reasonably expected to require either the use of existing resources properly classifiable as current assets or the creation of other current liabilities.
- (8) "Current post-closure care cost estimate" means the most recent of the estimates prepared in accordance with rule 3745-27-16 or 3745-27-73 of the Administrative Code.

(D)

- (1) "Daily design input capacity" or "DDIC" means the weight of scrap tires that can be processed at a scrap tire recovery facility per day. The DDIC is expressed in tons and shall be calculated as an averaged daily processing amount for all operating days in a calendar month.
- (2) "Developed spring" means 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.
- (3) "Director" means the director of environmental protection or the director's authorized representative.

(E)

- (1) "Establish" or "establishment" of a sanitary landfill facility, infectious waste treatment facility, or scrap tire facility means to construct or install any of the proposed facility components, including the excavation that is related to the construction of a facility or any components thereof. "Establish" or "establishment" does not include clearing and grubbing.
- (2) "Execute" means to complete and sign a document acceptable to the director for the purpose of establishing a financial assurance instrument.
- (3) "Exemption" means a discretionary action of the director that relieves an applicant from a requirement of Chapter 3734. of the Revised Code or any rule adopted thereunder.
- (4) "Existing unit" means any unit of a sanitary landfill facility that is receiving solid waste on or before June 1, 1994, and is a geographically contiguous area within the limits of waste placement of the sanitary landfill facility, as the limits of waste placement existed on June 1, 1994.
- (5) "Explosive gas monitoring probe," "monitoring probe," or "probe" means a permanent device where the presence of landfill gas can be repeatedly measured with a direct reading instrument.

(F)

- (1) "Face amount" means the total amount the insurer is obligated to pay under the policy.
- (2) "Fault" means a fracture along which strata on one side of the fracture have been displaced with respect to strata on the other side of the fracture.

- (3) "Final slope" means the slope of a landfill when it has reached final grade and includes but is not limited to the composite cap system, the waste, the composite liner system, and the subsurface.
- (4) "Fire break" means the area around individual scrap tire storage piles that is maintained free of combustible and vegetative material. The width of the fire break shall be as specified in the applicable rule of Chapter 3745-27 of the Administrative Code. The fire break may include well-mowed grass if the fire break also includes a gravel or paved fire lane not less than twenty feet wide.
- (5) "Foundry sand" has the same meaning as in rule 3745-30-01 of the Administrative Code.
- (G) "Ground water" means any water below the surface of the earth in a zone of saturation.
- (H)
- (1) "Hazardous waste" means hazardous waste as defined in Chapter 3734. of the Revised Code and includes waste that is listed specifically as hazardous waste or exhibits one or more characteristics of hazardous waste as defined in Chapter 3745-51 of the Administrative Code.
- (2) "Health commissioner" means the individual occupying the office created by sections 3709.11 and 3709.14 of the Revised Code, or the health commissioner's authorized representative.
- (3) "Health district" means a city or general health district as created by or under the authority of Chapter 3709. of the Revised Code.
- (4) "Holocene" means the most recent epoch of the Quaternary period extending from the end of the Pleistocene to the present.
- (5) "Household hazardous waste" means solid waste originally generated by individual households that is listed specifically as hazardous waste or exhibits one or more characteristics of hazardous waste as defined in rule 3745-51-03 of the Administrative Code. Household hazardous waste is excluded from regulation as a hazardous waste pursuant to paragraph (B)(1) of rule 3745-51-04 of the Administrative Code.
- (I)
- (1) "Incinerator" means any equipment, machine, device, article, contrivance, structure, or part of a structure used to burn solid or infectious wastes to ash.
- (2) "Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted accounting standards, or for a publicly-owned facility, an equivalent comprehensive audit performed by the auditor of the state of Ohio pursuant to Chapter 117. of the Revised Code.
- (3) "Industrial solid waste" has the same meaning as in rule 3745-29-01 of the Administrative Code.
- (4) "Industrial solid waste landfill facility" has the same meaning as in rule 3745-29-01 of the Administrative Code.
- (5) "Infectious agent" means a type of microorganism, pathogen, virus, or proteinaceous infectious particle that can cause or significantly contribute to disease in or death of human beings.

- (6) "Infectious wastes" means any wastes or combination of wastes that include the following:
- (a) Cultures and stocks of infectious agents and associated biologicals, human blood and blood products, and substances that were or are likely to have been exposed to or contaminated with or are likely to transmit an infectious agent or zoonotic agent, including the following:
 - (b) Human blood and blood products.
 - (c) Substances that were or are likely to have been exposed to or contaminated with or are likely to transmit an infectious agent or zoonotic agent, including the following:
 - (i) Laboratory wastes.
 - (ii) Pathological wastes.
 - (iii) Animal blood and blood products.
 - (iv) Animal carcasses and parts.
 - (v) Waste materials from the rooms of humans or the enclosures of animals that have been isolated because of a diagnosed communicable disease that are likely to transmit infectious or zoonotic agents. Waste materials from the rooms of humans do not include any wastes of patients who have been placed on blood and body fluid precautions under the "Universal Precaution System" established by the centers for disease control in the public health service of the United States department of health and human services, unless specific wastes generated under the universal precautions system have been identified as infectious wastes under paragraph (I)(6)(c)(vii) of this rule.
 - (vi) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals.
 - (vii) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the director of health, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious wastes after determining that the wastes present a substantial threat to human health when improperly managed because they are contaminated with, or are likely to be contaminated with, infectious agents.
 - (d) Any other waste materials the generator designates as infectious waste.

Patient care waste such as bandages, disposable gowns, or permeable materials that are lightly soiled with blood or other body fluids are not considered an infectious waste unless those wastes are soiled to the extent that the generator of the wastes determines that the materials should be managed as infectious wastes.
- (7) "Infectious waste handling area" means any area where infectious wastes are stored, loaded, unloaded, prepared for treatment, or treated. Infectious waste handling areas also include areas where vehicles or containers are decontaminated, areas where transportation of infectious wastes within the facility premises occurs, and areas where treated infectious wastes are unloaded, stored, and loaded.
- (8) "Infectious waste treatment unit" or "treatment unit" means the apparatus responsible for the attainment of

the performance standard for treatment and for the reduction in microorganisms that is part of the treatment process. A free standing shredder or grinder is not considered a treatment unit.

[Comment: If the treatment process is contained within a single, enclosed piece of equipment, then the treatment unit and treatment process are considered one and the same.]

(9) "Interim slope" means the slope of a landfill as a result of daily filling or when a phase, cell, or unit has reached its limits and includes but is not limited to daily cover, intermediate cover, transitional cover, waste, the composite liner system, and the subsurface.

(10) "Internal slope" means the slope as excavated or constructed and includes but is not limited to the leachate collection layer, protective material, select waste, composite liner system, and the subsurface.

(J) [Reserved.]

(K) [Reserved.]

(L)

(1) "Leachate" means liquid that has come in contact with or been released from solid waste.

(2) "Legitimate recycling facility" means an engineered facility or site where recycling of material other than scrap tires is the primary objective of the facility.

For the purposes of Chapters 3745-27 and 3745-37 of the Administrative Code, legitimate recycling facilities are either of the following:

(a) Facilities that accept only source separated recyclables, except scrap tires, or commingled recyclables that are currently recoverable utilizing existing technology.

(b) Facilities that meet all of the following:

(i) Accept mixed or source separated solid waste streams.

(ii) Recovers for recycling or beneficial use not less than sixty per cent of the weight of solid wastes brought to the facility each month (as averaged monthly) for not fewer than eight months in each calendar year.

(iii) Dispose of not more than forty per cent of the total weight of solid wastes brought to the facility each month (as averaged monthly) for not fewer than eight months in each calendar year.

For purposes of Chapters 3745-27 and 3745-37 of the Administrative Code, legitimate recycling facility does not include any facility identified as a solid waste disposal facility as "solid waste" is defined in this rule, nor does it include any facility identified as a scrap tire collection, storage, monofill, monocell, or recovery facility or any premises at which the beneficial use of scrap tires occurs.

(3) "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

(4) "Limestone quarry" means an excavation resulting from a mining operation where limestone is the principal material excavated for commercial sale or use in another location. This term does not include

excavations of limestone resulting from the construction of the sanitary landfill facility.

- (5) "Limits of waste placement" means the horizontal and vertical boundaries of a sanitary landfill facility within which the owner or operator has been authorized to dispose of solid waste.
- (6) "Lower explosive limit" means the lowest per cent by volume of a mixture of explosive gases in air that will propagate a flame at twenty-five degrees Celsius and atmospheric pressure.

(M)

- (1) "Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a ninety per cent or greater probability that the acceleration will not be exceeded in two hundred fifty years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.
- (2) "Modification" has the same meaning as in rule 3745-27-02 of the Administrative Code.
- (3) "Monocell" means a discrete volume of solid waste, which is provided isolation from other solid wastes, where a segregated waste stream is exclusively disposed within the limits of waste placement of a sanitary landfill facility.
- (4) "Monofill" means a specialized sanitary landfill facility where a single segregated waste stream is exclusively disposed.
- (5) "Municipal solid waste" means a type of solid waste generated from community, commercial, and agricultural operations, including but not limited to the following:
 - (a) Solid waste generated by community operations including wastes derived from single and multiple household residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.
 - (b) Solid waste generated by commercial operations including stores, offices, restaurants, warehouses, and other non-manufacturing activities.
 - (c) Solid waste generated from agricultural operations including single-family and commercial farms, greenhouses, and nurseries.
 - (d) Sludge from municipal, commercial, or industrial waste water treatment plants, water treatment plants, and air pollution control facilities that is co-disposed with wastes specified in paragraph (M)(5)(a), (M)(5)(b), (M)(5)(c), or (M)(5)(e) of this rule in a sanitary landfill facility.
 - (e) Fly ash and bottom ash generated from the incineration of municipal solid waste, provided the fly ash and bottom ash are not regulated as hazardous wastes.

(N)

- (1) "Net working capital" means current assets minus current liabilities.
- (2) "Net worth" means total assets minus total liabilities and is equivalent to owner's equity.
- (3) "New unit" means any unit of a sanitary landfill facility that did not receive solid waste prior to June 1,

1994, and that has not been designated an existing unit by the owner or operator. A new unit may be contiguous or noncontiguous.

- (4) "Nonputrescible solid wastes" means solid wastes that do not generate explosive gases during decomposition, do not readily biodegrade, and do not cause odors.
- (5) "Nuisance" means anything that is injurious to human health or offensive to the senses; interferes with the comfortable enjoyment of life or property; and affects a community, neighborhood, or any considerable number of persons, although the extent of annoyance or damage inflicted upon individual persons may be unequal.

(O)

- (1) "Occupied structure" means an enclosed structure where one or more human beings may be present, except those structures that are open to natural free air circulation such that an explosive gas hazard is minimized.
- (2) "Open burning" means the burning of solid wastes in an open area or burning of solid wastes in a type of chamber or vessel that is not approved or authorized in rules adopted by the director under section 3734.02 of the Revised Code or, if the solid wastes consist of scrap tires, in rules adopted by the director under section 3734.73 of the Revised Code, or the burning of treated or untreated infectious wastes in an open area or vessel that is not approved in rules adopted by the director under section 3734.021 of the Revised Code.
- (3) "Open dump" means a site where solid wastes or untreated infectious wastes have been disposed without a license.
- (4) "Open dumping" means the following:
 - (a) The deposition of solid wastes, other than scrap tires, into waters of the state, or the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Chapter 3734. of the Revised Code, and Chapters 3745-27, 3745-29, 3745-30, and 3745-37 of the Administrative Code.
 - (b) The deposition of solid wastes that consist of scrap tires on or into the following:
 - (i) Waters of the state.
 - (ii) The ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility licensed under section 3734.81 of the Revised Code, or at a site or in a manner not specified in division (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), (C)(9), or (C)(10) of section 3734.85 of the Revised Code, or at any licensed solid waste facility if the deposition is not in accordance with Chapters 3745-27 and 3745-37 of the Administrative Code, or at a site or in a manner not in compliance with rule 3745-27-60 of the Administrative Code.
 - (iii) At any licensed solid waste facility if the deposition is not in accordance with Chapters 3745-27 and 3745-37 of the Administrative Code.
 - (iv) Buildings, trailers, or other vehicles at locations other than a scrap tire transporter's registered business location, a licensed scrap tire facility, or an unregistered scrap tire facility operating in

accordance with rules 3745-27-60 and 3745-27-61 of the Administrative Code for longer than fourteen days. Scrap tires in trailers or vehicles shall be considered open dumped unless written prior authorization is granted by Ohio EPA that allows the vehicle or trailer to have mechanical repairs that will take longer than fourteen days to complete.

[Comment: An unregistered scrap tire facility operating in accordance with rule 3745-27-61 of the Administrative Code includes trailers pre-positioned in accordance with paragraph (C)(8) of rule 3745-27-56 of the Administrative Code.]

(c) The deposition of untreated or treated infectious wastes into waters of the state, or the final deposition of untreated infectious wastes on or into the ground at any place other than a licensed solid waste facility operated in accordance with Chapter 3734. of the Revised Code, and Chapters 3745-27 and 3745-37 of the Administrative Code.

(5) "Operator" or "facility operator" means the person responsible for the on-site supervision of technical operations and maintenance of a solid or infectious waste facility, or any parts thereof, which may affect the performance of the facility and its potential environmental impact, or any person who has authority to make discretionary decisions concerning the daily operations of the solid or infectious waste facility. "Operator" also means the person responsible for the supervision of technical operations of a scrap tire transportation business.

(6) "Original owner" means the person or business who purchased a new, retread, or used tire for use on a wheel or rim. Original owner does not include anyone who has accepted a tire other than a new or retreaded tire, for the purposes of transportation, collection, storage, processing, or disposal.

(7) "Owner" or "property owner" means the person who holds title to the property on which the solid waste facility, infectious waste treatment facility, or scrap tire transportation business is located.

(P)

(1) "Parent corporation" means a corporation, or the ultimate corporation, that directly owns at least fifty per cent of the voting stock of the corporation which holds a permit or license issued in accordance with section 3734.05 of the Revised Code and Chapter 3745-27, 3745-29, or 3745-30 of the Administrative Code; the latter corporation is deemed a "subsidiary" of the parent corporation.

(2) "Permittee" means a person to whom a permit to install has been issued.

(3) "Person" includes the state, any political subdivision of the state or other state or local body, the United States and any agency or instrumentality thereof, and any legal entity or organization defined as a person under section 1.59 of the Revised Code, or other entity.

(4) "Phase" means a discrete area of a sanitary landfill facility, that has been designated to facilitate the systematic construction, operation, and closure of the sanitary landfill facility. For a sanitary landfill facility, other than an industrial solid waste landfill facility or residual solid waste landfill facility, a phase is a discrete area that is part of a unit.

(5) "Premises" means one of the following:

- (a) Geographically contiguous property owned by the same person.
 - (b) Noncontiguous property that is owned by the same person and connected by a right-of-way that the person controls and to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by one or more public or private right-of-way or rights-of-way are a single premises.
- (6) "Processed tire" or "processed scrap tire" means a scrap tire that has been altered through a mechanical, chemical, thermal, or controlled combustion process so that the resulting material is a marketable product or is suitable for storage or disposal in a scrap tire monocell or monofill facility. Processed tire includes but is not limited to cut, split, and shredded tires. Baled tires are only considered processed tires for the purpose of disposal at a scrap tire monocell or monofill facility. For the purposes of disposal, processed tires are classified in accordance with the following:
- (a) Processed tires that are readily identifiable as scrap tires or pieces of scrap tires by visual inspection are considered scrap tires.
 - (b) Processed tires that are not readily identifiable as scrap tires or pieces of scrap tires by visual inspection when disposed are considered solid waste rather than scrap tires.
 - (c) Items manufactured from processed tires and scrap tire material that is a by-product of a manufacturing process when disposed are considered solid waste.
- (7) "Public water supply well" means any well connected to a public water system as defined by division (A) of section 6109.01 of the Revised Code.

(Q)

- (1) "Qualified ground water scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has at least five years relevant experience in ground water hydrology or hydrogeology and related fields to enable that individual to make sound professional judgments regarding ground water monitoring, contaminant fate and transport, and corrective measures.

(R)

- (1) "Recycling" means converting solid waste that would otherwise be disposed and returning the converted material to commerce as a commodity for use or exchange in an established and legitimate market. Recycling is not reuse, storage, disposal, or transfer.
- (2) "Regional aquifer" means the aquifer used as a primary source of water to wells within one mile of the solid waste disposal facility.
- (3) "Registrant" means any person to whom a registration has been issued.
- (4) "Regulatory floodplain" means an area covered by a one hundred year flood as depicted on a flood insurance rate map published by the federal emergency management agency.
- (5) "Residual solid waste" or "residual waste" has the same meaning as in rule 3745-30-01 of the

Administrative Code.

- (6) "Residual waste landfill facility" or "residual waste landfill" has the same meaning as in rule 3745-30-01 of the Administrative Code.
- (7) "Responsible party" has the same meaning as in section 3734.041 of the Revised Code.
- (8) "Rough tire shreds" or "rough shredded scrap tires" means tire shreds or cut tire pieces that have any dimension greater than four inches.

(S)

- (1) "Salvaging" means the extracting or removing of materials from the solid waste stream at the working face of a solid waste disposal facility for the intended purpose of recycling or for removal to a salvage facility regulated by Chapter 4737. of the Revised Code and rules promulgated thereunder.
- (2) "Sand or gravel pit" means an excavation resulting from a mining operation where the removal of sand or gravel is undertaken for commercial sale or use in another location. This term does not include excavations of sand or gravel resulting from the construction of the sanitary landfill facility.
- (3) "Sandstone quarry" means an excavation resulting from a mining operation where sandstone is the principal material excavated for commercial sale or use in another location. This term does not include excavations of sandstone resulting from the construction of a sanitary landfill facility.
- (4) "Sanitary landfill facility" or "solid waste landfill" means an engineered facility where the final deposition of solid waste on or into the ground is practiced in accordance with Chapter 3745-27, 3745-29 or 3745-30 as appropriate and 3745-37 of the Administrative Code and includes the units within the limits of waste placement, all ground water monitoring and control system structures, buildings, explosive gas monitoring, control, and extraction system structures, surface water run-on and runoff control structures, sedimentation ponds, liner systems, and leachate management system structures. The sanitary landfill facility includes all portions of the facility described above and those areas within three hundred feet of the limits of waste placement unless an alternate setback is deemed acceptable by the director. If the owner or operator has not obtained approval of a permit to install, which delineates the setback from the limits of waste placement, submitted in accordance with section 3734.05 of the Revised Code, the sanitary landfill facility includes all portions of the facility described above and those areas within three hundred feet of the limits of waste placement unless the property line of the facility is less than three hundred feet from the limits of waste placement, in which case the sanitary landfill facility includes those areas within the property line.
- (5) "Scavenging" means the removal by unauthorized personnel of materials from the solid waste stream at waste handling areas of a solid waste disposal facility or solid waste transfer facility.
- (6) "Scrap tire" is a type of solid waste and means any unwanted or discarded tire, regardless of size, that has been removed from its original use. "Scrap tire" includes all whole scrap tires and pieces of scrap tires that are readily identifiable as parts of scrap tires by visual inspection.

For purposes of this definition, "unwanted" means the original scrap tire generator, original owner, or manufacturer of the tire no longer wants to use, or is unable to use, the tire for its original purpose, and the tire is discarded. "Discarded" means the original scrap tire generator, original owner, or

manufacturer of the tire has otherwise managed the tire in such a manner that disposal has occurred.

"Scrap tire" does not include the following:

- (a) A tire after it has been retreaded or regrooved for resale or reuse, unless it has been declared defective or has been returned to the seller or manufacturer for warranty adjustment.
- (b) A tire that is mounted and installed on a vehicle or trailer, or carried on the vehicle or trailer as the spare tire. Trucks with more than four wheels or with different size wheels or tires may carry more than one spare tire.

For purposes of this definition, "installed" means placing the mounted wheel and tire assembly at any of the positions on a vehicle or trailer where a wheel and tire assembly was initially placed on the vehicle or trailer during manufacture, and includes the position normally used for a spare tire or tires.

For purposes of this definition, "mounted" means placing a tire on a wheel rim so that it can be installed on a vehicle. A mounted tire may be a scrap tire unless it is also installed.

- (c) Tires from non-motorized vehicles such as bicycles, or tires from small equipment such as lawn mowers, wheelbarrows, etc.

[Comment: Tires from non-motorized vehicles may be recycled, disposed of as scrap tires, or may be disposed of as solid waste.]

- (d) At a retreading business, a retreadable casing that has been inspected and individually labeled or marked as suitable for retreading and is stored in an enclosed building or in a manner otherwise authorized by the director.
- (e) Tire derived fuel (TDF) or tire derived chips (TDC) as defined in this rule after the TDF or TDC has been transported from the scrap tire recovery facility for use as a fuel or for beneficial use.
- (f) Non-pneumatic, hard, pressed tires, such as forklift tires.

(7) "Scrap tire collection facility" means a type of facility for scrap tire storage that meets the following:

- (a) Is used for the receipt and storage of whole scrap tires from the public prior to the transportation of the scrap tires to one of the destinations listed in rule 3745-27-65 of the Administrative Code.
- (b) Exclusively stores scrap tires in portable containers.
- (c) Consists of portable containers where the scrap tires are stored and the aggregate volume of the portable containers does not exceed five thousand cubic feet.

[Comment: If the facility does not meet the above definition for a scrap tire collection facility, then the facility may be a scrap tire storage facility. If the facility includes any equipment for processing (e.g. cutting or shredding equipment) the scrap tires to produce a usable product, then the facility is a scrap tire recovery facility.]

(8) "Scrap tire facility" includes but is not limited to the following:

- (a) A scrap tire collection facility, scrap tire storage facility, scrap tire recovery facility, scrap tire monofill facility, scrap tire monocell facility, and scrap tire submergence facility as those terms are defined in this rule.
- (b) A scrap tire storage facility.
- (c) A scrap tire recovery facility.
- (d) A scrap tire monofill facility.
- (e) A scrap tire monocell facility.

(9) "Scrap tire generator" means any person or business that generates scrap tires. Scrap tire generator includes the original scrap tire generator and any business that removes tires from vehicles and accepts scrap tires in the normal course of business, including but not limited to tire retail dealers and tire retreaders.

[Comment: A scrap tire generator or original scrap tire generator who stores more than one hundred scrap tires and who does not qualify for one of the exclusions from registration in rule 3745-27-61 or permitting in rule 3745-27-63 of the Administrative Code may also be a scrap tire collection, storage, or recovery facility.]

- (10) "Scrap tire handling area" means any area of a scrap tire collection, storage, monocell, monofill, or recovery facility where scrap tires are stored, loaded, unloaded, sorted, baled, shredded, prepared for processing, or otherwise processed. A scrap tire handling area includes the scrap tire storage area but does not include vehicle staging areas, vehicle storage areas, or buildings not used for the processing or storage of scrap tires. Scrap tire handling area also includes that portion of a scrap tire transporter's business location where scrap tires are unloaded, sorted, and loaded.
- (11) "Scrap tire monocell facility" means a type of monocell that is used or intended to be used exclusively for the environmentally sound storage or disposal of scrap tires that have been shredded, chipped, or otherwise mechanically processed.
- (12) "Scrap tire monofill facility" means a type of monofill that is used or intended to be used exclusively for the environmentally sound storage or disposal of scrap tires that have been shredded, chipped, or otherwise mechanically processed.
- (13) "Scrap tire recovery facility" means any site, location, tract of land, installation, or building that is used or intended to be used for the processing of scrap tires for the purpose of extracting or producing usable products, materials, or energy from the scrap tires. Processing includes but is not limited to: a controlled combustion process, mechanical process, thermal process, or chemical process that uses whole, split, or shredded scrap tires as a raw material. Scrap tire recovery facility includes any facility that uses the controlled combustion of scrap tires in a manufacturing process to produce process heat or steam or any facility that produces usable heat or electric power through the controlled combustion of scrap tires in combination with another fuel.
- (a) "Mobile scrap tire recovery facility" means a type of scrap tire recovery facility owned or operated by a person not otherwise licensed as a class I or class II scrap tire recovery facility in Ohio and any unit for processing tires that is designed by the manufacturer for regular movement from one

operating site to another and which the owner or operator has used at more than one location during the prior year. "Mobile scrap tire recovery facility" specifically includes any tire cutting, baling, or shredding equipment that is moved from site to site for the purpose of processing scrap tires into a useable product at the site or before the scrap tires are removed from the site.

- (b) A "class I scrap tire recovery facility" means a scrap tire recovery facility with a permitted daily design input capacity of two hundred tons of scrap tires or greater.
 - (c) A "class II scrap tire recovery facility" means a scrap tire recovery facility with a registered daily design input capacity of less than two hundred tons of scrap tires.
- (14) "Scrap tire storage area" means the part of a premises including but not limited to the scrap tire collection, storage, or recovery facility where whole scrap tires are stored. At a scrap tire recovery facility, the scrap tire storage area also includes the portion of the premises where processed scrap tires are stored.
- (15) "Scrap tire storage facility" means any facility where whole scrap tires are stored prior to the scrap tires being transported to one of the destinations listed in paragraph (D)(8) of rule 3745-27-65 of the Administrative Code.
- (a) A "class I scrap tire storage facility" means a scrap tire storage facility that has a permitted capacity of greater than ten thousand square feet and limited to three acres of effective scrap tire storage. A "class II scrap tire storage facility" means a scrap tire storage facility that has a registered capacity of not greater than ten thousand square feet of effective scrap tire storage.
 - (b) A "class II scrap tire storage facility" means a scrap tire storage facility that has a registered capacity of not greater than ten thousand square feet of effective scrap tire storage.
- [Comment: Division (C) of section 3734.71 of the Revised Code specifies that the owner or operator of a class I scrap tire storage facility must also be the owner or operator of a licensed scrap tire monocell, monofill, or recovery facility in Ohio, or a solid waste or scrap tire monocell, monofill, or recovery facility located in another state and operating in compliance with the laws of that state.]
- (16) "Scrap tire storage pile" means an area where scrap tires are stored either indoors or outdoors on the floor, on the ground, or in racks. The dimensions of a scrap tire storage pile are determined by the location of fire breaks of at least the width specified in Chapter 3745-27 of the Administrative Code around the storage pile. A scrap tire storage pile may consist of one or more separate racks. A scrap tire storage pile may consist of a combination of racks, on the floor, or on the ground storage of scrap tires.
- (17) "Scrap tire submergence facility" means a type of scrap tire monofill facility where only whole scrap tires are submerged in water in an engineered structure.
- (18) "Scrap tire transporter" or "transporter" means the registrant for a scrap tire transportation business or anyone in the registrant's employ who signs the scrap tire shipping papers or operates the registrant's scrap tire transportation vehicles.
- (19) "Seismic impact zone" means an area where the maximum horizontal acceleration in lithified earth material exceeds one-tenth of the acceleration of gravity.

- (20) "Sewage sludge" includes but is not limited to scum and solids removed in primary, secondary, or advanced wastewater treatment processes. Sewage sludge does not include the following:
- (a) Ash generated during the firing of sewage sludge in a sewage sludge incinerator.
 - (b) Grit and screenings generated during preliminary treatment of sewage in a treatment works.
 - (c) Animal manure.
 - (d) Residue generated during the treatment of animal manure.
 - (e) Domestic septage.
- (21) "Significant zone of saturation" means a zone of saturation that may act as a preferential pathway of migration away from the limits of solid waste placement.
- (22) "Solid waste" has the same meaning as in section 3734.01 of the Revised Code.
- (23) "Solid waste disposal facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other approved methods of disposal of solid wastes.
- (24) "Solid waste energy recovery facility" means any site, location, tract of land, installation, or building where mixed solid waste or select solid waste streams including scrap tires are used as or intended to be used as fuel to produce energy, heat, or steam.
- [Comment: A "solid waste energy recovery facility" that exclusively uses scrap tires and other approved rubber waste as fuel; may be regulated as a "scrap tire recovery facility."]
- (25) "Solid waste management district" means a county that has established a resolution, or joint counties which have entered into an agreement, for the purposes of preparing, adopting, submitting, and implementing a solid waste management plan for the county or joint counties and for the purposes of providing for, or causing to be provided for, the safe and sanitary management of solid wastes within all of the incorporated and unincorporated territory of the county or joint counties and in compliance with Chapters 343. and 3734. of the Revised Code.
- (26) "Solid waste management policy committee" means a committee established and convened by the board of county commissioners of a county solid waste management district or the board of directors of a joint solid waste management district to prepare the solid waste management plan of the solid waste management district and in compliance with division (B) of section 3734.54 of the Revised Code.
- (27) "Solid waste transfer facility" or "transfer facility" means any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that are generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a solid waste disposal facility. The term does not include any facility that consists solely of portable containers that have an aggregate volume of fifty cubic yards or less nor any facility where legitimate recycling activities are conducted. The term does not include any facility that accepts scrap tires other than scrap tires that are accepted incidental to a mixed solid waste shipment.
- (28) "Source-separated yard waste" means yard waste that has been separated at the point of generation or at

the point of collection from other solid wastes. Source separation includes but is not limited to such measures as placing yard waste in portable containers and compartments of portable containers dedicated to yard waste collection, and in vehicles dedicated to yard waste collection.

(29) "Surface water" means any water on the surface of the earth.

(T)

(1) "Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include such intangibles as goodwill and rights to patents or royalties.

(2) "Tire," for purposes of fee collection only, has the same meaning as in section 3734.90 of the Revised Code. "Tire" and "scrap tire" as used in this chapter are not restricted to motor vehicle tires but include all pneumatic tires.

[Comment: The definition of "tire" found in section 3734.90 of the Revised Code applies only to the collection of the state fee on the sale of new tires by a wholesaler.]

(3) "Tire adjustment center" means a premises to which defective new tires and tires returned for warranty adjustment are shipped for analysis of failure and final disposition.

(4) "Tire derived fuel" (TDF) or "tire derived chips" (TDC) means a uniformly shredded product obtained from whole tires where the maximum size of ninety-five per cent of the shreds is less than four inches in any dimension. TDC may be used as a civil engineering material or as feedstock for the manufacturing of crumb rubber or other tire derived material.

[Comment: TDC is defined using the ASTM "Standard Practice for Use of Scrap Tires in Civil Engineering Applications," (D6270-17) (www.astm.org), section 3.1.29, for x-minus classified, size reduced scrap tires.]

(5) "Tire manufacturing finishing center" means premises where tires are manufactured, inspected, and processed to either finished stock or scrap.

(6) "Tire retreading business" means premises where scrap tires are recycled by processing the scrap tires and attaching a new tread to the used tire casing.

(7) "Tire sidewall" means the flat circular part of a tire left after the tread has been cut away. Tire sidewall does not include a bagel cut tire or any cut tire where a portion of the tread remains attached to the sidewall.

(8) "Treat" or "treatment" for the purposes of infectious wastes means any method, technique, or process that renders the wastes noninfectious including but not limited to steam sterilization and incineration. Treat or treatment of wastes identified in division (R)(7) of section 3734.01 of the Revised Code, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds.

(U)

(1) "Unit" means a discrete area within the limits of waste placement of a sanitary landfill facility, for which the owner or operator is authorized to dispose of solid waste, that is delineated by the owner or operator for the purpose of complying with the siting, construction, operational, closure or post-closure care

ground water monitoring, and financial assurance requirements of Chapter 3745-27 of the Administrative Code.

- (2) "Unstable area" means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the structural components of a landfill that are responsible for preventing releases from the landfill. Unstable areas can include areas where on-site or local soil conditions result in significant differential settling, areas where the downslope movement of soil or rock due to gravitational influence occurs, or areas where the lowering or collapse of the land surface occurs either locally or over broad regional areas.
- (3) "Used tire" means a whole scrap tire. A used tire remains a scrap tire until it has been reused by being installed on a vehicle or trailer.

(V)

- (1) "Variance" means an action of the director that alters or changes a requirement of a rule adopted under Chapter 3734. of the Revised Code.
- (2) "Vertical expansion" means the extension of the vertical boundary of waste placement that occurs prior to beginning, or being required to begin, closure activities in accordance with rule 3745-27-11 of the Administrative Code. A vertical expansion is a modification. A vertical expansion is not a unit.

(W)

- (1) "Waste handling area" means any area of a solid waste facility where solid wastes are stored, loaded, unloaded, baled, shredded, crushed, compacted, or otherwise processed or subjected to salvaging activities. Waste handling areas do not include vehicle staging or vehicle storage areas.

[Comment: For definitions of other types of waste handling areas please see "infectious waste handling area" and "scrap tire handling area."]

- (2) "Water pollution" means the unpermitted release of sediment from disturbed areas, solid waste or waste-derived constituents, or leachate to the waters of the state.
- (3) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.
- (4) "Wetland" has the same meaning as in rule 3745-1-02 of the Administrative Code.
- (5) "Working face" means that portion of a sanitary landfill facility where solid wastes are unloaded for final deposition.

(X) [Reserved.]

(Y)

- (1) "Yard waste" means solid waste that includes the following:

- (a) Any plant materials from residential trees and edible gardens.
- (b) Brush.
- (c) Decorative plant materials that do not contain plastic, metal, polystyrene or other non-compostable material, including but not limited to any of the following:
 - (i) Pumpkins or gourds.
 - (ii) Hay or straw bales.
 - (iii) Holiday trees.
 - (iv) Discarded or potted flowers.
 - (v) Wreaths.
 - (vi) Grave blankets.
- (d) Grass clippings.
- (e) Leaves.
- (f) Prunings from trees or shrubs.
- (g) Tree trunks and stumps.

Yard waste does not include materials from industrial processing, agricultural processing, or food processing.

(Z)

- (1) "Zone of saturation" means that part of the earth's crust, excluding the capillary zone, in which all voids are filled with water.
- (2) "Zoonotic agent" means a type of microorganism, pathogen, virus, or proteinaceous infectious particle that causes disease in vertebrate animals, is transmissible to human beings, and can cause or significantly contribute to disease in or death of human beings.

(AA) Incorporation by reference. The text of the incorporated materials is not included in this rule but is hereby made a part of this rule. Only the specific version referenced in this rule is incorporated. Any amendment or revision to a referenced document is not incorporated until this rule has been amended to specify the new version. The materials incorporated by reference are available as follows:

- (1) Federal statutes. The full text is available in electronic format at <http://www.gpo.gov/fdsys>. These laws are also available for inspection and copying at most public libraries and "The State Library of Ohio." Appropriate federal statutes listed in this rule are those amended through January 2017 and include the following:
 - (a) Investment Company Act of 1940, 15 U.S.C. 80a-1 to 80a-64.
 - (b) U.S.C. Title 11, Bankruptcy.
- (2) "Standard Practice for Use of Scrap Tires in Civil Engineering Applications," (D6270-17), approved in

1998, re-approved in 2004 and 2012; amended in 2008 and 2017. Information and copies may be obtained by writing to: "ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959." These documents are available for purchase at <http://www.astm.org>.

- (3) Centers for disease control, "Universal Precaution System," 2017. The full text is available in electronic format at: <https://www.cdc.gov/infectioncontrol/basics/standard-precautions.html>.

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CERTIFIED ELECTRONICALLY

Certification

04/10/2019

Date

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